



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

15 October 1991

**Tuesday, 15 October 1991**

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**MR SPEAKER** (Mr Prowse) took the chair at 2.30 pm and read the prayer.

## QUESTIONS WITHOUT NOTICE

### Quarterly Economic Report

**MR KAINE:** I direct a question to the Chief Minister and Treasurer. Does she have in her possession the report on budgetary performance for the quarter ended 30 September? If so, what does it reveal about the budgetary performance? When does she intend to table that document for the information of the Assembly?

**MS FOLLETT:** I thank Mr Kaine for the question. No, I do not have it in my possession; but I can assure you that, as soon as I do, I will make it available in the Assembly. As you have now reminded me, I will chase it up and make sure that it is available in a timely fashion.

**MR KAINE:** I ask a supplementary question, Mr Speaker. I had understood that that document would be available to the Government by 10 October. It is now considerably after that, so I ask the Chief Minister whether she would hasten that and make sure that we receive it as soon as possible.

**MS FOLLETT:** I will, Mr Speaker.

### Community Nursing

**MR MOORE:** My question is addressed to the Minister for Health. Mr Berry, I wonder how many showers you take a week and how many you think are necessary.

**Mr Berry:** That is a silly question.

**MR MOORE:** It is a quite important question. I will put it in context for the Minister, Mr Speaker. It refers to the fact that, with the community nursing cuts, some elderly people are able to have only two showers a week. Does Mr Berry consider that that is adequate, as far as community nursing goes?

**MR BERRY:** That was a flippant question, in the extreme, on a matter which is extremely serious. Some allegations which I heard were made on the Matt Abraham show this morning about the provision of nursing services in the community health sector. I consider those remarks that

were made about the provision of services to be very serious. I am not aware of the circumstances of the person who is alleged not to have had access to services, and until I have some more details on that person, Mr Speaker, I think it would be wrong of me to comment on the incident.

But, Mr Speaker, I think a few things need to be talked about. The health worker interviewed was not an employee of ACT Health, and the client who was the subject of the interview is serviced by the small Commonwealth HACC funded program. This general domiciliary service, which is part of community nursing, provides more extended care to clients, with the aim of delaying institutionalisation.

The client has been totally dependent on a range of community services to maintain her at her home, I am told in my brief, for approximately three years. The client receives approximately four hours of nursing care per day, or 28 hours per week, over three visits. In addition to this personal care, Home Help Services provides two visits per day and Meals on Wheels provides meals. The cost of providing these services is higher than the standard amount of funding for nursing homes, based on 27 hours of care per week.

However, philosophically, this Government is committed to maximising quality of life by caring for people in their own homes, where this is their preference. Recently, due to increasing dependency and workload, the program reviewed all services and reduced the number of showers per client per week. Where necessary, clients are now receiving a shower or a full bed sponge on alternate days. All changes were made in consultation with the client, who did not express dissatisfaction with the new care plan. In this case, the amount of nursing care is exceptional rather than the norm, based on national standards.

Mr Speaker, that is a summary of the issues. I am concerned that the complaint was not referred to my office, specifically, at first. That is not necessarily a criticism of the individual involved. The circumstances in which this person lives are obviously less than desirable; but they are, nevertheless, ones with which I am concerned.

I do not get any great joy from talking about the individual circumstances of clients of the health service, and I think those sorts of questions at times might be better directed to the relevant Ministers of the Government, in order that they can be dealt with. It came as a complete surprise to me. I am most concerned that we discuss those detailed issues about individual clients. I would ask that in future members try to seek a resolution through the relevant Minister's office before they go public grandstanding on these issues.

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**MR MOORE:** My supplementary question, Mr Speaker, refers to the concept that we should not deal with the individual examples. They illustrate a broader problem. If you would like to answer a question on the broader problem, Mr Berry, it has to do with control of the health budget.

**Mr Berry:** It is hardly supplementary.

**MR MOORE:** Has your monthly health budget summary been made available to you? Are you going to pass it on to members of the Assembly?

**MR SPEAKER:** I would agree that that is out of order as a supplementary question, Mr Moore. It is hardly supplementary.

### **Hackett Primary School**

**MRS NOLAN:** My question is to Mr Wood in his capacity as Minister for Education. Can you advise this Assembly when your Government will reopen Hackett Primary School, considering that this is the wish of the local school community? I understand that their wish is to have an early childhood model. If not, why is the Hackett community considered to be different from the communities of Cook and Lyons? If you are going to reopen the school, where will you get the money from?

**MR WOOD:** Mr Speaker, I will be making a statement about the reopening or otherwise of the Hackett Primary School, I believe, next Tuesday. I anticipate taking the matter before my colleagues as soon as I can; I have had some preliminary discussion with them already. It will not be long now before I have carefully examined all the options, and I will present them to my colleagues. I have met people from the community, who came to me with a range of options. I have looked at those options and all the variables that we can punch into the system, if you want to put it that way. We have considered it all very carefully. It is just about decision time; that is about a week away, as I said.

**MRS NOLAN:** I wish to ask a supplementary question. Mr Wood, why have you taken so much longer to consider carefully the wishes of the Hackett school community when the Cook and Lyons schools were reopened automatically straightaway?

**MR WOOD:** There is a very simple answer to that: They came to me much later in the piece. The Cook and Lyons communities had probably six months or a year's start in the process.

**Mrs Nolan:** They just screamed a bit louder.

**MR WOOD:** Not at all, Mrs Nolan. The first approach from the Hackett community goes back to the time the Government was returned. They ran a survey, to which I am now going to respond. The argument about Cook and Lyons and their approaches goes back much, much further, as you would know, in the history of events.

### **Clinical Indicators**

**MRS GRASSBY:** My question is to the Minister for Health. What are the clinical indicators and what measures are being taken within the ACT public hospital system to implement their uses?

**Mr Jensen:** How about a ministerial statement? They come later.

**Mr Humphries:** I thought you were not in favour of Dorothy Dixers.

**MR BERRY:** The development of clinical indicators aims to provide an objective measurement - -  
-

**Mr Kaine:** He has only a four-page statement, too; it is not bad!

**MR BERRY:** You should be interested in this; it is about the public hospital system in which the people of the ACT receive services. You should be patient and just listen to the answer, because I am sure that you will learn something from this.

**MR SPEAKER:** Order, members, please! Order! Mr Berry, please get to the answer.

**Mr Kaine:** I am very interested. He has a four-page answer to a question without notice, Mr Speaker.

**MR BERRY:** And, Mr Speaker, he is taking up valuable question time with his interjections.

**MR SPEAKER:** Please proceed, Mr Berry.

**MR BERRY:** The development of clinical indicators aims to provide an objective measurement of either the process or the outcome of patient care in quantitative terms. There are two types of clinical indicators - rate based and what are described as sentinel events.



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Rate based clinical indicators are those like wound infection rates. Potential problems are indicated if the facility has a higher percentage than is acceptable for that specific condition compared with an objective standard. This provides information to identify areas for investigation and quality improvement, so it is a very important process. Sentinel events are those which happen so rarely or which describe such a major event that they should be investigated individually - for example, an unexpected death in the hospital. All sentinel events are identified and reviewed to ensure that opportunities for improvement are taken.

The hospital-wide medical indicator set determined jointly by the Australian Council on Healthcare Standards and all the royal colleges of medicine includes trauma, post-operative pulmonary embolism, hospital readmissions, return to the operating room, hospital acquired infections, medication prescription and drug monitoring, and hospital throughput-output.

The Woden Valley Hospital Clinical Quality Assurance Committee has the responsibility for establishing clinical quality assurance throughout the medical divisions, including the monitoring of hospital-wide clinical indicators and evaluating medical quality assurance. Personnel working within the quality assurance unit are involved with the gathering of clinical data.

Hospital administration endorses the development of clinical and hospital-wide indicators. It has implemented their use in order to develop a comprehensive quality assurance program within the hospital which will meet the Australian Council on Healthcare Standards requirements.

I think that at the end of that answer the Leader of the Opposition would now agree that they are important issues for our hospital system and the delivery of high quality care to the people of the ACT. They are indeed issues which are consistent with Labor's commitment to the provision of quality health care which is accessible by the community through the public system.

**Mr Kaine:** On a point of order, Mr Speaker: I draw attention to standing order 118, particularly the section that says that the answer must be concise.

**MR SPEAKER:** Thank you, Mr Kaine, for the observation. I believe that you have finished, Mr Berry?

**MR BERRY:** Thank you, Mr Speaker.

### **Non-Government School Funding**

**MR STEVENSON:** My question is to Mr Wood as the Minister for Education. In light of the community concern about the cuts to education funding for certain non-government schools and the fact that Mr Wood on two occasions - at the Albert Hall meeting on non-government schools and their concern about education and also in a letter to one of the schools that are receiving funding - stated that the funding would be maintained at existing levels prior to the budget, would he consider, first of all, valid community consultation with non-government schools and, secondly, keeping to the commitment that was made on behalf of the Labor Party?

**MR WOOD:** Mr Speaker, Mr Stevenson mentions community concern. Certainly, there is a community concern about education, the way in which the Government treats education and the way that we should do that fairly and equitably across the whole system. In these difficult times the Government has made hard decisions, although, I might say, they are not as hard as they would have been had the Alliance Government remained. The ALP, as the Government, has kept to its commitment to the basic formula that applies funds to non-government schools; that is, we maintain that commitment to fund those schools at half the level of the Commonwealth funds.

In response to Mr Stevenson, I can say that we have not wavered from that commitment. We have provided, in overall terms, greater assistance to non-government schools via that formula than the present Opposition would have done with its plans as detailed in the forward estimates. Mr Stevenson, on no small number of occasions over a quite long period, I have met with the various levels of representatives of non-government schools, and I will continue to carry on this consultation with them.

### **Hospital Budget Report**

**MR HUMPHRIES:** My question is to the Minister for Health, who indicated last week that he would make available by last weekend the monthly report for September on the ACT hospital budget progress. He has not done so. I ask him: Why? Is he afraid to release these details to members of the Assembly and the public?

**MR BERRY:** Of course, Mr Humphries does not put together all - - -

**Mr Jensen:** We were going to get it on Saturday, we were told - by the weekend.

**Mr Moore:** We were originally going to get it on Friday, remember?

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**MR BERRY:** Who wants to answer the question? Do you want to answer it or do you want to let me do it?

**MR SPEAKER:** Order! Please proceed, Mr Berry.

**MR BERRY:** Firstly, Mr Speaker, I indicated to the committee that I would be in receipt of those figures in due course. I am now in receipt of them.

**Mr Kaine:** Can we have them?

**MR BERRY:** Hang on a minute. The Estimates Committee was in first. It wanted them. As I indicated, Mr Speaker, those figures would be available to the Estimates Committee, and I am about to release them publicly.

### **Canberra Bowling Club : Northbourne Oval**

**MR COLLAERY:** Mr Speaker, my question is directed to the Chief Minister. Has she received the written requests in relation to the Forrest bowling club development that we all know about, and have those requests included written or oral submissions from a self-proclaimed lobbyist for that development, Mr Paul Whalan? I also ask, in view of an article in today's *Chronicle*, whether the Chief Minister would agree that the Alliance Government gave no approval to develop Northbourne Oval and whether her Government would now revisit that decision and approve that development.

**MS FOLLETT:** Mr Speaker, Mr Collaery has really addressed his question in two parts, the first of which is relevant to me, but the second of which is really more relevant to the Minister responsible for planning, Mr Wood. I will take the first part, which referred to whether I had received any communication in writing or in person from Mr Whalan concerning the Forrest bowling club. The answer to that is no, I have not. Mr Speaker, I certainly have not spoken to Mr Whalan about it and, to the best of my knowledge, I have had no written communication from him, either.

The second part of Mr Collaery's question referred to planning for Northbourne Oval. I must advise, Mr Speaker, that I have no information with me on that. We have a choice, I suppose, of taking that on notice. It refers to action of the previous Government, the Alliance Government; so I guess I have a choice of taking that part on notice or deferring to Mr Wood. Is Mr Wood in a position to answer it?

**Mr Wood:** No, I know nothing about it.

**MS FOLLETT:** We had better take that second part on notice, Mr Speaker.

**Office of Sport and Recreation : Hackett Primary School**

**MR STEFANIAK:** I am glad that Mr Berry is back there. My question to him is in his capacity as Minister for Sport. I was interested to hear Mr Wood say that your Government is going to make some decision on Hackett Primary School in the next week. Is the Minister for Sport prepared to accede to the requests of not only the sporting community but also his own department and relocate the Office of Sport and Recreation in the disused part of Hackett Primary School?

**MR BERRY:** I think, Mr Speaker, again this crosses a couple of portfolio areas.

**Mr Kaine:** Whom are you going to chuck the question to next?

**MR BERRY:** You do not have to worry about me chucking the question. I will always answer the question, Mr Kaine; don't you worry about that. I will handle the question.

That is an issue that I have heard about; but I understand that Mr Wood is currently looking at the Hackett Primary School in relation to its position as an educational facility. If it were not to be used as an educational facility, some planning measures would have to be dealt with before any decision could be looked at in respect of the transfer of officers from within my portfolio or that of anybody else. I think a little more water has to flow under the bridge before one makes a decision about who occupies the other part of Hackett Primary School while it is still designated as a school.

**MR STEFANIAK:** I have a supplementary question, Mr Speaker. Given that this issue has been around since just before the demise of the Alliance Government, Mr Berry, and given that Mr Wood has indicated that the Government will be making a decision in the next week, you have only a week. Are you ruling out the fact that the Office of Sport and Recreation can move into Hackett Primary School?

**MR BERRY:** This borders on being out of order, I think, because it is asking me to announce some sort of Executive policy in relation to the matter. But I do not mind answering it, Mr Speaker, because it is worth while commenting on it. Of course, the demise of the Alliance Government was a welcome one for the sports community, and the rest of the ACT community for that matter. We have been left with the opportunity, in some respects, and the onerous job, in other respects, of dealing with government in the ACT since then.

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One thing that the Opposition can be sure of, Mr Speaker, is that, when it comes to the ministry of sport, we will be taking every care that it is dealt with appropriately and that the sporting interests of the Territory are well looked after. We intend to ensure that organisations which represent sport have full access to the Government. But for Mr Stefaniak to ask me to rule out - - -

**Mr Stefaniak:** On a point of order, Mr Speaker: I refer to standing order 118(a). Mr Berry, with the greatest respect, is waffling, and he has not answered the question. It is a pretty simple answer that I am after. A yes or a no would be pretty good.

**MR BERRY:** Mr Speaker, clearly the Government is not in a position to make a statement about the future of Hackett school until the issues which I mentioned earlier in relation to that school are sorted out by the relevant Minister.

### **Demolition of House at Manuka**

**MR JENSEN:** Mr Speaker, my question is directed to Mr Wood in his capacity as Minister for the Environment, Land and Planning. It is related to the recent demolition of the house at 18 Bougainville Street, Manuka. Can the Minister advise whether it is correct that the Heritage Committee accepted a certificate from the builders that the building was unsound and that no independent assessment was made by the Heritage Committee or the Territory Planning Authority in relation to the soundness or otherwise of the building?

**MR WOOD:** I will check on the fine detail of that. It may be that, as you say, that occurred; but I want to be sure that I give you a very accurate answer.

I would thank Mr Collaery for the entertainment that he gave us one morning last week when, from his bunker, he was able to give, almost as a war correspondent in some war zone, a report about the demolition. For a short time I wondered whether he was in Yugoslavia. It was all shoot from the hip stuff, and a gross overreaction to the events that were occurring.

The matters had been considered; the Heritage Committee had been approached, although I will be quite precise with you shortly about that, Mr Jensen. It was known. I understand that quite a deal of material was taken from the building for use in the future, and it was all done in the proper process.

**Mr Collaery:** I saw a double bed fall through the floor.

**MR WOOD:** It would have been sensible if Mr Collaery - you should advise your colleague - had taken a moment to think about it and acted in a more sensible manner.

**MR JENSEN:** I ask a supplementary question, Mr Speaker. In light of that answer and in view of the recent statements by the Chief Minister, reported in the *Public Eye* of 10 October, when she was referring to a two-pronged approach to consultation, that:

The second is to provide greater access to the information required to all those in our community to participate on an equal basis ...

will the Minister make available to the public details of the approvals for the demolition, including the certificate of the unsound nature of the building, which were used by the Heritage Committee to make its recommendation?

**MR WOOD:** This information, I would expect, is quite freely available, and I will facilitate the release of whatever information is there. Through you, Mr Speaker, I would invite Mr Collaery, next time he is in a war zone like that, to pick up the phone and talk to the people concerned. They would very readily give him the information to save the sort of embarrassment that he faced.

### **Quarterly Economic Report**

**MR KAINE:** I would like to direct a question to the Chief Minister and Treasurer. Why did the Government suppress the issuing of the quarterly economic report for the June quarter until after the budget was brought down?

**MS FOLLETT:** I think Mr Kaine is having a bit of fun with that question. There is no question of that report having been suppressed. Indeed, there is no reason why it should have been suppressed. If he is implying, Mr Speaker, that it might have been suppressed because it was very bad news, he is quite wrong, because I think the quarterly report to which he refers indicates, as have a number of quarterly reports, that the ACT economy is holding up reasonably well under the recession that Australia is currently facing. There is no question of it having been suppressed. To the best of my knowledge, it was made available as soon as it was printed and certainly as soon as it came to my office.

**MR KAINE:** I ask a supplementary question, Mr Speaker. I can assure the Treasurer that I was refused a copy of it, and I was told that it was not available until after the budget was brought down, so it was certainly suppressed. As to the good news, I would like to ask another question. I refer to page 5 of the report, where it refers specifically to tourism performance. It notes that total hotel and motel takings fell by 4.3 per cent in real terms in the June quarter, that they were 9.3 per cent lower than in the June quarter 1990 and that visits to selected major tourist attractions in the June quarter 1991 were 22.6 per cent lower than in the same quarter of 1990.

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**MR SPEAKER:** Order, Mr Kaine! I think you are diverting from standing orders with respect to supplementary questions. It should be without further - - -

**MR KAINE:** I am referring, Mr Speaker, to the quarterly economic report to which the first question was directed.

**MR SPEAKER:** I am sorry, but I overrule you. That is not a supplementary question that is allowed.

**Mr Kaine:** Mr Speaker, I object to your ruling. I am going to ask another question based on this economic report.

**MR SPEAKER:** Order! No, it is not a valid supplementary question.

**Mr Kaine:** It is a valid supplementary question. I am going to ask a question based on the quarterly economic report that was suppressed by the Government until after the budget.

**MR SPEAKER:** Order! I have ruled, I am afraid.

**Mr Kaine:** Well, I will take this up with you behind the playshed afterwards.

**Mr Connolly:** On a point of order, Mr Speaker: The Leader of the Opposition remarks that he will take that up with you behind the playshed. Mr Collaery sees double beds falling from the roof at Manuka, and Mr Kaine wants to take it up with you behind the playshed - - -

**Mr Kaine:** Mr Speaker, I withdraw that; but I will seek to ask another question before question time is over.

**MR SPEAKER:** Thank you for that withdrawal.

### **Hospital Equipment - Sale**

**MS MAHER:** My question is directed to Mr Berry, the Minister for Health. It has been brought to my attention that equipment has been taken out of the hospitals, in particular the Royal Canberra Hospital, and has been sold off at a fraction of its correct value. Is the Minister aware of this situation? If so, what is he doing about it, taking into consideration the fact that the hospital system is lacking funds at the moment?

**MR BERRY:** Firstly, unless the removal of equipment is done through the normal disposal process because of it having reached the end of its useful life, I can see no reason why it would be removed and disposed of. There just does not seem to be any rhyme or reason in what you say, but I am

prepared to look into the matter and find out whether there is any weight in what you have said. The only thing that I could possibly focus on is that it would be as a result of the normal disposal process.

There has been some transfer of equipment from that hospital to Woden Valley Hospital, particularly in the kitchens area, as I recall, and there may be other areas where it is being transferred as well. But, Mr Speaker, I do not think there is anything untoward going on; there is nothing that I know of. I am prepared to look into the matter if Ms Maher will give me the details on those items of equipment which have allegedly been sold off for a fraction of their price.

### **Water Fluoridation**

**MR STEVENSON:** My question, which is directed to the Chief Minister, concerns her statements, I believe yesterday, concerning her intention to push to double the amount of fluoride in our water supply. Ms Follett was quoted as saying, "We take the advice of experts". The NHMRC, the experts to which she refers, in their rules for fluoridation, state:

- (a) The need for increasing the concentration of fluorine in the water supply must be established.

This refers to the total intake of fluoride that people receive. The question is simply: What study has been done to evaluate the total intake of fluoride being received from all sources by people in Canberra?

**MS FOLLETT:** Mr Speaker, unlike Mr Stevenson and some other members of this Assembly, I certainly do not set myself up as an expert in these sorts of medical or dental matters. As I have repeatedly said, I think the responsible approach for the Government is to take the advice of experts. In the case of fluoride, the advice that we take is that of the National Health and Medical Research Council, which has just completed a further study on fluoride and which has reached its own conclusions on that. I believe that those are the conclusions to which everybody in this Assembly should pay heed, not the sorts of half-developed, entirely personal and sometimes eccentric views that we have heard from time to time when fluoride has been debated.

I think it really is the height of arrogance for any of us to attempt to make judgments on these sorts of very technical matters when, clearly, we are not qualified to do so.



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**MR SPEAKER:** Rubbish!

**MS FOLLETT:** Mr Speaker, I hear you interject "Rubbish!". With respect, I feel that you should be taken to task on this matter. It has been the Labor Party's view, maintained throughout the life of this Assembly, that we ought to take expert advice on the fluoridation of the water supply. The advice that was provided was to fluoridate the ACT and Queanbeyan water supply at the rate of one part per million. Neither I nor anybody else in the Labor Party here has the expertise to judge whether that rate ought to be changed or not; so we go to the best available advice. I think that is a sensible thing to do.

You will know, Mr Speaker, that on the last occasion that this matter was debated in the Assembly a sunset clause was put into the final resolution, which was to halve the amount of fluoride in our water supply. That sunset clause means that that resolution will expire within some months, and it is my intention, if it is within my power at that time, to restore the amount of fluoride to what the experts recommend it ought to be.

**MR STEVENSON:** I ask a supplementary question. Hopefully, for the people of Canberra, it will not be in the Chief Minister's power. It is unfortunate that she did not actually answer the question, which concerned advice from the expert on studying and evaluating the total intake. However, another part of that advice was:

A large proportion of the community should desire that fluoride be added to the water supply - - -

**MR SPEAKER:** Order! Members are misinterpreting standing orders with respect to supplementary questions. No new material and no preamble are permitted.

**MR STEVENSON:** Perhaps I could ask the supplementary question: When Ms Follett says, "We will listen to the best advice available", does that include the advice from the people of Canberra? Perhaps the question could be answered rather than these questions without notice becoming questions without answers.

**MS FOLLETT:** Yes, of course we listen to people's advice on those matters. Nevertheless, it is not a question upon which a general community view has been put forward, to the best of my knowledge. I say again that it is a view on which the best course of action for the Government to take is to heed the advice of experts. Mr Speaker, I think that that is the responsible way to proceed. Mr Stevenson seems to be implying that there is perhaps some other information.

**Mr Stevenson:** Indeed; we survey it.

**MS FOLLETT:** If that is the case and if Mr Stevenson has conducted another of his inimitable surveys on the matter, then I have no doubt that he will make that information available to the Assembly in his own inimitable fashion.

Mr Speaker, I would ask that further questions be placed on the notice paper.

### **POLITICAL PARTIES - RECOGNITION** **Statement by Speaker**

**MR SPEAKER:** Members will have noted that certain members of the Assembly have sought to register new political parties. In addition, applications have been made to the Serjeant-at-Arms to have references to members in Assembly documents altered in regard to members' party status.

The question of formal recognition of party membership of members can be a difficult one, particularly with respect to the statutory requirements for the registration of political parties. Therefore, unless the Assembly otherwise directs, the practice that I intend to follow in these matters is as follows: No change will be made to a member's party status on Assembly documentation until the party has been registered with the Australian Electoral Commission and formally approved by the commissioner; once the party registration has been approved, the party leader may inform the Assembly that he or she wishes to alter the party status or, if the Assembly is not meeting, may advise the Speaker in writing and the Speaker will report that advice to the Assembly at the first available opportunity; should a member be expelled from, or resign from, a party and that matter be reported to the Assembly or the Speaker, the member in question will be listed as an Independent unless he or she joins another party or has the registration of a new party approved.

### **SUBORDINATE LEGISLATION** **Papers**

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

- Building Act - Building Regulations (Amendment) - No. 23 of 1991 (S107, dated 4 October 1991).
- Chiropractors Registration Act - Determination of fees - No. 95 of 1991 (S114, dated 14 October 1991).
- Dental Technicians and Dental Prosthetists Registration Act - Determination of fees - No. 94 of 1991 (S114, dated 14 October 1991).

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Financial Institutions Duty Act - Financial Institutions Duty Regulations (Amendment) - No. 22 of 1991 (S104, dated 2 October 1991).  
Legal Practitioners Act - Determination of fees - No. 91 of 1991 (G40, dated 9 October 1991).  
Magistrates Court Act -  
Determination - No. 83 of 1991 (S103, dated 25 September 1991).  
Magistrates Court Rules Regulation (Amendment) - No. 20 of 1991 (S103, dated 25 September 1991).  
Magistrates Court (Amendment) Act - Notice of commencement of provisions (S103, dated 25 September 1991).  
Magistrates and Coroner's Courts (Registrar) Act - Notice of commencement of provisions (S103, dated 25 September 1991).  
Magistrates Court (Civil Jurisdiction) Act - Determination - No. 84 of 1991 (S103, dated 25 September 1991).  
Magistrates Court (Civil Jurisdiction) (Amendment) Act - Notice of commencement of provisions (S103, dated 25 September 1991).  
Motor Traffic Act - Determination - No. 82 of 1991 (S102, dated 24 September 1991).  
Nurses Act - Determination of fees - No. 93 of 1991 (S114, dated 14 October 1991).  
Public Place Names Act - Determination - No. 92 of 1991 (S112, dated 10 October 1991).  
Small Claims Act - Determination - No. 85 of 1991 (S103, dated 25 September 1991).  
Small Claims (Amendment) Act (No. 2) - Notice of commencement of provisions (S103, dated 25 September 1991).  
Taxation (Administration) Act - Determinations for the purposes of the Stamp Duties and Taxes Act - Nos 88, 89 and 90 of 1991 (S111, dated 1 October 1991).  
Weapons Act -  
Determination of fees - No. 86 of 1991 (S108, dated 2 October 1991).  
Weapons Regulations - No. 21 of 1991 (S104, dated 2 October 1991).

### **COMMUNITY NURSING**

#### **Discussion of Matter of Public Importance**

**MR SPEAKER:** I have received letters from Mr Kaine and Mr Moore, both proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Moore be submitted to the Assembly, namely:

The failure of the Minister for Health and the Labor Government to improve or even retain services provided through community nursing.

**MR MOORE** (3.08): Mr Speaker, I will begin by reading from a letter that I have in my possession. It states:

Therefore the only conclusion that we can come to is that as we are aged pensioners on the basic pension and are not in a private health fund we are only 3rd class citizens. Considering that ... -

his wife -

is not supposed to have any worries or stress it is rather peculiar that the people who are all concerned in this charade are the very ones who are causing the elderly patients great suffering, and distress by telling them that they will -

and the letter goes on. Mr Speaker, this morning on the Matthew Abraham radio show there was a rather heart-rending report that reflects what is happening in our health system. The Labor Party has ripped the heart out of our health system by its initial move in failing to retain the Royal Canberra Hospital, but that is just the beginning.

The Labor Party likes to present itself as being the champion of the poor. The Labor Party's policy on health is set out in the Australian Labor Party ACT Branch *Platform, Rules and Regulations*. The copy that I have was presented to me by Mr Wayne Berry, with his compliments. I appreciate the fact that he provided me with a copy, and I understand that he is going to give me a more recent copy. That, no doubt, will also come with a "with compliments" slip signed by him. I am looking forward to receiving that.

I understand that this particular paragraph is still in place. It reads:

The ACT ALP is committed to a public health system which emphasises prevention and primary health care within the community -

and here is the critical part; maybe this has been removed -

with adequate resources to promote this emphasis.

This morning, Matthew Abraham interviewed Gabrielle Jarvis, a health carer, who looks after people who are unable to care for themselves. She spoke about people who suffer from multiple sclerosis and stated that they have been told that they are allowed two showers a week because the cutbacks mean a shortage of time.

In response to a question from me at question time today, Mr Berry failed to mention how many showers he has a week, which I can quite understand; that part of the question was indeed flippant.

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**Ms Follett:** I am glad that you admit it.

**MR MOORE:** It was indeed flippant, as he suggested. However, it led to an answer which I still feel is entirely inadequate. What the issue deals with is adequate resourcing and service at the very end of the line, and that is what was promised by this Government when they introduced their budget - that there will be no cuts to services.

Mr Berry suggested to us that we should raise issues of a particular nature with him and his office so that they can be resolved. But what these issues do, Mr Berry - and why you would like to deal with them individually - is illustrate what has happened within the health system, which is a complete degradation of the morale that is left. These are just examples that are brought to us to illustrate the damage that has been done to the health system. No doubt, we will have a reply from Mr Berry similar to that which he presented to the Estimates Committee.

I refer to the transcript of the Estimates Committee, at pages 1180 to 1188, in which Mr Berry's responses to questions of this nature were very vague. They gave us the impression that perhaps he would be able to do something, that he really did not want to see services taken away and that he really did want things to be okay, and I am sure that is true. I am sure he really does want to ensure that the services are provided, but it is not enough to hope that they might be provided if you are lucky. We need a Minister who is prepared to take control of this area and work to ensure that people are able to get adequate health care.

I started my speech by referring to a letter that was written by a gentleman about his wife who required triple bypass surgery. Because we do not have a cardio-thoracic unit capable of carrying out that surgery in Canberra, she was sent to St Vincent's Hospital in Sydney. In response to a series of questions of mine in the Estimates Committee, I was given to understand that funds should be available, under these circumstances, for both the patient and the spouse or another carer to fly to Sydney and to be taken care of appropriately there.

According to the letter, when you are an age pensioner and a third-class citizen, this may appear to be okay in theory but in practice it does not turn out. This woman had her cardio-thoracic surgery in St Vincent's Hospital; but her husband was not able to go to Sydney because they simply could not afford it, and the money was not made available to them. In a discussion with them earlier today, they told me that in some cases people assured them, "It is okay; you can spend the money, and then you can put in a claim so that you will then get it back". The reality is

that when you get a pension of \$254 a week and your hospital bills are in the order of \$300 a week - these people are in that situation - often you do not have the money to put out in the first place.

What is going wrong with our health system? What is going wrong with the morale in it and, in particular, the morale in community nursing? What has happened to the Labor Party policy? What has happened to the idea that you should be able to look after "prevention and primary health care ... with adequate resources to promote this emphasis"? Further, the Labor Party policy states:

An ACT Labor Government will give a high priority to health protection and promotion, particularly for groups that have special needs.

This couple, who live in Ainslie, do not feel that the Labor Party policy, with a Labor Party Minister, is being carried out. It continues:

Promotion and protection will be at the individual and community level; involve government, private and non-government sectors; and require community involvement at all stages.

So, a very good policy continues. It is one thing to have a policy, but another to implement it. It is one thing to grandstand on matters such as the Royal Canberra Hospital, but another to deliver. Basically, it seems that the health system, under this Minister, is unable to deliver.

Mr Speaker, I will refer now to a departmental minute which was leaked to the *Canberra Times* and which anticipated a community backlash over the proposed cuts. An article on the front page of the paper some time ago stated that those cuts planned included reduced weekend domiciliary care - perhaps that will mean even fewer showers per week - ceasing scoliosis screening for year 7 students next year, ceasing postnatal home visits by the community nurse in the first week out of hospital, reduced screening at infant health clinics and streamlining the screening of five-year-olds.

Mr Speaker, it seems to me that the questions that we asked at the Estimates Committee hearings revealed a Minister who was prepared to indicate to us that he did not like what was going on; but at no stage at those hearings, I believe I am right in saying, did he give the categorical assurance that he was going to wrestle with this problem and resolve it. That is what we would like to see. We want to see a Minister who is prepared to do something.

The honeymoon period is over. This Labor Government cannot sit back and hope that they can do nothing, that everything will be all right and that they will be able to go to an election without losing any votes because they have not done anything, that by doing something they might lose some

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votes. The reality is that you are put in a position, particularly with health, where you are going to have to do something, take some action and look very carefully at community nursing as one area within the health portfolio.

At question time, I attempted to ask a supplementary question, and Mr Humphries asked about the control of the health budget. Of course, we were told that we will find out about that before too long. The question still remains in our minds: Who is controlling the health budget? Will there be a Berry blow-out? Will services be retained at least at the same level? Even the same level is not good enough because, as far as community nursing and health promotion go, we need to be increasing our funding and support so that in the long term we can reduce our expenditure in our public hospital sector.

The public hospital sector still has this problem - I will move back to the issue that I raised about cardio-thoracic surgery: What are ordinary people supposed to do when they believe that they have the right to surgery of this nature and to have their spouse accompany them through a very, very difficult time? When they have the right to that support, they ought not to have to fight for it.

The particular case to which I refer requires some compassion and action. The poor woman in this case is now facing further surgery at St Vincent's Hospital. She has to go back for another appointment, and she has been told that she had better go down there by bus. I would like to know how many of the health officials who use the travel allowance that we saw in the budget estimates consider it appropriate to travel by bus, let alone when somebody has gone through such major surgery. The risks in those circumstances are great, and it is entirely inappropriate.

I understand that it is much cheaper for the 300 or so cardio-thoracic patients a year to have their surgery taken care of in Sydney rather than having a cardio-thoracic unit in the ACT. But then it is appropriate that we, as a community, wear the extra expenses associated with that. It is appropriate that our elderly who are not as well off as others get at least an equal deal. That is what social justice is about and what the Labor Party claims to be about. We know what you claim to be about as far as these things go. Some of us like it; they are good claims. Now deliver.

**MR BERRY** (Minister for Health and Minister for Sport) (3.22): It gives me some pleasure to rise in this debate because what Mr Moore has said is way off the mark. To put on the record an accurate assessment of what has happened in health, Mr Moore should have been talking about some of the things that happened under the previous Government. A lot of that is old news. Since taking government in June, this Government has been hard at work repairing the damage which was done to our health system by the former Government. I seem to recall that Mr Moore was critical of

the former Government for many of its actions, as was the Labor Party; but, when it comes to the issue of community health, nobody was more critical of the previous Government's performance than Labor.

There was a cry by the former Minister that there was an imbalance of, for example, health centre services on the northside. There were more on the northside and fewer on the southside, but then he closed one on the southside. It seemed to be an odd sort of an arrangement. Then he left one in the Tuggeranong Valley closed because he had not budgeted for its opening. But after a public campaign, in which I was proud to be involved, the centre was opened. Those sorts of initiatives were taken by Labor when in opposition. But they will pale into insignificance when it comes to the issues that we are going to deal with in government. We are going to be in government for a long time, and we are about a full recovery of our health system.

Mr Moore raised the issue of the payment of expenses for people who have to travel to Sydney for necessary care. I will take on board what he said in respect of those constituents who contacted him. I will inquire into it with his assistance, because I think, too, that, where it is appropriate, there should be access to expenses and that the process of getting access to them should take account of the circumstances of the people who are ill. I am sure that no medical practitioner within the public hospital system would tell a patient to travel by bus to Sydney for an appointment if he or she thought some risk was involved, and I hope that Mr Moore was not imputing that that is the case.

Mr Speaker, the cardio-thoracic and bypass surgery that has been the subject of some debate in the ACT is of concern. In a perfect world the people of the ACT and the south-east region would be able to have access to that sort of surgery in the ACT. I think there is some likelihood that that will happen in the future. But the circumstances here are not much different from those in New South Wales. For example, I know pretty closely of someone who suffered from cardiac difficulties and who was required in the end to have some bypass surgery done. He was, first of all, stabilised in a local hospital at Blacktown and was there for some weeks before he was eventually transferred to Westmead to have the surgery. Immediately he was well enough to be taken out of Westmead, he was removed.

It will always be the case that patients who have to have this sort of surgery may spend some time in one hospital and be transferred to another. As I have said, in a perfect world it would be best if one could move into a hospital that is close to where one lives and have that sort of surgery. More and more, I think, that will occur. Those sorts of developments will take place in the ACT, I think, in due course.



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One of the most important issues which the Labor Government has had to deal with is the mismanagement of financing in the hospital system. When we were chucked out of government in 1989, we had discovered a difficulty in the health budget. That information was available to the then Minister. Subsequently, there was another budget blow-out. The reason that it occurred without the knowledge of the Minister was that he failed to pay close attention to what was going on. I am not going to stand up here and say that there will never be budget difficulties in the ACT hospital system, because I know that it has been left in a dreadful state and much work has to be done to repair the damage of the previous Government. We have moved to do something about that.

Mr Speaker, on taking government, one of the first things that I did was to require the board to provide me with regular updates on the financial affairs of the hospital system. I have had two reports in relation to that, and I am happy to say that the most recent figures provide me with welcome news that the ACT health budget is on track.

**Mr Humphries:** Let us see them then. Come on, where are they?

**MR BERRY:** Mr Speaker, I released those figures today. As I have indicated, they are the result of regular briefings which I called for. We know that Health does not have a good record in financial management, but Labor is moving to encouraging budget responsibility in Health. We provided \$380,000 in Labor's budget for improvements to financial management in Health. This, together with tight management of the budget, will lead to better results on what is going to be a long road to full recovery, Madam Temporary Deputy Speaker.

We are not kidding ourselves. The health system was left to us in a dreadful state, and there is a lot of work to be done. But so far - and I say this tentatively - it looks as though things are going well. The problems in Health are not over, but the latest budget news at least gives us some cause for confidence that things are improving. That is because we have taken early action. In just a few months we are starting to get signs that things are improving. But we have to acknowledge, as well, that the budget borders that have been put on Health are tight ones. The budget is finely tuned, both to achieve results and to introduce efficiencies into our health system.

We are now in the process of consultation with health care unions which will be involved in the process of dealing with the delivery of that budget. They are concerned, as they ought to be, because, when there is change in the health system, there is an impact on workers within it. The Labor Government has given them a commitment to full access to information that they require in the consultation process. We will continue to work with unions in order that we can secure the best financial management and the

best results for health in the ACT - not just for the period of this budget but also for the future, if this is about laying a sound base for the future of our health system in the ACT. Mr Moore, quite rightly, said that Labor was committed to a strong public health system, as well as a community health system. We intend to work to improve the community health system as well.

**Mr Humphries:** Then why are you cutting community nursing?

**MR BERRY:** But I should say that community health has not been released from the requirement to live within budget. They are being required to introduce efficiencies, as well as the rest of the health budget.

Madam Temporary Deputy Speaker, one of the things that will take place in the next few days is that a group of people from the ACT will be going to the Illawarra area to see how the improved delivery of service in the hospital system has affected community health in that area.

**Mr Humphries:** That is the Liberal Government of New South Wales, I take it, that has done that.

**MR BERRY:** The effect on community health needs to be evaluated because in the ACT we are going to go through a process which will deliver a much better health system for the size of this Territory than exists in New South Wales, but we will do it in a different way from the Greiner Government. We will do it in consultation with our trade unions, to ensure that we get a result with which people agree - not one that leads to confrontation, as is going on in New South Wales.

**Mr Humphries:** What about outside last week? What was that, if not confrontation?

**MR BERRY:** Madam Temporary Deputy Speaker, Mr Humphries talks about the demonstration by nurses outside the Assembly last week. It is a fact that nurses are concerned about the future of health, and they have a right to demonstrate their commitment to the delivery of better health services. We will continue to work with nurses to ensure that we get the best result in health in the Territory.

Mr Moore raised a couple of other things in relation to a leaked document that was published by the *Canberra Times*, which I will touch on briefly. One of the proposals that are currently being discussed by the board with relevant unions is a reduction in weekend domiciliary care by dropping cover from seven nurses to five. That means that a couple of nurse positions for weekend cover will be eliminated. They are just matters that are up for discussion. The role of these senior nurses was to advise on client-staffing issues; they were not involved directly

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in client care. There have been concerns about those sorts of issues, but clients have always been actively encouraged towards maximum independence. Indeed, that is the ethos of community nursing. Within that ethos, clients have often been encouraged to attend to their own simple dressings, and that will continue.

We also will carefully liaise with hospital discharge staff, as changes develop in the hospital system, to ensure that the impact on clients can be minimised. We have two community nurses within the Woden Valley Hospital acting as discharge planners and coordinators to achieve that. It is obvious that, where possible, discharge from hospital will occur prior to the weekend.

Also, a proposal has been put forward, as is reported in the *Canberra Times*, to drop scoliosis screening in year 7. That was put forward because this screening had been eliminated in other States. The ACT participates in a national forum on child and family services, which focuses on ways to increase effectiveness of services for children and families. Through community nursing education programs for parents and teachers, the problem of scoliosis in adolescents can be identified and referred to the appropriate health professionals.

Community Nursing has also proposed - but this is still to be traversed by way of consultation - ceasing some routine first home visits to new mothers. They give reasons, such as that there is no documented evidence to support the benefits or effectiveness of routine first home visits for mothers who have not been assessed as needing this visit in the first week after discharge. I think the board has yet to be convinced that it is the case, but it nevertheless is a proposal that is up for consideration. There was a suggestion that follow-up advice could be given by telephone. That apparently happens in some other States. It is something that has to be looked at in the course of changing the direction of health services.

But I have to emphasise, Madam Temporary Deputy Speaker, that the focus of service delivery in the ACT will remain in accordance with the Australian Labor Party platform. It will be about providing access to an affordable health care system which provides quality care. We will not be forcing people into the private sector, as was the case with the previous Government. We will be working with the community to ensure that better health services prevail. But, first, we have to repair the damage, which is severe. There is hard work to be done; it is not easy; we have to move at a pace of change with which we are not comfortable. But we will do it because it is time for hard decisions. The Labor Government is a responsible government; it is about providing better services for the people of the ACT.

**MR HUMPHRIES (3.37):** I think Mr Berry extends our credulity rather further than it is going to go. He has to acknowledge that the situation in health has gone much, much worse for him much, much more quickly than even he would have imagined. It is astonishing to me - a former Minister who experienced difficulties with the health budget - to see how quickly this Labor Government, full of promises and rhetoric about the improvements that it would make in health, became once again enmired in trouble and tragedy in the area of health.

Just look at some of the clippings over the last five or six weeks about health: "Berry on back foot over cuts"; "Hospital workers show their true colours"; "Berry accused of shameless stonewalling"; "When is a bed not a bed?"; "Wide cutbacks in community nursing"; "Berry can expect grilling"; "Start work on new beds now: Libs"; "Board plans 100 bed cut"; "Ghosts of health come back to haunt"; "ACT hospitals to lose 150 beds, department sources say", and "ACT health: all downhill from here".

That pretty well sums up, Madam Temporary Deputy Speaker, the tenor of Wayne Berry's second period in office as Minister for Health. It is highly reminiscent, I would have thought, of 1989 and the disaster that health was in that year. I can well imagine the recurring nightmare that health must constitute for our present Minister, who blames the former Government with great glee and great frequency for the problems that he now faces.

He blames the former Government for an 8.5 per cent cut in health spending and a whole series of malaises that are now facing the ACT hospital system. He is impervious to the fact that it is his Government which is supposedly implementing cuts that have to be made across the board and which has announced cuts of this magnitude - 8.5 per cent - in the hospital budget. There are cuts in every other area of the budget that they are so keen to indicate is balanced in that respect. It has the virtue of being fair, it claims, to all parts of the ACT.

I indicate, Madam Temporary Deputy Speaker, that the claim that the former Government is entirely to blame for the ACT's present problems in health, ignoring the Government's budget which was brought down a few weeks ago, is a very tired one, and it has been largely ignored already by the media. Very few media are running that line when Mr Berry trots it out.

I also ought to put on record that I faced that situation when I took office in 1989 as Minister for Health. I did not constantly claim that my hands were tied by the budget blow-out that I had inherited. I remind the Minister that there was a \$7m blow-out when I took office; but when he took office, very close to the end of the financial year, he had a hospital budget blow-out which had been reduced to very close to \$6m. The total ACT budget came in only \$6m over target at the end of that financial year. The size of

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the problem is very similar; yet Mr Berry claims that he has to make an 8.5 per cent cut, increase waiting lists and reduce bed numbers in our public hospital system. Madam Temporary Deputy Speaker, he is to blame for those decisions - nobody else.

Mr Moore said, I think wisely on this occasion, that it is one thing to have a policy but another to deliver on that policy. That is true. Labor has restated endlessly its commitment to public hospitals, accessible health care and giving everybody in the ACT free and accessible health care. But it just does not stack up; its actions and its words are entirely different things.

Mr Berry says that he is in favour of an accessible health system, but he cuts health spending by 8.5 per cent. Mr Berry, you cannot have accessible health care with an 8.5 per cent cut in the health budget. He says that he is in favour of high-quality health services; but at the same time he says that he is going to cut bed numbers by a figure that we do not quite know yet, and there are going to be longer waiting lists in our public hospitals. What were the standards, the measures, that he used in opposition to test the quality of our health services? They were waiting lists and bed numbers. Those were the two things that he used as a standard, and on those two criteria Mr Berry deserves to be condemned, because it is on those two criteria that our health system is in rapid decline.

This dichotomy between actions and words is so stark, Madam Temporary Deputy Speaker, that the tale of *Animal Farm* springs to mind. Napoleon the pig was constantly telling members of Animal Farm, "Things are getting better; with our leadership we will go on to a bright new future", when in fact things were getting worse and worse daily. That is the ACT of 1991 - Animal Farm.

The signs of trouble are there for all to see. Anyone who ignores them does so at his or her peril. We have had the concerns, the comments and the pleas of those involved in the health system coming through loud and clear. This morning's Matt Abraham program demonstrated very clearly the severe situation that is being experienced by some in our hospital and health services. There is very, very startling information about what is going on. I remind the Assembly that Mr Berry was very happy to use those sorts of cases in the period he was in opposition, to prove that there was a decline in the standard of our health services. Again, Mr Berry has been hoisted with his own petard.

There are also other very clear indications in the area of community nursing that things are amiss. Even before the revelations on this morning's Matt Abraham program, I had a very large volume of letters and correspondence from nurses who are concerned about what is happening in our community health services. I want to read briefly from one letter from a nurse to Mr Berry. I will not repeat the names, as

I am sure Mr Berry has copies. One nurse operating at the City Health Centre wrote to complain about the removal of relief for nurse practitioners' rostered day off. She raises, I think, Madam Temporary Deputy Speaker, a very legitimate concern about the impact of that government decision. She says:

The RDO has always been staggered. In some centres lack of relief may mean no nursing presence on that day and in others that one nurse will be left to carry the workload of two. The pressure created by this situation on remaining staff is highly undesirable and potentially dangerous.

The point that she is making is that, with nurses effectively having a 100 per cent increase in their workload, one can expect trouble; one can expect a decline in the quality of service that people are getting in our health centres. What is more, they can expect a decline in the quality of service that they are getting through community nursing - outpatient or outreach nursing, if I might put it that way. They can expect a decline from the high quality that ACT nursing has achieved in the past.

Those standards are at risk, for no other reason, Madam Temporary Deputy Speaker, than that this Government has put in place an 8.5 per cent cut in the level of funding that our health services get. Yet, they have not explained the basis for that cut. Mr Berry, in the Estimates Committee last week, was appallingly unable to provide any information to members of the Estimates Committee about how that figure was reached or how it was going to be sustained.

He was asked, for example, what expected level of demand there would be on health services in the 1991-92 financial year. He did not know; he had no figure; he could not suggest to us how we would start to find out what that figure would be, and eventually he retreated to the fairly predictable defence, "The Board of Health will fix it all up. The Board of Health has everything under control. Leave it to the Board of Health; I am confident that they can do it". I remind the Assembly that the Board of Health did not set its own budget; the Government has set the Board of Health's budget; the Government has told the Board of Health, "This is your budget. Stick to it".

I want to conclude, Madam Temporary Deputy Speaker, by explaining something that is happening in this Territory at the moment. People are angry and upset about this disastrous budget. You have to ask yourself, "Why are they so upset about this budget? There have been cuts in the past. Why is this budget causing so many problems?". The reason is very clear. Labor has spent almost every day of the last two years conditioning the people of this Territory into believing that cuts in funding equal cuts in services. The chickens are now coming home to roost. That

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conditioning is now rebounding on the people who put it in place in the first place. People are saying, "If that is the case, why are you cutting our services now?". That is a good question, Madam Temporary Deputy Speaker, and one which we have not heard answered in this place today.

**MR WOOD** (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (3.47): Madam Temporary Deputy Speaker, Mr Humphries began by reading out a list of headlines on health matters. That list really did no more than reflect his own media statements and the editorial policy of the *Canberra Times*; they do not present the facts of matters as they affect health. Mr Humphries also made some comment about the cut that the present Government has made to health services, but what has to be understood is that that is a cut to Mr Humphries' overblown budget blow-outs. It is a proposal simply to bring the level of health expenditure back to a reasonable target that he, when he was Minister, was not able to sustain.

The Matt Abraham program this morning presented, I suppose, dramatically the case of a not so aged but certainly very infirm patient. It was certainly dramatic, perhaps approaching the sensational. But let us say that it was a serious approach and maybe a sustainable one. At this time of the year we can start to expect sensational approaches. Earlier, in question time, I referred to one that Mr Collaery made about a building in Manuka., A Ms McCarron-Benson, a representative of some party or other, was also being quite sensational in the media last week and taking a crazy run on a particular matter.

**Mr Jensen:** Graeme did not know about that.

**MR WOOD:** He did not know about it? Maybe she has been brought back into some sensible form of line. It is that time of the year, as the election approaches, when people look for sensationalism to make their points. It is a dangerous path to follow, as Mr Collaery found out.

I have some concerns that the case on the Matt Abraham program was presented in the way that it was. It was presented by a third party. I guess that, if it was to be presented, that was necessary because of the infirmity of the patient. I assume that it was done with the approval of the invalid. Yet I am not sure that she is fully aware of some of the background of what is happening. There is a further element in this, and that is that the community nurses are in some way reacting to events that are occurring around them. Mr Humphries indicated that when he read from one or two letters that he had received.

Community nurses are being asked to be more efficient in what they do, as are all in the Government Service in Canberra. I support proposals to make that service more efficient. I vividly recall the time when I was on the Social Policy Committee inquiry into the ageing, when no small number of community nurses and ex-community nurses

came to me expressing some disquiet about the service in which they were employed. They told me that there was scope for much greater efficiencies in that service and much greater improvement in the whole background of that service.

**Ms Maher:** Yes.

**MR WOOD:** Ms Maher seems to indicate that she remembers as well. The community nurses provide a humane, warm, caring and wonderful service; but there is much more that they may do to see that it is provided in full measure. There would seem to be some reaction from some in that quarter about steps to see that the path that I have suggested is being followed. I hope that what appeared on the Matt Abraham program this morning was a genuine effort to express the interest of an aged and infirm patient. I certainly hope that it was not a case of some people using that patient to further their own ends. That would be very undesirable.

Mr Berry has passed to me, to read into the record, the response of the department to the claims that were made this morning. I think these should be read and understood to provide some balance to what has been said. The health worker, as we know from question time, is not an employee of ACT Health; but is a home and community care funded personal health worker. Might I say that they are a body of people whom I respect, with the comment that I made earlier to be acknowledged.

**Mr Humphries:** On a point of order, Madam Temporary Deputy Speaker: This matter was read into the Assembly record only an hour ago, in question time. Standing orders do require that speeches not be tedious or repetitious. I ask Mr Wood to find some new argument to support the tenuous case that the Government is putting.

**MR WOOD:** Mr Humphries seems not to want to hear this. However, in deference to you, Madam Temporary Deputy Speaker - - -

**MADAM TEMPORARY DEPUTY SPEAKER** (Mrs Grassby): I do not remember those exact words being read in, Mr Humphries.

**MR WOOD:** Mr Humphries would rather avoid this, so I will truncate this a little, to allow for his sensitivities. The client, the patient, has been totally dependent on a range of community services for quite some time. She receives approximately 28 hours per week of care, as I am informed. In addition to that personal care, Home Help Services provides two visits a day and Meals on Wheels also provides assistance. Understandably and acceptably, the cost for this is quite considerable. But that is acceptable because the Government is committed to maximising quality of life by caring for people in their own homes, where this is their preference.



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Recently, due to increasing dependency and workload of this agency, the program reviewed all services and reduced the number of showers per client per week. Where necessary, clients are now receiving a shower or a full bed sponge on alternate days. It is my information that all changes were made in consultation with the client who, certainly at that stage, did not express dissatisfaction with the new health care plan.

Only clients who are totally bedridden and/or incontinent are showered daily by community nurses. It is the case that the amount of nursing care in this circumstance is exceptional and is remaining so, and this ought to be understood. We value the work of the community nurses. They have done a marvellous job over the years. They will continue to do so; but, if they need to become more efficient as they do so, so be it.

**DR KINLOCH (3.56):** The Rally agrees that there are great worries about community health and that there have been some for a considerable time. I am not picking out any one of the various governments; it is a long-term problem. This morning I met with a representative of the Community Health Association. By the way, this was before I knew that this was coming up as a matter of public importance. This representative of the Community Health Association noted that Mr Berry had spoken at a major meeting of the association, which I recall, on 18 July at Ursula College. I agreed with her that he had then made an excellent speech. The worry that this representative of the association had is that, although the speech was excellent, the statements made in it are not now borne out by the activity of the Government in relation to community health.

The person who came in was a nurse; in her day, she was a professional community health worker, but is now voluntary. She was a very quiet, softly spoken person, not at all acting in terms of some kind of political agenda. She was the "salt of the earth" kind of person who often staffs these kinds of social activities. She was not trying to be difficult or vindictive or angry; she was just trying to let me and another member of the Rally know how difficult it is for the Community Health Association people.

Mr Berry left that meeting after giving his speech, as he had another appointment. I understand that. I think, Mr Jensen, there were 60 or 70 people there.

**Mr Jensen:** Maybe even more.

**DR KINLOCH:** Those very committed people then heard other community health speakers and eventually broke up into workshop groups. Mr Jensen and I had the pleasure and privilege of being part of those groups. I attended one and he attended another. What do I conclude from these groups? I hope that Mr Jensen will add his comments in relation to the group that he attended. I conclude that these community health groups believe that in all discussions on health there is an overconcentration on

hospitals. They see hospitals as having taken over as the great central fact of health discussion. That has skew-whiffed, to use an old term, the nature of health care, and that is not where most health care is provided.

The other side of that coin is that there is an accompanying underconcentration on health care where people live in their communities. The feeling that one got from these very good people - they were not running some kind of political operation at all that evening; they were trying to express their worries - was that they had been sat on the side, on the periphery, with not sufficient support for them. They wanted to argue that they were a crucial element in an overall plan of health care, which of course includes the GPs. Most health care, frankly, takes place at the level of the general practitioner, the chemist's office, in the home and in community health care places.

Of course the hospitals are important. But there is this problem of where the emphasis should be put for the community health people and their association. They conclude that there is not only a lack of funding but also an inadequacy of staffing for nursing at the community workplace. I would welcome other comments here, but I felt that they were low in self-esteem. I am not saying that they did not think they were doing a good job; I think they did think they were doing a good job. But they were overstressed and had this feeling that somehow the overall health professional body did not see the centrality of their work. So, one could conclude from that evening that there was an inadequacy of focus on health care in a range of areas of community nursing.

I would want to endorse, in general, the points that have been made, without picking out any particular agony story. In today's press there is one story that I think we should recognise. That was written by Virginia Davies, the convenor of the Post Natal Depression Support Group. She writes:

... I feel quite appalled by the cutbacks in community nursing -

she refers to a story -

... in daily contact with women suffering from post natal depression ...

I will not read the whole letter; it is in today's paper. But I would like to suggest again that there are individual areas of community nursing that badly need to be addressed.

**MR JENSEN** (4.01): Madam Temporary Deputy Speaker, the provision of community service nursing facilities throughout Canberra is very important for a number of reasons, not the least of which is the ability of community health services to be provided to the people where they are needed, at what we generally call the coalface, in the suburbs.

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In July I was fortunate to attend the seminar to which my colleague Dr Kinloch has referred, which was conducted by the ACT Community Health Association and which was entitled "Health is not only hospitals". Madam Temporary Deputy Speaker, I have a copy of the proceedings of that seminar, which was addressed by the current Health Minister, Mr Berry. In light of some of the comments that Mr Berry, my colleague Dr Kinloch, Mr Moore and Mr Humphries have made, I think it is appropriate to mention some of the points which were raised by the Minister and which are relevant to the debate today. They relate specifically to his comments on community health. He said:

Community health is a vital part of the ACT Health System.

My Government -

a delusion of grandeur there, I would suggest -

is committed to maintaining and developing comprehensive community health services for the ACT.

The organisation structure of the ACT Health System gives equal status to non-hospital services and hospital services to ensure that each voice is heard.

Further on, he stated:

The primary purposes of the Community Health Service program in the ACT are:

- to provide a range of services at single locations which are accessible to all the residents of the ACT and which target people with the multiple problems often associated with low socio-economic status.
- to provide services with an emphasis on illness prevention and health promotion.
- to provide specialised services using multi-disciplinary teams to population groups within the community such as people who need alcohol and drug services, speech therapy, nutrition advice and podiatry, and
- to ensure effective access and referral to other Government services such as Welfare, Hospitals and Community services.

They are excellent sounding words, Madam Temporary Deputy Speaker - absolutely brilliant. He then went on to say:

In the Tuggeranong area, for example, there is a high proportion of young families and adolescents. The proportion of elderly in Tuggeranong is also increasing as the population ages.

Once again, these are fine sounding words - very good, excellent. However, words are cheap. Mr Berry has now seen fit to take over the reins of government. For the second time he is attempting to make a go of the health portfolio. At this stage I am not quite sure whether a really good report card is going to come in. However, I guess time will tell.

I would suggest, Madam Temporary Deputy Speaker, that the title of that seminar is really what we should be talking about this afternoon, if we are to address the issues raised in the debate by the title of the MPI. The issue is community health and the ability of effective community health delivery to reduce the overall budget by meeting the problems when they are small and cheaper to resolve rather than letting them fester away in the suburbs without adequate support and end up in either our courts, with often very tragic consequences, or our hospitals.

Preventive medicine is the key to this problem. Frankly, I have seen little of this in the budget papers and the answers given to us by both the Minister for Health and the Minister for Community Services when questions about the provision of services to the fast developing outer suburbs of Canberra have been raised.

Community nursing and associated facilities, like immunisation clinics and baby health clinics, could be made available when and where they are needed, not at centralised locations which often require many bus trips with a number of young children under five, for example, requiring attention. Every answer that I receive to questions about proactive planning, rather than reactive planning after the problems have manifested themselves, is to the negative; there was no information, no indication of what was going to be done. (*Quorum formed*)

**MADAM TEMPORARY DEPUTY SPEAKER:** I am sorry, Mr Jensen, but the time for the discussion has elapsed.

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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE  
Amendment of Terms of Reference - Kingston Foreshore Area**

**MR KAINE** (Leader of the Opposition) (4.09), by leave: I move:

That the preamble of the terms of reference of the Standing Committee on Planning, Development and Infrastructure's inquiry into proposals for the Kingston Foreshore Area be amended by omitting "After an assessment of the current proposals for the Kingston Foreshore area has been completed by the Government," and substituting "That the Committee inquire and report on the following matters:".

I will be brief. As the amendment indicates, the committee was prevented from getting on with a consideration of this matter until certain actions had been completed by the Government. That is, in our view, delaying an important inquiry which the committee should get on with. We are at the stage now where we can proceed with such an inquiry and we think we should do so in the public interest; hence this amendment.

**MR STEVENSON** (4.10): I agree with the amendment. This is an important matter, and the amendment would allow the committee to move rapidly in this area, where there are great potential benefits for the people of Canberra. It is a good idea, whoever thought of it.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE  
Inquiry into Proposed Variations to the Territory Plan**

**MR KAINE** (Leader of the Opposition), by leave: I wish to inform the Assembly that on 23 September 1991 the Standing Committee on Planning, Development and Infrastructure resolved to inquire into and report on proposed draft variations to the Territory Plan. As presiding member, I inform the Assembly that, as part of this inquiry, the committee is specifically inquiring into the proposed draft variation at Forrest, section 12, block 1, that is, the Canberra Bowling Club.

It seems pretty obvious that there is strong public opinion on whether that variation should be approved and whether the specific proposal being put forward by the bowling club at Forrest should proceed. I have already pointed out to the competing interests in this matter that the Standing Committee on Planning, Development and Infrastructure would confine its inquiries on this matter to only two matters:

Firstly, to satisfy itself that what has been done up until this point is in accordance with the provisions of the law; secondly, to satisfy itself that the input from the community has been properly taken into account by the Government in arriving at its conclusion.

I believe that it would be improper for the committee to go beyond those two matters; but, given the public interest in the matter, I think it is appropriate that we very quickly establish both of those facts. That would tend to remove any doubt, any question of bias in what the Government has decided to do and satisfy all the players in the game that there has been rationality, impartiality, legality and fairness in what has been done. There would not be a member of the Assembly who would disagree that that is a fair thing for the committee to do.

**ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE**  
**Size and Membership**

**MR JENSEN** (4.13), by leave: I move:

That paragraph (c) of temporary order 16A relating to the number of members on the Standing Committee on Administration and Procedures be amended by omitting "3" and substituting "4" and that Mr Collaery be appointed to the committee.

Over a period there has been some concern about the make-up of the Administration and Procedures Committee, and there were discussions prior to this current sitting to make some changes to that. I think it is appropriate that a grouping within the Assembly that has three members be formally represented on the Administration and Procedures Committee. That is why the Rally is moving this motion today.

**MR BERRY** (Deputy Chief Minister) (4.14): I am a little concerned that this was brought on at just a few moments' notice. Whilst there is no disagreement in principle with the expansion of the Administration and Procedures Committee, one thing that comes to mind is whether or not, say, Mr Moore, who happens not to be in the chamber at the moment, would agree with this motion, not having been advised that the matter was to be brought on. So, there is the matter of debate on the issue being stifled by a hasty process.

**Mr Jensen:** This has been discussed before.

**MR BERRY:** It has been discussed before, but Mr Moore was not aware that the matter was coming on at such short notice. I hear that there is another one on the way. It might be better if the one that is to be advanced, I suspect by one of the Liberal Party members, were laid on the table. We could then adjourn the matter for some

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consideration by members, although I suspect that members opposite want to set in train a process which enables different members to be on the Administration and Procedures Committee tonight.

One of the major difficulties in managing these sorts of things in the Assembly is that we now have eight parties, and it looks as though there is a chance that that might - - -

**Mr Stevenson:** "At present", you should always add.

**MR BERRY:** Yes, at present. I am in some difficulty about working out where we are headed on this matter. If you are going to have an Administration and Procedures Committee that represents generally members of the Opposition and non-government members, then it seems to me that it is fast approaching the time when this committee too becomes a committee of the whole. I am not sure that members opposite want to lumber themselves with a committee of that size, but it is a matter which deals with private members' business. Whilst the Government would not want to interfere with the process by which members opposite decide how they want to deal with private members' business, logic suggests to me that it might need to be opened up.

I patiently await Mr Moore's return because I expect that he would want to have something to say about this matter, which I am sure will affect the way his business is dealt with in the Assembly in future. It seems likely, from the rumour mill, that Mrs Nolan will be given the chop.

**Mrs Nolan:** The motion is now on the table.

**MR BERRY:** I had better read that. I am a little concerned that there is not adequate time for people to debate the issue. I am informed that Mr Moore is out of the building, so he has had no notice that these matters would be moved by leave. I think it would be unfair in the extreme if we were to proceed much beyond this point without him being involved in the process. I suppose that that ought to have been dealt with at the time of the request for leave by Mr Jensen, but I am sure he would have felt that it was a serious rebuff if leave had not been granted. I think it would be appropriate for me to move the adjournment of this matter.

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Berry, you cannot; you have already spoken.

**MR BERRY:** I am told that it is inappropriate, and that is fair enough. But I think somebody ought to move the adjournment, because we really need to make sure that all members are informed properly on these matters.

**MR KAINE** (Leader of the Opposition) (4.19): I have listened attentively to Mr Berry, and I have some sympathy for his view. I notice also that Mr DUBY is not here. Is a motion that is put to the Assembly invalidated simply because a member is not here at the time? I do not think that is a valid argument. I do not know whether Mr Moore has an interest in this matter or not. All I can say is that the matter has been floated for some time now. I do not sit in on the Administration and Procedures Committee, but it is not news to me that it was intended that the committee be expanded. I guess that that has been discussed pretty widely. It should not be news to anybody that this motion has been brought forward.

I do not feel very strongly about it one way or another, but I must confess to being a little surprised that Mr Berry takes the view that there is something improper about it because Mr Moore is not here. I do not accept that for a minute, and I do not think anybody else does either; nor do I accept that it is improper to proceed with such a motion because one member of the Assembly is not on the floor. If Mr Moore wants to be here and to debate these matters, then that is open to him. He cannot complain that business of the Assembly proceeds in his absence if he does not want to be on the floor.

As I say, I am ambivalent; but I am not particularly persuaded by Mr Berry's argument that the matter should not go ahead, first of all, because it is news to everybody, which it is not, and, secondly, because Mr Moore is not here, which in my view is totally irrelevant.

**MR HUMPHRIES** (4.21): I move:

That the words after "Mr Collaery" be omitted and replaced with "and Mr Stefaniak be appointed to and Mrs Nolan be removed from the committee".

I consider that this matter has been debated informally at some length, prior to today, among the members of the Assembly. I imagined that there was broad agreement to the idea of changing the membership of the Administration and Procedures Committee, and the detail is now apparent in the motion and the amendment we are debating. Presumably, it is the function of this Assembly to debate motions of this kind.

I think the argument for admitting Mr Collaery to the committee is quite substantial. I cannot see any reason why a party which has three members on the floor of this Assembly ought not to have membership of the Administration and Procedures Committee. I am quite happy to support the thrust of the original motion. With respect, I think it is appropriate for the Liberal Party, as the second largest party now on the floor of the Assembly, to have a representative - - -

**Mr Connolly:** For the moment.



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**MR HUMPHRIES:** For the moment; we may become the largest in due course. When we get to be the largest, I am sure the position will remain the same. At the moment, as only the second largest, we feel that we should have the right to at least one member on the committee.

Of course, the function of the chairman of the committee, the Speaker, although he is a member of the Liberal Party, is to represent minor parties on the committee. That is a role he has even more capacity to play now that there has been some increase in the number of minor parties in this Assembly. We now have eight parties on the floor of the Assembly - a ratio of roughly one party to every two members of the Assembly, which is a rather unfortunate state of affairs. Nonetheless, that is the right of members under the laws as they stand.

**Mr Kaine:** Some of them have two parties.

**MR HUMPHRIES:** Indeed, some members have more than one party; but we will not go into that. The fact of life is that every party of more than one member ought to be represented on this committee, and the effect of the motion and the amendment would be to provide for that.

It is also the case, however, that there are a number of parties with only one member on the floor of the Assembly. In fact, there are five such individuals now on the floor of the Assembly. It would be possible, I suppose, to put each of those five on the committee; but it would make the committee impossibly large. A majority of the Assembly would be sitting on the Administration and Procedures Committee, which is a silly idea.

**Mr Kaine:** The Estimates Committee has had no more than five members there at any time.

**MR HUMPHRIES:** Indeed. I think we would find ourselves hopelessly bogged down every time we tried to discuss matters, if that were the case. I also point out that, if there were to be a committee with one representative from each party on the floor of the Assembly, it would mean that five parties representing five members would have five votes on the committee - a majority - whereas three parties representing 12 members would have only three members on the committee. It would be a somewhat inequitable distribution of power on that committee.

It does warrant that we examine this issue, and I suggest that in the circumstances it would be appropriate to accept the motion moved by Mr Jensen and the amendment I have moved. I do not have any animosity towards Mrs Nolan; I do not think she should come off per se.

**Mrs Nolan:** I could have been advised.

**MR HUMPHRIES:** I apologise to Mrs Nolan that our new party Whip did not inform her that this was going to come. That was supposed to happen. We have to strike some balance here, and I suggest that this is the best balance. If any better balance can be established, I look forward to seeing what it is; but I doubt that any better one can be established.

**MR STEVENSON (4.26):** Madam Temporary Deputy Speaker, I wish to move an amendment to the motion. I suggest that the words after "amended by omitting" be deleted and replaced by "a committee of the whole".

**MADAM TEMPORARY DEPUTY SPEAKER:** The amendment must be submitted in writing, Mr Stevenson. Is that what you are doing?

**MR STEVENSON:** Yes. I commended the Labor Party in this Assembly for the opportunity for the budget Estimates Committee to be a committee of the whole. It really was an excellent idea, and it is unfortunate that it was not continued by the Alliance when they were in power.

**Mr Kaine:** And it has not worked, either, as you know. There have never been more than five members there.

**MR STEVENSON:** The whole point about it working or not working is that when members wish to attend on various matters they can. Not only can they attend, but they can have a valid say in the final evaluation of data and have a final input into the report. I think that is the major benefit for the budget estimates committees that were formed under the ALP.

If we make this a committee of the whole, with a quorum being five people, it will allow members of the Assembly, when they wish to attend, to do so, as is the case at the moment with the budget Estimates Committee. There are nine parties already in this Assembly - or is it eight? With the number of parties fluctuating from time to time, perhaps it is fair that all parties have an opportunity to attend what is a very important committee - a committee that decides what will be debated in this Assembly.

I commend this amendment to the house. It will allow Mr Collaery to be on the committee. It will also allow Mr Stefaniak, Mrs Nolan, me and Mr Moore, even though he is not here at the moment, to be on the committee. Mr Moore will be very pleased to know, when he comes back, that we have moved that the Administration and Procedures Committee include Mr Moore at the times when he feels that it is important and when he wants to talk. I was happy to agree with the motion moved by Mr Jensen. If a member of the Assembly wants to be on a committee, he or she should be allowed to be on it. However, there are many members who want to have a valid say in this most important committee.

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I ask members to look at what will happen if we allow it to be a committee of the whole. Obviously, it would be a rare situation when everyone went along, but we would have that right. Should not people in Canberra have the opportunity for their elected representative to have an input into what matters will be considered in the Assembly?

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Stevenson, your amendment is out of order under standing order 142. Mr Humphries' amendment blocks yours. You would have to seek leave to move your amendment.

**MR STEVENSON:** I seek leave to move my amendment.

Leave granted.

**MR STEVENSON:** I move:

That the words after "amended by omitting" be omitted and replaced by "a committee of the whole".

**MR KAINE** (Leader of the Opposition) (4.31): Madam Temporary Deputy Speaker, I would like to speak to Mr Stevenson's amendment. We are reaching the heights of absurdity. Mr Stevenson puts forward the notion that this ought to be a committee of the whole because it is an important committee. I ask members to think carefully about that proposition. All of the committees of this Assembly are important committees. If his argument holds good for the Administration and Procedures Committee, it also holds good for all of the other standing committees. If you take that to the next stage and they all become committees of the whole, we can do away with the committee structure and debate everything in detail on the floor of this house. That is rubbish.

Certain reasonable and rational members of this Assembly - Dr Kinloch amongst them - have often noted how important the committee work of this Assembly is. Mr Stevenson is suggesting that we throw all that out the window, that we no longer have committees, that everything be done in the committee of the whole.

**Mr Stevenson:** I did not say that.

**MR KAINE:** That is what you are suggesting. It is only one step from where you are to the next step that all committees should follow this pattern. I have made the point that I do not believe that your statement is any more relevant to the Administration and Procedures Committee than it is to any of the other committees, standing or select. I know that we are getting into the silly season, with the life of this Assembly now quite short - in fact, we have only about 13 or 14 sitting days remaining, if my recollection is correct - but that does not mean that we have to get right off the planet.

I think those more responsible and rational members of this Assembly ought to think very carefully about the proposition put forward by Mr Stevenson and what it will lead to, if we accept his logic and his argument. I think it is quite bizarre and irrational. It denies entirely 2 years' worth of hard work to establish the credentials of our committee system. It suggests that we throw all that out the window on a whim of Mr Stevenson. I do not think the responsible members of this Assembly will buy that argument. It should be rejected outright and we should get back to a logical debate about what the real membership of this committee ought to be to allow it to get on with its work, without imposing a 24-hour-a-day burden, seven days a week, on all 17 members of this Assembly to keep up with the committee work and all the other business that goes on.

If you were going to do your job right and you were a member of a committee of the whole, you had better be there. You had better not be off the floor of the Assembly when a committee of the whole was meeting. I think it is the height of absurdity to suggest that committees should become committees of the whole.

**MR BERRY** (Deputy Chief Minister) (4.34): As I have said previously, the issue here is ensuring all members of the Assembly who have an interest in the Administration and Procedures Committee access to the processes of that committee. There is a tradition in political parties, and none so warm as in the Labor Party, about dealing with people who may be described as defectors. There are some people who have changed from one party to another and there is some heat, I think, between members of the Assembly. It is therefore, in my view, appropriate that single members of the Assembly have access to the processes of the Administration and Procedures Committee.

We see an instance where Mrs Nolan is to be excluded, and she is concerned about that. I am not so concerned about it, but it is a matter for her. She will be a single private member in the Assembly and I suspect that she will be seeking to have her own private members' business included on the agenda of this Assembly. If she is not represented in some way on the Administration and Procedures Committee, it could be said that she would not get a fair shake in terms of the way the committee deliberates on its business. I am not trying to reflect badly on the Administration and Procedures Committee. It is a fairly simple deduction that, if somebody is not represented and there is some heat between the parties, private members may not get a fair go in relation to private members' business. That is just one instance.

The other issue I raised earlier was that Mr Moore had not been given notice of this matter. On that score, perhaps leave ought not to have been granted for the matter to come on. It is a matter that affects him as well. What is

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proposed in one of the amendments is that a member of his former party be on the committee, but not Mr Moore. It seems to me that that would present a problem for Mr Moore. I am glad that he has returned.

Another issue has arisen flowing from the amendment proposed by Mr Stevenson. Leave has been granted by the Assembly for its consideration. He refers to a committee of the whole, which is a common term. The difficulty, I am informed, is that "committee of the whole" means Ministers as well. There is no intention that Ministers would avail themselves of the opportunity, but it presents a problem as far as the traditions of this Assembly and other parliamentary processes are concerned. That is an issue we will have to take on board in respect of Mr Stevenson's amendment.

It seems, as well, that we are faced with something of a deadline. At the rising of this Assembly the Administration and Procedures Committee wants to meet, and I suspect that members opposite wish to have the matter settled before that meeting. So, we are in a bit of a quandary. I think some sense could come out of discussion between the parties. Quite frankly, I would not like to stand on a position in relation to this matter which prevents anybody from having access to the Administration and Procedures Committee.

**Mr Kaine:** They have not had it up until now. What has changed?

**MR BERRY:** The Leader of the Opposition says that they have not had it up until now. The structure of the Opposition in the Assembly has changed significantly. We have several different parties now. I counted them up a moment ago at eight, and there is a possibility that there could be more.

**Mr Kaine:** But not all the individuals have been represented on the committee for 2 years.

**MR BERRY:** That is true, but the circumstances have changed. There has been a change in government and there has been a change in the nature of the parties.

**Mr Doby:** What about the first seven months? They were not represented then.

**MR BERRY:** But that is not to say that they should not be represented now. I take on board what the Leader of the Opposition has said in relation to all the other committees. I do not think this committee of all the non-executive members could be considered in anything like the same light as those other committees. I think it is an entirely different issue.

**Mr Kaine:** This is going to be worse than the Alliance joint party room meeting.

**MR BERRY:** Mr Kaine argues that this could be worse than the Alliance joint party room. It seems to me that there is some attraction for the Government in developing a similar process in the Administration and Procedures Committee, if for no other reason than to get Mrs Grassby to report to us on matters of amusement.

Labor's inclination is that we ought to be looking for a solution. I think a committee of all non-government members is an appropriate course in the circumstances. It just makes good sense. It may be difficult to manage, and I expect that Mr Moore will have something to say on the matter; but we need to find a sensible solution. The only one that strikes me as sensible at the moment is a committee of all non-executive members. I think that in these circumstances it would be wrong to exclude members, even though their politics might be - - -

**Mr Duby:** Does this apply to all committees?

**MR BERRY:** No. From my point of view, and from the Labor Party's point of view, it would not. Those sorts of things are inevitably in your hands, Mr Duby. That is a matter for the parties in the Assembly to determine as the need arises. This is a matter of particular interest to members because it determines the order and placement of private members' business before this Assembly, which will be of concern to a number of members in the next few months.

I think it would be unfair, on the face of it, for members to be excluded at this time. We are in a state of change where some involvement is required for all of these members. I know that there is an element of concern about. It is not as much a matter of concern for Labor in government as it would be to members opposite; nevertheless, it is a matter of concern purely on the grounds of fair play.

**MR MOORE (4.42):** This is a very interesting debate. It is a matter Mr Berry raised some time ago when, in response to an interjection from the now Leader of the Opposition, he asked, "How did you manage over the last few years?". Mr Stevenson would probably agree with me that previously, when there was just Mr Stevenson, me and the Labor Party, there was in effect an informal arrangement, which we are now in the process of trying to formalise, to decide, through discussion, what would be raised as private members' business. It was somewhat easier, of course, because only three groups were represented, whereas now we have eight. Who knows how many groups we will have tomorrow - or this afternoon?

**Mr Duby:** It is nine, because you are two.

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**MR MOORE:** I take Mr Duby's interjection. It is nine, because I am actually two. As I register more and more parties, I might get four or five seats on it. I think it is appropriate, therefore, that these amendments be withdrawn, and I am sure Mr Stevenson will do that when he sees the sense of the amendment I wish to move. I propose that the words after "amended by omitting" be deleted and replaced by "a committee representing each party, group or independent and having a quorum of five". That is an arrangement that I believe would be most appropriate and would resolve the problem.

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Moore, are you seeking leave to move that amendment?

**MR MOORE:** I seek leave to move that amendment.

Leave granted.

**MR MOORE:** I move:

That the words after "amended by omitting" be omitted and replaced by "a committee representing each party, group or independent and having a quorum of five".

As Mr Humphries and Mr Stevenson see the sense of the amendment I have presented, no doubt they will see that it is really a development on their ideas and that we would have a far fairer system. What we are really trying to achieve with the Administration and Procedures Committee is the arrangement of private members' business and the way we expect private members to behave. I believe that it is appropriate that the Administration and Procedures Committee, in all its roles, should be accessible to each member as a representative of his or her party group.

There was some suggestion that, under Mr Stevenson's amendment, the whole would include Ministers and that therefore it was inappropriate. I believe that his intention was that it should be a committee of the whole, excluding Ministers. Either way, I would be perfectly happy if the Administration and Procedures Committee worked that way.

It is important for us to realise that we have already an informal process such as this operating with regard to arranging government business. The Government suggests the order of business and we have an informal meeting, usually at 3 o'clock on a Friday afternoon prior to a week's sitting. On one occasion, we made it clear to Mr Berry, for example, that certain proposals he made would not be agreed to. That is a function, if you like, of a minority government; but it is also a very important factor as far as the Administration and Procedures Committee goes.

What we really need to do here is look at what is the fairest and most sensible way to go. If people find Mr Stevenson's methodology unfair, then I am quite prepared to suggest that this is a better way to go. The Estimates Committee has operated under basically the same system for quite some time, and has operated very well over some 60 hours of sitting and taking decisions. It can work, and I think it is entirely appropriate that it does work.

I think my suggestion for a quorum of five is sensible. We all know that, when we try to get committees together and we do not have a quorum, it can be a very frustrating experience. This is particularly so with something as important and critical as the Administration and Procedures Committee. So, a quorum of five is an important arrangement. Perhaps somebody might prefer a quorum of three, but I think that would be inadequate to implement what this chamber should be trying to do.

**Mr Jensen:** There is more to the Administration and Procedures Committee than just that.

**MR MOORE:** I presume that by "just that" Mr Jensen means the arranging of private members' business, and of course that is true. A whole series of things that happen within the Administration and Procedures Committee are important to all members. Mr Jensen has provided us with a very good argument to accept the amendment I have put. It will ensure that there is an opportunity for everybody to be involved in everything the Administration and Procedures Committee does, right through from assessing the travel of members and expenditure on committees to arranging private members' business.

I suggest that Mr Humphries and Mr Stevenson see the good sense of the amendment I have put and withdraw their own amendments and that Mr Jensen accept that amendment into his motion.

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

**Sitting suspended from 4.51 to 8.00 pm**

**ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE**  
**Size and Membership**

**MR HUMPHRIES** (8.00), by leave: I move:

- (1) That paragraph (c) of temporary order 16A be amended by deleting "3" and substituting "5"; and
- (2) That the present members of that committee (other than the Speaker) be discharged and the following members be appointed:  
Mr Duby, Mr Collaery, Mrs Grassby, Mrs Nolan and Mr Stefaniak.



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Mr Speaker, before the suspension for dinner there was discussion of procedures to be followed to resolve some difficulties the Assembly was experiencing in appointing members of the Standing Committee on Administration and Procedures. The motion that stands in my name, which is now being circulated, I think represents the consensus reached by members in discussions elsewhere. In the hope that that is the case, I commend this motion to the house.

Question resolved in the affirmative.

**ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE**  
**Size and Membership**

Debate resumed.

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

That the order of the day be discharged.

**HIV, ILLEGAL DRUGS AND PROSTITUTION - SELECT COMMITTEE**  
**Report on Marijuana and Other Illegal Drugs**

**MR MOORE** (8.03): Mr Speaker, I seek leave to change the orders of the day on the notice paper to bring the report of the Select Committee on HIV, Illegal Drugs and Prostitution on now, prior to doing the guardianship legislation.

Leave granted.

**MR MOORE:** Mr Speaker, I present the third interim report of the Select Committee on HIV, Illegal Drugs and Prostitution, together with the dissenting report and extracts of minutes of proceedings. I move:

That the report be noted.

It is with great pleasure that I present the third interim report of the Select Committee on HIV, Illegal Drugs and Prostitution. I emphasise that the purpose of our committee is to assess the effectiveness of current legal and social controls enabling action to prevent the spread of HIV, the effectiveness of current and legal controls on prostitution and drug taking, and alternative social, medical and legal proposals which may assist in restricting the further spread of HIV.

This report deals not only with marijuana but also with other illegal drugs. One of the most difficult things that our committee has had to deal with, I believe, is determining just how big a bite to take out of this

incredibly large problem of illegal drugs. In doing so, we have said in this Assembly and publicly that we are intent on taking a small step at a time; so, in presenting this particular report we have chosen to go in two directions.

For those who are profiteers from illegal drugs, we are recommending a tightening of the approach we take. That tightening involves falling into line with other States, in particular Victoria, and proceeding with the power of asset stripping. People who have profited from a market in illegal drugs should not be able to get away with having huge profits as part of their assets and then be left, after perhaps a short or long term in prison, with their assets. It is this asset stripping that has proved successful in reducing the supply of drugs.

We would hope to increase the powers of the courts to provide for asset stripping and to ensure that profiteers in illegal drugs are shown no softness in that respect. This is, as I am sure Mr Humphries would suggest - I can tell by the smirk on his face - a hard line on those who profit in illegal drugs. There is no room for any sympathy in that area. I imagine that all of us would agree on that.

In the other direction, we have advocated decriminalisation of the personal use of marijuana. The main rationale behind that is that we intend to separate the markets as far as illegal drugs go. There has been unusual success in reducing the supply of the illegal drug marijuana, thanks to the good work of police, customs and other forces. The difficulty is that, with the increased success in supply reduction, the demand has remained the same. In fact, because people buy their drugs from the same dealers, there has been an increase in the move away from smoking marijuana to injecting amphetamines. We know that there is a major increase in the problem of amphetamines in Australia. The difficulty with amphetamines is that the method of use is usually intravenous and when we get an increase in intravenous use we get an increase in risk of HIV.

Australia is leading the world in fighting the spread of HIV. In almost every other country in the world there has been a phenomenal exponential increase. In New York 85 per cent of intravenous drug users are HIV positive. We understand that in Africa the population will go into a decline at the beginning of the next century thanks to the spread of AIDS. Amongst homosexual men in San Francisco, 90 per cent are HIV positive. The statistics that come to us are absolutely horrifying.

But Australia, thanks to its harm minimisation approaches, has been particularly successful in combating the spread of AIDS. It is appropriate that Australian authorities should pat themselves on the back. As a result of far-sighted harm minimisation policies we have avoided the exponential

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spread of HIV. The danger now is a double one - that we allow ourselves to become complacent and that we allow our policies to stagnate. We must be prepared to have the courage to take that next step.

Mr Speaker, I would like to offer my thanks, firstly, to other members of the committee who have worked through very difficult issues and who have been tolerant of each other's views. There is a dissenting report in this report, but I think the nature of the dissenting report and the tolerance of the way it is written indicate that the same principles and the same concerns apply. There is a slightly different solution in Mrs Nolan's dissenting report, but I think the thrust of what she is saying comes through with the thrust of the report.

I would also like to thank the secretary, Ron Owens, for his absolutely untiring work in this most difficult area, as well as the people who presented us with information and who assisted us. Of particular note are Dr Greg Chesher and Dr Alex Wodak, who have lent their expertise and provided us with information. They are recognised worldwide as having particular expertise in this area. I draw particular attention to extra information that came in very late, after the report was already well under way, from Dr Chesher and which I have included in my preface. They are additional comments to a detailed chapter which sets out some medical risks.

Dr Chesher has explained very clearly the real risks to people who smoke both cannabis and tobacco. They are at greater risk than those who smoke either drug alone. The order of decreasing hazard is: Smokers of both drugs; tobacco only smokers; marijuana only smokers; and, of course, non-smokers. We are certainly very aware of the risks of smoking to anybody's health.

It should be said and made quite clear here that the use of drugs should be seen very broadly as a great difficulty in our society. The most disastrous drug that we are dealing with is tobacco, and the drug that is causing most problems in our society is probably alcohol. The tobacco drug is the killer drug and it is for that reason that I have moved disallowance of a gazettal notice by the Minister for Health, who has allowed advertising to be used to support the Prime Minister's XI cricket game in the ACT. That disallowance motion will, no doubt, come before the Assembly prior to that cricket match.

Mr Speaker, I believe that the recommendations in this report are yet another small step taking us in a direction of tolerance and understanding and the separation of the markets in drugs. The report provides for the decriminalisation of the personal use of marijuana. I should point out that the personal use of marijuana, as we see it, should remain as currently defined in the Drugs of Dependence Act. I say that it is a small step because the Drugs of Dependence Act has already been operating for a

number of years in the ACT and has provided for fines of \$100 for the growing of five plants, or for the possession of 25 grams of marijuana for personal use. Now, 25 grams - so that you understand it - is, in tobacco terms, about half a pouch of Drum. A tobacco pouch holds 50 grams. So, for people who do not tend to think in terms of grams, that is the level that we have used.

Mr Speaker and members of the Assembly, thank you for the opportunity to work on this committee and to deal with what is a difficult, though fascinating, area. I hope that our fourth report, our final report, on AIDS, will also assist in taking the appropriate next step in combating AIDS and in giving us an understanding and tolerance of those people who are involved, for whatever reason, in the use of illegal drugs.

**MRS NOLAN (8.15):** Mr Speaker, this committee - it has been going for some time - has been looking into what I consider to be a very difficult area but, as Mr Moore has said, a very fascinating one, especially for someone like me. At the outset of this select committee I was unfamiliar with HIV, illegal drugs and prostitution. I also would like to thank the other members of the committee, and in particular the committee secretary, Ron Owens.

Mr Speaker, I was unable to agree with the committee in regard to one section of the report. In fact, in the back of the report I have placed a short dissenting report. I wholeheartedly endorse the comments made by Mr Moore in relation to drug profiteers. In relation to the recommendations in the committee's report which refer to specific services for young people and women with drug related problems, I believe that that is an area that certainly needed to be addressed. I think the committee report has done that very well, and I wholeheartedly endorse those particular comments.

However, I would have preferred to see the committee report go along the lines of the South Australian legislation with reference to marijuana for personal use. I would have liked to see the criminal stigma taken out of that particular area, but I do not endorse either legalising or decriminalising marijuana for personal use.

I would like to read my few comments into the record. I think that they are fairly important and that they sum up the situation very well. Members can read in detail the South Australian legislation and what that does. It is in terms of an on-the-spot fine system, which I think would have been more appropriate here in the ACT. I must say that I am a great supporter of seeing legislation around Australia become very similar rather than a situation where each of the States goes off and has something that is quite different.

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My dissenting report starts by saying:

While I accept that the time was appropriate for the re-examination of the approach to problems associated with Marijuana I am unable to endorse all the recommendations of the Committee's Report.

The ACT's current policy of harm minimisation is one I support and I am of the opinion reviews must be ongoing to assess the success of such a strategy.

I think that is very important. I continue:

In the re-examination of the approach to problems associated with Marijuana it must be emphasised that illegal drug profiteers must always receive the full force of the law.

This report has recommended a strengthening in relation to those laws. As I said, my comments in this dissenting report relate only to the personal use of marijuana, and I have already made comment in relation to specific services for young people and women. I also state in my dissenting report:

The Committee's Report details the current laws within each of the Australian States and while Marijuana is a prohibited substance in each of the States, a position I endorse, I am unconvinced that cannabis consumption should be treated as a criminal offence.

The Committee's Report, I believe, should have endorsed the South Australian approach, one which cannot be described as decriminalisation however, one that does remove some of the criminal stigma. In South Australia a cannabis infringement notice system for possession, cultivation or use of small amounts by adults came into effect in April 1987.

On pages 33 and 34 of the committee's report the South Australian legislation is appropriately referred to and I would suggest that all members refer to that particular section of the report. I go on to say:

On page 38 of the Committee's Report it states that minor cannabis offences have continued to rise under the infringement notice system. I remain unconvinced however, that this in any way reflects the infringement notice system.

I believe that more emphasis must be placed on drug education, especially for young people. Drug education programs relating to both licit and illicit drugs must receive greater emphasis at both primary and secondary schools. I conclude by saying:

I do not support legalising nor decriminalising Marijuana for personal use however, I believe the removal of criminal sanctions would be the appropriate course for the ACT.

I commend my report.

**MRS GRASSBY (8.21):** Mr Speaker, I served a very short time on this committee. As there was a change of government, I found myself on all the committees, being the only member of the Labor Party who was available. A lot of very hard work had been done by the former members. I congratulate them on the work they had done, as well as the secretariat on the work it had put in in this field.

I firmly believe that the policy of the Labor Party is to decriminalise the use of small amounts of marijuana. I can see the point in this. Clogging up courts for simple things like this does not help at all. However, the Labor Party does have a very firm policy that people who are profiteering from drugs, either selling or growing, should be given very stiff and long sentences. I would be very much in support of this. The report suggests to the Government that money that has been made from profiteering in drugs be taken away from individuals who have profited from them and that they be given stiff gaol terms.

Some very good things have come out of the report. We have suggested that services be set up for women and young people who wish to get off drug use. I understand that there will be further work done in the next report in this field.

One of the things I particularly was very worried about in the preparation of this report is the fact that you can be pulled over by the police and tested for drink-driving, but how can you test somebody for being under the influence of marijuana? That is difficult. I think we have managed to cover that in the report. There are ways that this can be done. It is bad enough having people drinking and driving; but I think it would be a lot worse to have somebody very much under the influence of drugs, being very high, driving a car. They could cause a very bad accident.

It is a difficult subject to get into. I, like everybody, I think, believe that we have enough with cigarettes and alcohol. However, there are people who do not drink alcohol and who do not smoke cigarettes but who find a marijuana cigarette - possibly one a day - very relaxing, just as some people who go home and have one drink at the end of the day find it quite relaxing. We did talk to a lot of people, and there was a lot of work done before I was on the committee, which I read. The evidence shows that the amount of harm that is done to the body from a cigarette of marijuana smoked each day is nowhere near the amount that is done if somebody has a couple of drinks at the end of the day to relax.

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The point, of course, is that there are some people who think they can do it all - smoke marijuana and drink alcohol - and they do it to excess. I do not think that you can go around stopping people doing a little of what they enjoy, if it is not doing harm to anybody else. We do not stop people having a couple of drinks at night. For personal use, 25 grams of marijuana - I am not into the grams, but I understand that this is a very small amount - would roll to about five or six cigarettes. Of course, if these people were to sell those cigarettes or were to sell this amount they would immediately be classed as dealers and would be charged under the particular Act. The suggestions in the report have covered all of that area.

This report is to the Assembly and the Assembly has to decide whether it acts on it or not. This will be the decision of the Assembly. I have enjoyed working on the committee. I have enjoyed working on it with the chairman, Michael Moore, and with Robyn Nolan on the last part of it. As you will see, other people, such as Carmel Maher, Bill Stefaniak and Bill Wood, were also members of this committee in its early stage. The secretary, I must say, did a very good job. Ron Owens was called on at the last minute to get this all together, and I thank him for all the time and effort that he put into it.

This will be an interesting report for people to read. Whether the next Assembly will adopt anything that is in this report will be up to them. It is very important that we have these committees. These are the sorts of things that people do not know a lot about. I think it is very important that we listen to the people who are working in this field, for and against. I think the report has been very even-handed in that way. We are fortunate to have people from different walks of life sitting in this house at the moment, such as lawyers, schoolteachers, accountants and so on. They have expertise in those fields, but there is no way we could all have that knowledge. So, we are privileged to be able to serve on one of these committees and to acquire this knowledge, and thus be able to make up our minds after listening to both sides of the case.

I thank the Assembly for giving me the opportunity to serve on this committee. Even though I have a nursing degree, I have learned a lot, and in the short time I have served on it I really have enjoyed it.

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

**GUARDIANSHIP AND MANAGEMENT OF PROPERTY BILL 1991**

[COGNATE BILLS:

GUARDIANSHIP AND MANAGEMENT OF PROPERTY (CONSEQUENTIAL PROVISIONS)  
BILL 1991  
COMMUNITY ADVOCATE BILL 1991  
CHILDREN'S SERVICES (AMENDMENT) BILL (NO. 2) 1991]

Debate resumed from 17 September 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Guardianship and Management of Property (Consequential Provisions) Bill 1991, the Community Advocate Bill 1991 and the Children's Services (Amendment) Bill (No. 2) 1991? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to orders of the day Nos 2, 3 and 4.

**MR COLLAERY (8.29):** I feel privileged to stand in reply to the introduction of this package of Bills. It is another milestone in the process of self-government in the ACT. One should remember, in mentioning that milestone, that the Commonwealth had failed to deal with the problems, particularly problems relating to the archaic provisions of the Lunacy Act, over years and years. I am proud to be in this Assembly tonight. I am very pleased to have noted a strong bipartisan spirit in the Assembly over this piece of legislation. We have had very productive sessions today, with the accommodation of the Attorney, in dealing with some of the refinements that all legislation needs, but particularly innovative legislation of this nature.

I trust that many people will read this debate; so I will start off by introducing the concept of guardianship. I am not going to follow necessarily the order of the Bills before the Assembly. Guardianship, on the advice that I had previously - I do not mind plagiarising the good words of an excellent law officer in the Government Law Office, Brendan Bailey - embraces a range of circumstances touching upon the need for day-to-day decisions on purchases for the necessities of life, accommodation, medical treatment and property matters. Those who need guardianship orders range from those with profound disabilities, particularly profound mental disabilities, to elderly people with senility and persons with alcohol or drug induced illnesses. It may also stretch to those with brain injuries, as well, particularly the continuing line of injuries that stem from traffic accidents.

Most people are used to the manifestations of this when we think of those in institutionalised or nursing care. The common manifestation for those of us who have some professional experience in this area is when we are called



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by one relative or another to have documents signed in nursing homes. Often professionals have some ethical problems about capacity and whether there should be a third party, a guardian, involved.

Indeed, only in the last few weeks a dear old friend of mine died. He spent a difficult time prior to his demise. He spoke only French, by preference, and did not want to make his final testament to an anglophone lawyer. I found myself, in the last few weeks, drawing a will in a situation where, clearly, if we had had this legislative package in hand, we could be more accommodating and make sure that there are more services available, particularly to those of another language who are on their death bed. They could be persuaded to use that language in their dying testaments. So, there are wide implications of this legislation, particularly for the elderly, and the isolated elderly, including those of ethnic and foreign origin.

The Australian Law Reform Commission report on guardianship and management of property was tabled in this Assembly on 15 February 1990. I think it is very creditable that, by December, the Government Law Office had produced a package of Bill instructions for approval by the Alliance Cabinet. The Bill drafts were available in May, prior to the fall of the Alliance Government. I congratulate the Attorney for pursuing the impetus in the matter and bringing the Bills forward to the house.

Mr Speaker, I trust that we can process these Bills so that the archaic nature of the Lunacy Act will no longer apply to persons in the ACT, and I draw the attention of members to the comments of the Australian Law Reform Commission on that matter. Some of the issues that came up recognised the backlog of an estimated 1,500 residents who require guardianship orders, many of whom, or whose families, will not go through the demeaning process of Supreme Court action to find their relatives effective lunatics at law. It is a political imperative, of course, that this Assembly bring forward this package and debate it in an informed fashion.

Mr Speaker, the Victorian civil tribunal approach was a "you beaut" model - a freestanding specialist tribunal. It cost about \$2m a year and it serviced a population about 12 times that of the ACT. I will admit quite frankly that the Victorian model is the more attractive one, but we cannot afford it. We have to be frank about that. It will be a long time before we can afford a stand-alone tribunal. Please God, we will not ever need one because we will not have that range of problems. Therefore, the alternative proposal of absorbing and finding innovative solutions has presented itself, and the current model is the best possible option, in my view, that the Government could put to the people. It certainly has the support of the Residents Rally.

It is the model that embraced a Rally election commitment. If you go through our pink booklet you will find there an election commitment to a mental health advocate and a community advocate. I am very pleased. I have kept, in fact, a little passage from one of the original submissions where it was proposed that the title would, for convenience, and for reasons of less confusion, be "Community Advocate". I like to think that something actually came out of that much reviled electoral process before the last election by dint of all those public meetings. The very strong advocates of this legislation, some of whom are present in the chamber tonight, and some of whom have been ever present the last few days with their submissions, pressed us all during the election campaign on what we were going to do in that much neglected area.

Well, this is the time when the dividend out of self-government comes about for the people of the ACT. This is a dividend from self-government, a dividend from the much reviled election. Whatever people say about the people in this chamber, to my knowledge this legislation has had the full support of the colleagues that I worked with when we were in the Alliance Government. I am quite sure that the Labor Party support it as well. Of course, Mr Moore, as a former member of the Residents Rally, has already endorsed, in principle, the notions that this legislation represents. Mr Speaker, the youth advocate is to be absorbed into this process. With it go the funds, and that is an innovative attempt to deal with some complexity and overlap, and to have the money travel around to the best possible extent.

Today a number of amendments have been foreshadowed - amendments that one would expect for legislation drafted from an entirely new base. One of the foreshadowed amendments to be moved by the Attorney, which is supported by most of the informed commentators - I believe that it will receive the support of my colleagues in the Liberal Party - is that the paramountcy principles be expressed. Where there is a dealing with a person in a guardianship situation, the person's views and wishes, so far as they can be ascertained, should receive paramount consideration.

In the Christian moral sense, where there will be considerable attention given to this legislation, clearly there is a great emphasis on the sanctity of the human view and the human condition. It is enshrined there in the foreshadowed amendments which the Attorney will bring forward. There are numerous other machinery amendments, minor presentational amendments, that one would expect. This is no reflection whatsoever on the draftspersons, or those dealing with it from the Law Office. I anticipate that they will make for a much better Bill passage.

Mr Speaker, there has been considerable attention focused, particularly from some of the community representatives, on the physical location of this function. Courts, for many of us, are regarded as antiseptic. They are regarded as adversarial, regrettably, and they are not seen to be a

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conciliatory place. All too often, all of that is the case. So, one can sympathise with the view that we should locate these functions as far as possible from formal courtrooms. That will be recognised in the further amendments foreshadowed by the Attorney following those further strong representations.

The amendments that are foreshadowed will mean that the advocate will not customarily sit in any premises used by a court. That was always the initiative, and that was what was expressed by the Attorney when he moved the Bills; but it has been put into, simply, a little more explicit verbiage. I think that is necessary from a public relations point of view by this Assembly. We want to assure and reassure the community that the intent of the legislature is to do just what they want, to de-lawyerise the process.

In that context I support other submissions I have received to date, principally from colleagues in the Legal Aid Commission. They want to do away altogether with a proposal at clause 16 of the Community Advocate Bill that recognises implicitly the common law right to a lawyer. Even though removing that provision will not do anything to alter our rights to a legal advocate when we want one, it presentationally de-lawyerises the process and hopefully will stop the inroad that sometimes new legislation suffers at the hands of innovative commercial legal instincts. I do not want to put it any higher; I might need a living out there sooner or later.

I am sure the Law Society realises that this should be seen by the legal profession as part of a community service. It should not be seen to be a new storehouse of funds and a new source of income for the profession beyond that which is proper and that which many of us in the profession have had in the past.

As a family victim of a situation where a senile grandfather was taken to a different solicitor, and as a victim of a process that left my brother and me disinherited, I certainly support safeguards against those lawyers who will willingly lend themselves to arrangements out of nursing homes and geriatric institutions that effectively disinherit people where there has been some doubt as to testamentary capacity. Many of us know that the law in that area, which the Attorney is about to perform new wonders on in the next day or two, also needs reform. This is a very compleat week in that sense. We have the community advocacy and the guardianship reforms, and the wills reforms come later in the week. They all have a weave and a warp to them that will do much good to this community, particularly in the area of aged care.

The Victorian guardianship office found that up to 70 per cent of its business related to applications on behalf of persons in aged care where there were disputes as to the division of their property and disputes as to what to do with those people themselves. It is part of the increasing

cost of aged care in our community. In that sense the modest amounts allocated to the function, I believe, may well have to increase in the future. The Attorney will certainly have the support of the Residents Rally, with reasonable submissions as time goes on, if there is any requirement for extra funding in the area. We would not take political points off that issue.

Mr Speaker, I have indicated to the Attorney today that, given the number of brain injury cases that do come into care at times, perhaps some of the NRMA money might be able to be dedicated to that direction. That is a minor point, and I am sure that issue is also under control.

Finally, I would like to congratulate those community organisations who put so many informed submissions together over the last 18 months. I want to record the special work of a number of those individuals, but I will not go into names. They are known in the community. Their involvement in this issue goes back to the Law Reform Commission work and they have been staunch supporters of reform in the area.

I believe that all in this house will support the Bills. There will be a necessary process of change in the detail stage, but no changes which alter the essential aim that we all have, and that is to see a compact series of Bills created to deal with the pressing concerns of those in need of care, those who need protection, and those youngsters in our midst who come within the youth advocate's area.

Above all, in the centre of diplomatic activity in Australia, we have here a model package that other countries, developing countries and older countries with ageing profiles, can look at and learn from, and then understand that, although we may be a small government and we may be a government made fun of occasionally, we can really produce some decent reforms when we put our mind to it.

**MR STEFANIAK (8.45):** Like my colleague Mr Collaery, I also support the in-principle debate on this package of four Bills. As Mr Collaery said, there is, I think, a bipartisan and very cooperative approach adopted by all parties in this house in relation to these Bills. I would also like to congratulate a number of people in relation to these Bills, including Mr Collaery, who put a lot of effort into them during his time as Attorney-General. That has been carried on by the current Attorney.

Also, a number of groups have put in some very useful suggestions, some of which have been taken up by the Government and other members of this house in the way of proposed amendments. Some have not, but I think the input by a number of community groups has been of great assistance to both the old Alliance Government and the current Labor Government, and indeed the officers of the Government Law Office. Submissions received from Peter

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Sutherland, Robyn Creyke and Warwick Everson have been very helpful. There were submissions from other bodies such as ACTCOSS as well. All of those assisted in the formulation process of this very important package of legislation.

There will be a number of amendments put forward by the Liberal Party. I am indebted to Mr Connolly, the Government Law Office and my colleague Mr Collaery for fairly lengthy discussions. Basically, we had a working party this afternoon to thrash out a number of problems in relation to amendments which we would propose. A number of points were explained and argued, and I think a very satisfactory outcome will evolve from that. I am pleased to see that the Government has accepted a number of very sensible amendments which we will be proposing on behalf of the various community groups involved in relation to this essential piece of legislation. There are a couple of other very minor points which I think may still be slightly contentious, although I think even those will be overcome.

Most of our amendments will centre on the Guardianship and Management of Property Bill. Mr Collaery has mentioned the problem of cost. It would be very nice indeed if the Guardianship and Management of Property Tribunal to be established under clause 57 of the Bill could sit in its own place and if all its members could receive remuneration. But times are tough and space is limited.

However, I was pleased to see, as a result of pressure from the various community groups, the Government take on board some of their suggestions and some of their concerns in relation to not wanting the tribunal to sit in a courtroom and be as a normal court, because that is not what is intended in this legislation. Today the Government indicated that it would make some amendments which will go most of the way towards alleviating some of the problems the community groups felt would be inherent.

I would like to put on the record a couple of other points in relation to some of the community groups' concerns which have been partially allayed by the Government or, indeed, in many cases, actually taken up. There was a concern that "guardian" and "manager" were not properly defined in clause 4 and that there should be a reference in both definitions to clause 67, where there are some further definitions of temporary guardians and managers. Clause 67 says that the tribunal may make emergency appointments. The tribunal may, under clause 7, appoint the community advocate to be a guardian for a person or, under clause 8, appoint the community advocate or the public trustee to be a manager of a person's property.

So, when one looks at the reference to clause 7 and the definition of "guardian" in clause 4, and the definition of "manager" in clause 4 and the reference to a manager in clause 8, both of which are dealt with in clause 67, one

realises that there is no need for clause 67 to be included. I would make that point because it was discussed with the Law Office this afternoon and it was agreed to by the Opposition. I put that on record to allay any community concerns in relation to that.

Another community concern which was taken up by the Government, I am pleased to say, was the principles to be observed. Mr Collaery has already mentioned the paramount principle of taking into consideration a person's views and wishes so far as they can be ascertained. That should be a paramount consideration. The proposed government amendment to subclauses 3(1) and 3(2) largely satisfies the community groups who were concerned with the way clause 3 of the Bill is drafted.

Another point of concern related to clause 19. Whilst there is provision for the tribunal to hold an inquiry in respect of each order appointing a guardian or manager at least once every three years, there was concern that initially there should be an inquiry within 12 months.

Perhaps it was not fully appreciated that the initial process will be not just an inquiry; each and every case will be gone through very thoroughly to start with. That tends to alleviate the need for an inquiry within 12 months and then having another one within three years. There will be a complete inquiry to start with, which really would make that additional review within 12 months somewhat superfluous, time consuming, and costly. Once that was pointed out, we certainly had no problem with the legislation as it stands. A person's rights are well and truly protected by clause 19 as it currently stands.

The Opposition will be moving amendments to clauses 26 and 27. Whilst the Government says that it reluctantly agrees, nevertheless it does. We want to delete the words "Community Advocate" and make the public trustee the person responsible in relation to accounts and examinations of accounts. After weighing up the pros and cons, we felt that it would be more efficient and would result in better administration of this Act if the public trustee rather than the community advocate carried out the roles envisaged in clauses 26 and 27. I am pleased to see that the Government shares that point of view.

Concern was expressed by community groups, when talking about clause 27, that interested parties, as defined in clause 35, should have access to the accounts; that the public trustee should have a discretion to refuse access; and that there be a right of appeal by interested parties against the exercise of that discretion. Again, after much discussion, it was pointed out that that could be construed as being unnecessarily paternalistic; and also the tribunal, as at present, would allow access by interested

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relatives, either in the original order or by a variation of the order. So, there are adequate protections already in the Bill. Accordingly, after that was pointed out and gone through, I think some of the fears there would be alleviated.

In relation to further concerns by the community in relation to clause 32 and clause 34, the Government again has taken them up. The community felt that the tribunal should not really sit as a court. The Government has again taken up those concerns, to the satisfaction of the interested parties. I am pleased to see that the Government has agreed to the amendments to clause 35 which will be put forward by the Opposition. I will move those in due course. Rather than each child of the person who is over 18 being an interested party, the amendment will ensure that each child of the person is an interested party. Children who might be 15 or 16 could certainly be interested; indeed, in some cases, even younger children could be.

It was also felt necessary by the community groups, and indeed the Opposition - I am glad that the Government has agreed to it - that a further catch-all be put in there; namely, a further category of such other persons, if any, as the president determines. Again, I am pleased to see the Government take heed of that.

I have had some discussions tonight with the government law officers in relation to concerns the community and we have in relation to the word "president". Perhaps it should not be occurring as often as it does and the word "tribunal" should replace it from page 16 through to page 20. There are some good reasons, I am assured, in relation to that - for ease of administration and, on balance, it would make it simpler for the efficient operation and administration of this legislation. I have indicated to the officers that there may be a couple of points there where, perhaps, the word "tribunal" would be more appropriate. That is, indeed, I think, still to be conceded by the law officers and is yet to be completely sorted out; but, no doubt, due to the cooperation that has occurred today, that will be a very minor problem.

I am also pleased to see further government agreement to an amendment we are proposing to clause 56, which will be to put in paragraph (1)(a) a reference to parties who appeared or were entitled to appear before the tribunal, and to subclause 36(1) which refers to the various classes in clause 35. That will make that section complete and, indeed, more workable.

The community groups were somewhat concerned not so much about the size of the actual tribunal that sits but the panel. I am pleased to see that the panel is envisaged to be a broad panel, but the tribunal itself will consist of a president, or an acting president, and two other members.

That is not, I think, in dispute by any group concerned. I think it is heartening to note, and it should be put on record, that it is envisaged that there should be some 25 to 30 people on the panel.

The Government has also agreed to an opposition amendment to subclause 58(7). We intend that subclause to read:

Subject to this Part, a member of the Tribunal holds office on the terms and conditions (including remuneration) specified in the instrument of appointment.

The community is concerned that the members of the tribunal are volunteers and will not be paid, and there is no provision for them to be paid at some time in the future. Accordingly, they were keen to see that.

Another factor which was pointed out by the Government Law Office is, I think, very relevant. Under paragraph 58(2)(b), one of the qualifications for a president is that the person has to be enrolled as a barrister, solicitor or legal practitioner of not less than five years' standing. It may well be that the president will be a magistrate. But, in case the president is not a magistrate, the president is going to have to sit a lot and, if that person is a practising lawyer, there may well be some need - I am sure there will be - to give some remuneration. By putting "(including remuneration)" in subclause (7), that will certainly assist if, in fact, the president or acting president is not a magistrate, but is a legal practitioner under paragraph 58(2)(b).

There were further concerns by the community in relation to clause 59 and whether there was need to have an acting president, or a deputy president, or other members, in fact, to be able to take the role of president if the president or, indeed, the acting president, was away. There are provisions for that in another Act - I think, the Acts Interpretation Act - in terms of other members, but the Government has alleviated the problems there by putting in a provision later on for an acting president. This will take up the problem which was there initially in clause 59. Accordingly, that clause now does not cause the problem it did originally.

The Government will introduce amendments to clause 63 to provide for an acting president who will have all the powers of the president and will be able to stand in for the president at any time. That, I think, will alleviate a lot of concerns. There was concern that, for example, if the president was called away for other duties in Canberra - maybe in another room in the same building - there was a need for the acting president to take over. That will be able to be done under clause 63 and that is, indeed, most necessary.



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Finally, there was a concern in the community in relation to the staff. Under clause 64 the staff required to assist the tribunal in the performance of its functions are to be public servants made available by the head of administration. The question was: Who would they be responsible to and who would they answer to? The Government has agreed to our suggestion that a clause should be put in there to make them subject to the supervision, at least, of the tribunal. That has been accepted by the Government. Also, a typo in clause 58 is to be rectified.

I thank the government law officers for their diligence and their very prompt response to the matters we thrashed out this afternoon. I look forward to the final draft amendments which will be placed before this house - not tonight, but shortly. I have no problems in commending to the Assembly this legislation and, indeed, the Opposition amendments when they come. My party supports this package of Bills.

**MS MAHER** (9.01): I rise briefly to congratulate the Attorney-General on bringing forward this package of Bills. I would also like to congratulate the former Attorney-General, Mr Collaery, for all the time and effort that he spent with the Law Office and community groups in initiating a lot of the legislation that is being put forward. It is pathetic that the Commonwealth has allowed the ACT to be governed by out-of-date legislation like the Lunacy Act of 1898. The community has worked hard for the changes that are being presented.

The guardianship issue is one that has been around the community for a long time. It is good to see that it is recognised that there is a need to protect those who are unable to manage their own affairs, and the relatives of those people; and also those who know that they are losing full control of the functions of their mind through disease or illness.

I commend the Attorney-General for bringing forward some amendments to the legislation which the community has been working very hard on since 12 September when this legislation was tabled in the Assembly. Amendments will continue to come forward and the debate will be adjourned until the Assembly members are agreed on those amendments. Different issues have come up in the amendments.

I think that Mr Stefaniak and Mr Collaery have gone through most of those, and I will not repeat them. I would just like to congratulate the community groups, the Attorney-General, Mr Collaery and the Law Office for their hard work, and to say that I will be supporting the legislation.

**MR HUMPHRIES** (9.03): Mr Speaker, this is, as other speakers have said, a very significant package of legislation to come before the Assembly. I might say that the Government is lucky that these Bills are being debated this evening. The Bills were introduced originally, as members will recall, on the 12th of last month and put on for debate by the Assembly on the 17th of the same month, which was, of course, five days later - the very next sitting day after the Bills were introduced. Even on that occasion the Government resisted the concept of adjourning these Bills for debate at a later stage. Members will recall that the vote was 10 to 6, with the Government voting against the adjournment motion.

I have to say that I, for one, am extremely glad that that adjournment did occur, because since that time I have read a number of submissions from members of the community who obviously had quite significant concerns with aspects of this package - concerns which simply could not have been addressed if we had fully dealt with the legislation on the day the Government originally proposed.

**Mr Connolly:** Just the in-principle stage.

**MR HUMPHRIES:** Mr Connolly interjects that they were proposing to go only to the beginning of the detail stage. Well, originally, there was no such suggestion from the Government; they were simply talking about bringing the thing on for debate. They later clarified this and said that they were going to have some adjournment after the in-principle stage for the community's comments to be made.

The Attorney-General points out in his in-principle speech that the legislation has been patiently awaited by the local community for a number of years. He seemed to be interested in compensating for the laches in getting this legislation forward by greatly accelerating its passage through the Assembly. I do not believe that any legislation of the significance of this package of four quite complex, quite important Bills should be debated even to the in-principle stage five days after it first appears on the floor of this Assembly, particularly when there has not been any opportunity for an exposure draft of the Bill to be on view to the whole community. I believe that we should not allow incidents of that kind to recur.

However, the point of my commenting tonight is not to criticise the Government for attempting originally to bring this matter on too soon, but rather to say that the fact that the legislation is here is of great significance and, I believe, ought to be wholeheartedly supported by all of the members of the Assembly. I have heard a great many concerns about aspects of the legislation - concerns which Mr Stefaniak has already made reference to - and I think most of those concerns either are being picked up by the Government or will be picked up in Opposition amendments. I am sure that, as a result of those things, the legislation will be greatly improved.

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I want to make reference to the general tenor of the legislation and the importance it represents for people with intellectual or other disabilities in the ACT who may benefit from its provisions. Let me say, first of all, that the legislation provides for a less expensive, a less formal and therefore a more accessible environment in which people with particular disabilities might be able to have their problems addressed by a semi-judicial process, or a judicial process which results in their affairs, whether they be their health or their welfare, being adequately dealt with and treated in the absence of their own good judgment.

I do not believe that this legislation needs to be seen as a major departure from the civil liberties of people in those circumstances. This clearly is a package of legislation that provides for the protection not only of those individuals but also of those around them, particularly either those who are dependent upon them or those on whom they may themselves be dependent.

The essential core of the legislation lies, I think, in clause 7, which provides that the tribunal, if it is satisfied by certain circumstances, may make an order to appoint a guardian for a person, "with such powers as are necessary to ensure that the person's health or welfare are adequately protected". There are similar powers to appoint managers also elsewhere in the legislation.

It is interesting to note the provisions of subclause (1) of that clause, dealing with the grounds on which such an application might be made. They refer to the situation where, because of a physical, mental, psychological or intellectual condition, a person is unable to make reasonable judgments about matters relating to his or her health or welfare, or do anything necessary for his or her health or welfare, and, as a result of that, the person is substantially at risk with respect to their health or their welfare.

Those words, "mental, psychological or intellectual", are quite broad. They go beyond merely a person with a permanent intellectual disability or a person who, under the old legislation, the legislation which has been superseded by this Bill, might have been termed insane. They go beyond people who are suffering a potentially temporary problem to people who are suffering conditions that are not fully classifiable as a permanent intellectual condition that may warrant long-term treatment.

It is therefore necessary to note that this legislation does have potentially very wide application and will require considerable care by those who employ its provisions, to ensure that the rights of people who are affected by it are not infringed. I am confident that,

with the right appointments to that tribunal, we have the potential to ensure that that balance is struck and maintained; but I urge those who from time to time have cause to resort to this legislation to do so with great care.

It is also interesting to note the principles under which the legislation will be administered. Those principles are set out in clause 3. They make reference to a person needing assistance or protection from abuse, exploitation, or neglect - of course, that raises the very real prospect of children being covered by the provisions of the legislation - or a person being legally incompetent or unable to enter into particular transactions because of a physical, mental, psychological or intellectual condition.

The conditions are also set out in subclause (2), whereby certain powers might be exercised. The subclause refers generally to such things as ensuring that people are appropriately protected; that their views and wishes, so far as they can be ascertained, are being respected; that their lives are not being interfered with, except to the least extent necessary; and that they should be encouraged to look after themselves. Obviously, it will not always be possible to meet those provisions. It will not always be possible to ensure that a person's wishes, for example, are respected, particularly where a psychological condition is severe.

Naturally, therefore, the principles in subclause (2) of clause 3 cannot always be the touchstone of everything that a guardian or a manager might do under the legislation; but that, of course, is not the point of those principles. They are guidelines. They are sets of principles meant to offer an ideal path but in circumstances that cannot always, unfortunately, be respected.

I have noted, with interest, limits on the findings of disability that govern the operation of the legislation. They are contained in clause 5. I suppose this indicates that in this day and age we have a very different view of what constitutes an intellectual or psychological condition. Reference is made to a person not being taken to have a condition of that kind merely because the person is eccentric. I am sure many of us in this place will be relieved to see that.

It refers to whether a person does or does not express a particular political or religious opinion, is of a particular sexual orientation or expresses a particular sexual preference, or engages or has engaged in illegal or immoral conduct. That, of course, harks back to an age when particular forms of activity were frowned upon. Even particular opinions were considered to be so extreme as to warrant some control or restraint on a person's ability to act in conformity with those opinions or those preferences.

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Naturally, this again raises the question of how those who exercise the legislation strike the balance between the rights of the person they deal with and the requirement or the need of those people to be protected, with respect to both their health and their welfare.

The rest of the legislation sets out, I think, a fairly comprehensive set of circumstances under which the legislation can be pursued. Naturally, there will be teething problems. I expect that the Assembly may well have to deal in the future, perhaps in the next year or so, with amendments to the legislation to take into account problems in the administration. I am sure that when the time comes we will all be very pleased to see how well, hopefully, the legislation is working. I certainly believe that there is evident in the legislation a framework to ensure that it does work reasonably well.

Mr Speaker, as my colleague Mr Stefaniak indicated, I certainly join my colleagues in commending this legislation to the house, congratulating those who made it possible, including the present and former Attorneys-General, and wishing its passage through the Assembly the accompaniment of successful administration in the years ahead.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.15), in reply: Mr Speaker, I was very pleased to hear the remarks of members tonight - of Mr Collaery, the former Attorney who steered this legislation through its earlier stages, Mr Stefaniak, Ms Maher and Mr Humphries - apart from Mr Humphries' earlier hysterical ravings which I suppose he could not resist getting into and which I will return with interest a little later on. At the outset I think we should rise above all of that and really reflect on the very positive references that have been made by all members to this legislation.

There is no doubt that this legislation is long overdue. If the Government is at fault in any of this, I suppose our fault is overeagerness. As I interjected during Mr Humphries' remarks, this is a government that is hungry for reform; this is a government that, when it sees an injustice, wants it remedied. There is no doubt that the situation that has long prevailed in this Territory, where people have had to be placed in the undignified position of going before the Supreme Court and seeking orders under the Lunacy Act 1898, has been a severe injustice, and this Government wants that remedied and wants it remedied quickly.

The reforms in this package of legislation, which were first suggested by the Australian Law Reform Commission, are reforms that generally all are agreed should happen. There is no doubt that, when the legislation was presented to this Assembly by the Government on 12 September, we

acknowledged and were aware that there may be some refinements and finesses that could occur. There has been strong community interest and involvement in this legislation.

This legislation, in its present stage, let alone its better stage, which it will be in once the amendments that the Government has foreshadowed are passed, owes a lot to the efforts of a dedicated group in the Canberra community who have worked on this for some time. It would be inappropriate to go through a long list of people who have been involved; but it is appropriate to mention Peter Sutherland, Robyn Creyke, Warwick Everson and Chris Staniforth, four members of the Canberra community - although there have been many others - who have put a lot of hours and a lot of effort into getting the legislation to where it is and making improvements to it.

We were keen, as Mr Humphries accused us of being, when this legislation was first introduced, to get it to the in-principle stage of debate. That was because we believed that there was in-principle agreement to what this legislation is on about. That is abundantly clear from tonight's comments. Everybody agrees that the former situation was appalling. Everyone agrees that reform is necessary. And the view of the Labor Government was, "Let us get the legislation on the table, let us get agreement at the in-principle stage and let us sort out the details later".

I am very proud of the process by which those details have been worked out. The Labor Government, on this legislation, as on all legislation it will present, does not adopt a dogmatic approach. We are committed to reform and we are committed, as Ms Follett has repeatedly said, to consultation. We are here to govern in the interests of the Canberra community. We will put up a proposal of legislation which we believe is advancing the community interests, and, if community groups have concerns or views or suggestions, we are keen to talk.

On this legislation, when it was introduced on 12 September, we had discussions with the relevant community groups that have been most concerned about this. I sat down and spent some time with community groups and agreed even then that we would be looking at accepting some of their proposals for reform. On others I explained that we had some problems.

The process that has occurred this afternoon is a process that the Government is certainly proud of; that is, we have provided senior officers who have been involved in the development of this legislation. Mr Bailey, of the Attorney-General's Department, who has been involved in this from a very early stage, and Mr Clifford, of

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Parliamentary Counsel, sat down this afternoon and spent many hours with Mr Collaery and Mr Stefaniak, going through both the community groups' concerns and the legitimate concerns that the Liberal Party and the Residents Rally had and trying to reach a compromise solution.

I am very confident that the position we reach tonight, which is that we will, hopefully, agree unanimously to the in-principle stage of this legislation, will be a very positive signal to the community that the Assembly is united on this. I hope that we will then progress, fairly shortly, to deal with the detail stage and a slate of amendments, moved by me from the Government or accepted by the Government from the floor, which will lead to legislation which leads the Australian community.

There is one issue which has been raised repeatedly from community groups, on which we have agreed to accept amendments and which I really want to stress - as Mr Collaery had the courtesy to acknowledge - and that is the issue of where this tribunal sits, the issue of the relationship of the tribunal with the courts. The Labor Government has been very conscious of the need to avoid this guardianship tribunal being seen as part of the court structure. We consciously amended the legislation from its earlier stage, which had it as a part of the Magistrates Court, to have it sitting separately as a tribunal.

We consciously amended the criteria for appointment to the chair of the tribunal, to avoid the need for a judicial officer and to have the criteria for chairing the tribunal to be either a judicial officer or a person of five years' standing as a practitioner. The legislation as presented made it clear that it certainly was apart from the Magistrates Court; that the person who chairs the tribunal need not be a judicial officer. I said in the introduction speech that it was my intention that the tribunal would not sit as part of the court.

The community groups had concern about some of that and we have agreed that we will make it express in the legislation that it will not be part of the court. So, I would certainly assert from the Government side that we have approached this with good will.

Mr Humphries was having a bit of a grizzle about the pace of reform that we were pressing. Well, I suppose that, in the Liberal Party at the moment, with all the comings and goings, with people coming into the party and leaving the party, or carrying on in the ACT division of the Liberal Party - I like that word "division" - - -

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

**Mr Moore:** There is no division; it is all broken up.

**Mr Humphries:** I think Mr Connolly is drifting from the point of the legislation he is putting forward. I cannot see what his favourite subject has to do with the Community Advocate Bill or the guardianship Bill, and I would hope that he would return to his subject.

**MR SPEAKER:** I uphold your objection, Mr Humphries.

**MR CONNOLLY:** Mr Moore says that there is no division; it is all broken up. Anyway, as I was saying, the Liberal Party, or at least Mr Humphries, may not like the pace, but we were anxious to progress the in-principle stage. We were always saying that we would accept consultation on the detail stage. That has occurred.

I am confident that the Bill in principle will be agreed to tonight and that this Assembly, very shortly, will be able to proceed to the detail stage with, effectively, an agreed slate of amendments that will mean that this Territory moves, in effect, from the nineteenth century - from the shameful position of the Lunacy Act 1898 - to legislation which reflects the best of law reform into the twenty-first century. That will reflect credit on the entire Assembly.

**MR MOORE (9.24):** Mr Speaker, I seek leave of the Assembly to make a few comments in the in-principle stage of this debate before we actually vote on the in-principle stage. I was not in the chamber when I should have risen, and I apologise for that.

Leave granted.

**MR MOORE:** Thank you. I will be quite brief in my comments. I certainly welcome, along with other members, the general thrust of this legislation. I would like to take the opportunity to compliment Mr Collaery on his extensive work in this area. It is something that I had discussed with him long before this Legislative Assembly was formed. I think it would be churlish of anybody to take away from Mr Collaery the work and the effort that he has put into this particular legislation. It is something that he can be very proud of. I think the community owes him a debt of gratitude for it.

Many other people, too, have worked on this particular legislation. The current Attorney-General has followed up on it and members of the community have been working on it for many years. It is very welcome that we can agree in principle on this debate and bring ourselves into this century just a little less than a decade before we go into the next.

The package certainly is a major step in the right direction. However, there are, of course, a few areas of detail that are currently under discussion. There are some amendments that I shall be looking at carefully, along with other members of this Assembly, to ensure that the legislation is the best possible legislation that we can



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get up. Rather than going into those details - I appreciate the fact that members have given me leave - I would just like to say, Mr Speaker, that I support the in-principle stage of these four Bills.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clause 1

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

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

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

That orders of the day Nos 2 to 4, Executive Business be postponed until the next day of sitting.

### **HOUSING ASSISTANCE (AMENDMENT) BILL 1991**

Debate resumed from 12 September 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MR JENSEN** (9.27): Mr Speaker, I will not be talking for too long this evening on this subject. It is, after all, a machinery Bill. When we talk about public housing we are really talking about the requirement for public housing to be accessible and affordable. It could be suggested that public housing as such is a right and not a privilege, particularly for those who, for various reasons, cannot afford their own home. They are forced to require public housing assistance to enable them to achieve a roof over their heads.

The legislation that we are debating very briefly here tonight is very important. I note that it picks up an undertaking given by my colleague Mr Collaery, when he was the Minister for Housing, to the Legislative Assembly Scrutiny of Bills Committee in relation to subordinate laws on this matter. It picks up those recommendations, which, I think, is very important.

Subordinate legislation, Mr Speaker, as we find out from day to day, is a very important and oft forgotten part of legislation. Often we find that subordinate legislation and regulations are signed into law by Ministers without any real ability of the parliament to effectively control them. I cite, for example, the proposals for variations to the Territory Plan under the Interim Planning Act which, quite frankly, Mr Speaker, leave a little bit to be desired in that area. That is something that I note is to be addressed in the new planning legislation.

On this matter it is appropriate to refer, first of all, to the need for public housing and the need to get away from the ghetto-type mentality that we have seen in the past in the ACT. Large groups of public housing have been put up in one place and that has created all sorts of problems. There was a recent variation proposed for public housing in South Tuggeranong which suggests to me that maybe the Housing Trust should have entered into a bit of a joint venture in that area and maybe another joint venture in another area so that they could spread around a little more the extent of the medium density housing which is most important for our residents, particularly the young and the aged. That is something that maybe the Housing Trust needs to continue a little bit further down the track, particularly in that case.

With those few short comments, Mr Speaker, I indicate that the Rally will be supporting this legislation. We wish it a speedy passage through the house.

Debate interrupted.

#### ADJOURNMENT

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

That the Assembly do now adjourn.

**Ms Follett:** I require the question to be put forthwith without debate.

Question resolved in the negative.

#### HOUSING ASSISTANCE (AMENDMENT) BILL 1991

Debate resumed.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.31), in reply: I am pleased that this legislation is obviously going to go through the Assembly with no dissent. As I stated in the introduction speech and as Mr Jensen

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reiterated, it is essentially a machinery Bill. It reiterates the commitment that the Labor Party has shown, both in government and in opposition - demonstrated most clearly in opposition by our amendments to the Subordinate Laws Act - to increase the Assembly's control over legislation, that at the end of the day it is the Assembly that has the final say over the laws of the Territory. We had a position - a somewhat anomalous position - where certain determinations made under the housing assistance legislation were not reviewable by this Assembly. The Labor Government took the view that that was inappropriate, and this legislation was introduced.

Without entering into a sort of partisan squabble, I would want to take some exception to Mr Jensen's comments or concerns that the Housing Trust in the Territory is in some risk or danger of developing a ghetto mentality. I think that was his phrase.

**Mr Jensen:** I never said that at all.

**MR CONNOLLY:** No. You did, indeed, say "ghetto mentality" and that it needed to be avoided. The ACT Housing Trust, I think, has a very proud reputation compared to public housing authorities in other States, particularly in New South Wales and Victoria, of avoiding that. There are people who study urban development and look at these issues. In particular I think of Professor Hugh Stretton, whose seminal work *Ideas for Australian Cities* remains the inspiration for people who look at public housing reforms and better ways of delivering social housing.

Stretton looks at the ACT and the example of the ACT Housing Trust, which was modelled very much on the South Australian Housing Trust, as a public housing authority which has always consciously avoided developing public housing ghettos. To the extent that we had block developments that were inappropriate, it is a proud record of the first Labor Government, at the time of my colleague Mrs Grassby, that one of the most difficult blocks or ghettos, to use Mr Jensen's term, was done away with.

While perhaps it is appropriate to warn, as Mr Jensen has done, we should recall that the Housing Trust in the ACT has always been very conscious of that need to avoid so-called public housing ghettos and it has, in general, done a very good job and continues to do so. I am pleased that members have no quibble with the legislation, and I wish it a speedy passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### **Nobel Peace Prize**

**MR COLLAERY** (9.34): Mr Speaker, I rise to record here the great satisfaction many Australians, and many of those in the Amnesty movement, would feel at the award of the Nobel Prize to Ms Aung San Suu Kyi that was announced last night in recognition of her struggle for democracy against the Burmese military dictatorship.

I do not wish to say too much that could cause that person, who is under constant house arrest, any problems. I merely want to record that the ACT Amnesty groups have worked hard in relation to the problems in Burma and the restrictions of the military junta controlling matters there. I am very pleased to see that the Nobel Prize has gone to someone who, by force majeure, is working in the background, in fact almost under lock and key. The world is yet to hear more about this woman.

One hopes and prays that she will stay alive, that her safety and security will be guaranteed. I believe that it is a great credit to the Nobel Prize committee that they have seen fit to award it to this woman and so raise her profile to such a status that that military regime would find it almost impossible to justify any injury or damage to her during her continued unconscionable house arrest.

Mr Speaker, I put those remarks on the record, as chairman of the struggling Amnesty group in the ACT Assembly and on behalf of the fine Burmese friends some of us have, including a very effective spokesperson for the national liberation movement for Burma based in the ACT. I will not use her name here, but that person is known to me and to my colleagues Dr Kinloch and Mr Jensen. She is a most effective spokesperson for that democratic movement in Burma.

If Senator Gareth Evans is going to support the comments we heard yesterday from Mr Hawke at the meeting he is attending at the moment, it is time for Australia to raise its voice on human rights matters in the Asian region. I am sure he knows what we mean in relation to Burma and I believe that the Federal Government should move prudently but forcefully and assertively to have this woman taken out of her house arrest. She should be allowed to travel to Oslo to receive her Nobel Peace Prize.

### **Nobel Peace Prize**

**MR HUMPHRIES** (9.38): Prompted by Mr Collaery's comments, I feel compelled to rise and record my party's congratulations to Ms Aung San Suu Kyi as well, on the basis of her winning of the Nobel Peace Prize. Clearly, the benefit that that particular award brings to Burma is to remind the world that Burma is still facing a very sustained period of military rule. The reminder that this provides to the world that Burma remains one of the isolated places in the world which have not yet experienced the winds of change the rest of the world is now enjoying is, I think, very timely.

The world saw elections there two years ago, thus providing the chance that Burma would leave the very closed society that had been characteristic since the end of British rule at the end of the Second World War. That hope was dashed by military takeover following that election and the detention of Aung San for two years since that election. I sincerely hope, as my colleague Mr Collaery indicated, that we will see very soon a change of heart on the part of the Burmese Government and, in fact, that we will see, as a result of this award, a greater recognition of the role that people like Aung San have played in bringing Burma into the modern world.

As a woman, she deserves congratulations for being able to lead a fight of the kind that she has led, even from the effective barrier of a prison, in raising the profile of her country's plight and attempting to lead it in a way which is not characteristic, necessarily, of that society. It is one where women are not necessarily seen as people who have the same rights as men, although I could not fail to observe that she comes from a part of the world where women leaders are not uncommon. Nonetheless, it is a great achievement for her, and on behalf of my colleagues here in the Assembly I extend our congratulations also on her award of the Nobel Peace Prize.

### **Nobel Peace Prize : Union of Soviet Socialist Republics**

**MR STEFANIAK** (9.40): Like my colleagues Mr Collaery and Mr Humphries, I express my congratulations on the award of the Nobel Peace Prize to this dedicated freedom fighter. I note my friend Mr Humphries' comments in relation to the winds of change not yet having touched Burma. There are a few other places in the world where that is still true, I suppose. China still has a repressive regime. Yugoslavia still has a repressive communist regime trying to enforce its rule on the various states there. We are seeing a lot of bloodshed there at present in the Croatian republic.

One event which should not go unnoticed because it is so terribly important for democracy in the world occurred in August. I do not think anyone has commented on it. I refer to an attempted coup in the Soviet Union by hardliners and militarists, to stop the reforms instituted by President Gorbachev and other like-minded reformers in that massive country and superpower. Luckily, that coup was very short-lived - only some 72 hours. As a result of actions by the Soviet people themselves, including various commanders in the Red Army and their troops who refused to carry out orders to fire on the crowds, and popular leaders such as Boris Yeltsin and Mikhail Gorbachev, further progress towards reform of that previously abhorrent totalitarian empire has been accelerated. That can only assist world peace and the prospects of democracy throughout the world.

There was a bit of unilateral disarmament by President Bush of the United States, backed up I think by some of his European allies. Mr Major, the British Prime Minister, also announced getting rid of certain classes of nuclear weapons. I was a little bit concerned because I wondered whether there was going to be a corresponding gesture by the Soviet Union, and there was. Mr Gorbachev made similar gestures, and now whole classes of nuclear weapons will be dismantled. I think this is further progress towards a much safer world.

Of course, we will always have, unfortunately, some wars in this world. Luckily, I suppose - as luckily as you can be when one talks about wars, because that involves killing innocent people - those wars in a sense will be at least localised and the chance of a global conflagration has been lessened very considerably in recent months. One of the more recent catalysts to that was the unsuccessful coup in the Soviet Union. I look forward to further progress on the world scene in terms of democracy for the few remaining countries which have communist dictatorships left.

**Mr Connolly:** There are right-wing dictatorships too.

**MR STEFANIAK:** Well, and right-wing dictatorships too, Mr Connolly; but do not get so hung up about them. Right-wing dictatorships and communist dictatorships are equally abhorrent. I am talking about the few remaining communist dictatorships. The events in the past couple of years have been very promising indeed. Every day now we see further improvements in the world situation, further progress in countries which have been totalitarian dictatorships of various political persuasions. That can only be applauded. I think it is very appropriate to mention that today when we congratulate a freedom fighter from Burma who has been given the Nobel Peace Prize.

Question resolved in the affirmative.

**Assembly adjourned at 9.44 pm**

**ANSWERS TO QUESTIONS**

**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 425**

**Cook Primary School**

MRS NOLAN - asked the Minister for Education and the Arts on notice on 6 August 1991:

On the reopening the Cook Primary School -

- 1 Will the School employ a librarian.
- 2 Will the students receive music tuition.
- 3 Will the students receive art tuition.
- 4 Will the students receive craft tuition.
- 5 Will the students have a canteen operating.
- 6 Will the students have the opportunity to participate in school excursions.
- 7 Will the School operate a special education program.
- 8 Will the students have access to an Aussie Sports after school program.
- 9 Will the students have access to a spiral program.

MR WOOD - the answer to Mrs Nolans Question is:

- 1 A librarian will be employed for one half-day each week and parents will act as library assistants.
- 2 Music programs are available at the school.
- 3&4 The school offers an Arts Program which includes Art, Dance, Craft, Visual and Performing Arts and Media.
- 5 The canteen will be opened five days a week.
- 6 The school will offer its students opportunities to participate in school excursions.
- 7 No student has been identified as requiring a special education program. Staff regularly monitor the progress of their students to ensure that their education needs are met. Five students have been identified as requiring English as a Second Language support.
- 8 The school is arranging Aussie Sports skills acquisition sessions for the students.
- 9 All students have access to a spiral program. The depth and breadth of their knowledge and skills are developed upwards through an expanding process of new learning and enrichment.

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**MINISTER FOR EDUCATION AND THE ARTS  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 426**

**Lyons Primary School**

MRS NOLAN - asked the Minister for Education and the Arts on notice on 6 August 1991:

On the reopening the Lyons Primary School-

- 1 Will the School employ a librarian.
- 2 Will the students receive music tuition.
- 3 Will the students receive art tuition.
- 4 Will the students receive craft tuition.
- 5 Will the students have a canteen operating.
- 6 Will the students have the opportunity to participate in school excursions.
- 7 Will the School operate a special education program.
- 8 Will the students have access to an Aussie Sports after school program.
- 9 Will the students have access to a spiral program.

MR WOOD - the answer to Mrs Nolans question is:

- 1 A librarian will be employed for one day each week
- 2 Music programs are available at the school.
- 3&4 Art and craft tuition is given to all students. This program involves considerable parent participation.
- 5 The canteen will be opened three days a week.
- 6 The school will offer its students opportunities to participate in school excursions.
- 7 Special education programs will operate within the staffing formula. The school caters for the individual needs of students.
- 8 Access to an Aussie Sports program is currently being negotiated.
- 9 All students have access to a spiral program. The depth and breadth of their knowledge and skills are developed upwards through an expanding process of new learning and enrichment.

3726



15 October 1991

**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE NO. 427**

**Primary Schools - Costs**

Mrs Nolan - asked the Minister for Education and the Arts on notice on 6 August 1991:

- (1) What is the cost per student for Government Primary education in the ACT.
- (2) Will this cost be applied to students at Lyons and Cook Primary Schools.

Mr Wood - the answer to Mrs Nolans question is:

- (1) For 1989-90, the average recurrent expenditure per student in ACT government primary schools was \$3910 (source: National School Statistics Collection)
- (2) Special staffing arrangements have been made until the end of 1991 to ensure minimum disruption to students educational programs as a result of the reopening of Cook and Lyons Primary Schools. From the beginning of the 1992 school year resources will be allocated to Cook and Lyons Primary Schools on the same basis as to other ACT government primary schools. The per-pupil cost is likely to remain slightly higher than average due to the diseconomies of scale inherent in small schools.

3727

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

**Question No 456**

**Residential Land Servicing**

MR KAINÉ - Asked the Treasurer upon notice on 6 August 1991:

What will be the next effect on the ACT economy over the next five years resulting from the estimated \$70 million borrowing to pay for servicing residential land.

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

The Government has not considered the issue of changing arrangements for servicing residential land, and has no intention of reviewing the matter during this term of Office.

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15 October 1991

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

**Question No 457**

**Residential Land Servicing**

MR KAINÉ - Asked the Treasurer upon notice on 6 August 1991:

Given that the Loans Council has placed a restraint of \$65 million upon ACT Government borrowing, how is it intended to encompass the estimated \$70 million cost of residential land servicing within that ceiling.

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

As the Members question is entirely hypothetical no response, other than that contained in the answer to Question No 456, is warranted.

3729

**MINISTER FOR SPORT  
LEGISLATIVE ASSEMBLY QUESTION ON NOTICE**

**QUESTION NO 470**

**Sport and Recreation Administration**

Mr Stefaniak asked the Minister for Sport - In relation to the implementation of the Hartung report on the review of sport in the ACT

(1) When will the sports council be established.

Will the Minister implement fully the reports recommendation that all sport come under one government department, and if so, when will this occur.

(3) Will the Minister undertake to utilise the administrative savings created as a result of this report for sports purposes only.

Mr Berry - The answer to the Members question is as follows:

(1) I am presently considering arrangements for an advisory body, or sports council, with a strong consultative role in setting strategic directions for assisting the government to meet its objectives for sport and recreation. I expect to make an announcement on this council in November.

(2) The Government has acted immediately to implement the Hartung reports major recommendation on amalgamating the sport, recreation and racing functions by establishing a new Office of Sport and Recreation within the Department of the Environment, Land and Planning. This office has consolidated the responsibility for the Bruce Stadium, sport and recreation facilities and development programs.

The Government has now also included additional racing functions, including responsibility for the TAB and betting policy, within my portfolio. .

The recent ACT Budget has identified savings of \$100,000 to be achieved from the amalgamation of the sport and recreation facilities and programs functions. These types of savings are being used to assist in the reductions necessary to meet the challenging financial and budgetary circumstances currently facing the Territory and to provide a balanced 1991-92 Budget.

3730

15 October 1991

**Legislative Assembly Question  
No. 476**

**Bail Legislation**

Mr Stefaniak - asked the Attorney-General:

With regard to the Bail Bill which the Alliance Government had ready to introduce

1. Given the strong community support for this Bill, when will it be introduced?
2. If it will not be introduced in the August sittings, why not?

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

1 & 2. The Bill is receiving further consideration in the light of the recommendations of the Royal Commission into Aboriginal Deaths in Custody and of the Victorian Law Reform Commission and following questions about its consistency with the Supreme Court Act. It was also considered appropriate to seek the views of the newly appointed Director of Public Prosecutions on the Bill.

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**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE NO. 480**

**Physical Education**

MR STEFANIAK - asked the Minister for Education and the Arts on notice on 6 August 1991:

Given that sport is not compulsory in the ACT education system:

- (1) Will the Minister rectify this situation.
- (2) What steps does the Minister intend taking to ensure that the ACT education system provides students with physical as well as academic education?

MR WOOD - the answer to Mr Stefaniaks question is:

- (1) The second part of the question will be addressed first.

The ACT education system provides all students in ACT public schools with wide ranging provision in physical education as detailed below:

- (a) While physical education is not compulsory at all levels of schooling in the ACT, the ACT Department of Education and the Arts Draft Curriculum Policy (1990) clearly establishes the position of physical education within Health, as one of the eight essential areas of learning.
- (b) Sport is a component of the physical education curriculum, which includes national programs such as AUSSIE sports. The Department also has a system policy on sport which encourages involvement in sport and provides for involvement in interschool. and interstate representative teams.
- (c) All schools understand that physical education is a necessary part of a comprehensive health program, and is an essential inclusion in the curriculum during a students years of compulsory schooling. Many schools offer alternative programs within the physical education area to cater for the interests of those students who do not elect or who are unable to participate in competitive team or individual sports. These include dance, aerobics and bushwalking.
- (d) In summary, the current provision for sport and physical education presents students with viable and appropriate choices.

- (2) The situation does not need rectifying.

3732

15 October 1991

**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 481**

**School Sport Representative Teams**

MR STEFANIAK: asked the Minister for Education and the Arts on notice 6 August 1991:

With regard to ACT schools representative teams competing in national events -

(1) How does the Minister propose to provide teaching staff as coaches to Primary, Secondary and College representative sporting teams in such situations.

(2) How will the Minister ensure there are no cuts made to the periods allocated for the relevant teachers to train and coach these representative teams.

MR WOOD: the answer to Mr Stefaniaks question is:

(1) The Department allocates a number of casual discretionary relief days each year to cater for coaches and managers of ACT School Sport representative teams. These days are allocated on the needs basis to all sections within the Department.

(2) Teachers have trained ACT School Sport representative teams after school in their own time. This has been on a voluntary basis and through the goodwill of the teachers. No time has ever been allocated in school time to train these teams.

3733

**ATTORNEY GENERAL  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 487**

**Pubcard**

Mr Stefaniak - asked the Attorney General

As a measure to control underage drinking and also to protect licensees

(1) Will the Government immediately set in place an ACT Pubcard available from outlets currently providing drivers licences.

(2) Will the Government undertake to provide such a card at a minimal cost to the citizen. What will be the cost.

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

(1) I am currently developing a proposal for Government consideration on the introduction of a Pubcard for the ACT. Such a scheme could be launched in February 1992 and would be operated through the Motor Vehicle Registry.

(2) The card would be issued at a cost in the order of \$10.00.

3734



*15 October 1991*

**THE SPEAKER**

**QUESTION ON NOTICE NO. 496**

**Members Travel Costs**

Mr Collaery - asked Mr Speaker on 6 August 1991:

Could Mr Speaker please provide details of Assemblys expenditure on travel, accommodation and incidentals for the financial year 1990-91, detailing expenditure by Committee and by Member.

Mr Speaker - the answer to Mr Collaerys question is as follows:

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COMMYITEE TRAVEL - 1990/91

COMMITTEE CONE. FEES ARE T /A

HIV, Illegal \$5693 \$3956

Drugs & Prose

Cultural Activities \$ 626 \$1514

& Facilities

Legal Affairs \$ 210 \$1344

Standing Committee

Conservation, Heri- \$ 680

tage & Environment

Scrutiny of Bills \$1971 \$1851

Standing Committee

Public Accounts \$400 \$1971 \$ 540

Standing Committee

Social Policy \$3378 \$1972

TOTAL \$400 \$13849 \$11857

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15 October 1991

MEMBERS STUDY TRIPS . 1990191

MEMBER ME FEES FARES

R Nolan \$1320 \$ 816

W Stefaniak \$1360 \$ 776

R Follett \$ 683 \$ 340

W Berry \$ 165 \$ 810

E Grassby \$ 200

T Connolly \$ 312 \$ 340

W Wood \$ 630 \$ 680

N Jensen \$425 \$ 371 \$ 260

M Moore \$ 330 \$400

TOTAL \$425 \$5171 \$4622

3737

**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 497**

**Primary Schools -  
Out-of-Area Enrolments**

MRS NOLAN - asked the Minister for Education and the Arts on notice on 6 August 1991:

How many out of area enrolments attend the following primary schools: Ainslie; Aranda; Arawang; Calwell; Campbell; Chapman; Charnwood; Chisholm; Cook; Co-operative School; Curtin; Duffy; Evatt; Fadden; Farrer; Florey; Flynn; Forrest; Fraser; Garran; Gilmore; Giralang; Gowrie; Griffith; Hall; Hawker; Higgins; Holt; Hughes; Isabella Plains; Kaleen; Latham; Lyneham; Lyons; MacGregor; Macquarie; Majura; Maribyrnong; Mawson; Melba; Melrose; Miles Franklin; Monash; Mount Neighbour; Narrabundah; North Ainslie; Red Hill; Richardson; Divett; Southern Cross; Spence; Taylor; Telopea Park School; Tharwa; Torrens; Turner; Urambi; Uriarra; Village Creek; Wanniasa; Wanniasa Hills; Weetangera; Weston; Yarralumla.

MR WOOD - the answer to Mrs Nolans question is:

The ACT Department of Education and the Arts has published this information for 1990 in the publication - A Data File on ACT School Systems. Table 2.14 of this publication (copy attached) shows for each school the per cent of students who live within the designated priority enrolment area for the school.

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*15 October 1991*

Table in printed Hansard.

Table in printed Hansard.

15 October 1991

**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 521**

**Education and the Arts Portfolio - Consultants**

MR KAINÉ - asked the Minister for Education and the Arts upon notice on 7 August 1991;

- (1) In the period from 6 June 1991 to 6 August 1991, what consultants were employed by (a) the Minister, and (b) each agency in the Ministers portfolio.
- (2) For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy.

MR WOOD - the answer to Mr Kaines question is:

- (1) (a) Nil
- (b) See Attachment
- (2) See Attachment

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## ACT INSTITUTE OF TAFE

Consultants Purpose Duration Cost

Dr A L Bloom & Associates Review of TAFE education & July-Aug 91 \$22,495  
training for community service  
industry in ACT region

TASK Executive Search P/L Search for Associate Director June-Aug 91 \$25,000  
Corporate Services

GRS Provision of system analysis and June-July 91 \$9,350  
design services

John Peck & Associates Developing strategies for July 91 \$750  
locating the Institute  
computing facilities

## VOCATIONAL TRAINING AUTHORITY

Consultants Purpose Duration Cost

Techway Solutions Traineeship Data Base Specific Task \$3,000

C Morris Industry Training Secretariat 10 hrs/pw \$10,000

Bartlett & Associates Skill Recognition Specific Task \$15,500

K Miller Skill Recognition Specific Task \$4,000

## DEPARTMENT OF EDUCATION AND THE ARTS

Consultants Purpose Duration Cost

Computer Sciences Evaluation of Software for June 91 \$19,300  
Human Resource Management System

BOW Mark Provide advice and prepare June 91-Dec 91 \$500  
budgets for hard copy/video/film  
publishing



15 October 1991

**ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 523**

**Attorney-General Portfolio - Consultants**

MR KAINÉ - Asked the Attorney General upon notice on 6 August 1991:

- (1) In the period from 6 June 1991 to 6 August 1991, what consultants were employed by (a) the Minister; and (b) each agency in the Ministers portfolio.
- (2) For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy.

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

1(a) Nil.

1(b) CONSULTANT 2(a) PURPOSE 2(b) DURATION 2(c) COST\$

COMPUTERPOWER Facilities Management 124.5 Hours \$9,835.50  
and training in relation  
to the computer  
system (Legal Aid  
Office).

COMPUTERPOWER Continued development 40.5 Hours \$3,199.50  
of the system to increase  
efficiency and productivity,  
requirements due to  
legislation, technology and  
administrative changes  
(Legal Aid Office).

COMPUTERPOWER Specialist assistance in 23.0 Hours \$1,259.48  
relation to accrual  
accounting and  
preparation of the  
1990/91 financial  
statements because of  
changes to the form and  
presentation of financial  
statements (Legal Aid  
Office).

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INFOSOLPTY Computer installation and 6/6-6/8/91 \$93,000.00  
facilities management,  
preparation of  
requirements statement,  
case management software  
development and system  
implementation and  
training (Magistrates  
Court).

DR TERRYDWYER Review .of ACT Partnership 3/5-3/8/91 \$15,600.00  
Law.

SOPHER111A Interviews for two Legal 16 & 18/7/91 \$819.00

ENTERPRISES 1 positions.

FRANK SMALL To conduct community Four phases \$12,425.00

AND ASSOCIATES opinion survey to assist during a  
in the development of two year period  
policing strategies. ending  
December 1991

J W WILSON Assist management in 20/5 & 23/5/91 \$1,150.00  
relation to staff  
selection process

(Interviews and reports)

TOTAL \$137,288.48

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15 October 1991

**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 545**

**Education and the Arts Portfolio -  
Public Relations Consultants**

MR KAINÉ - asked the Minister for Education and the Arts upon notice on 7 August 1991:

What consultants have been or are engaged in public relations, media, advertising, promotional and related tasks in (a) the Ministers office; (b) the Ministers Department; and (c) each related agency for which the Minister has responsibility.

MR WOOD - the answer to Mr Kainés question is:

During the period of 6 June 1991 to 6 August 1991:

(a) Nil

(b) Nil

(c.) Nil

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**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 554**

**Canberra Contemporary Art Space**

MR KAINÉ - asked the Minister for Education and the Arts on notice on 7 August 1991:

- (1) what is the annual government grant to the Canberra Contemporary Art Space (CAS) in Gorman House.
- (2) How many people are employed and what are the salaries (a) full time; and (b) part-time.
- (3) In 1990-91 how much revenue was generated by OCAS and how was the revenue generated.
- (4) Are records kept of the number of people visiting CAS; and if so, how many did so in 1990-91.

MR WOOD - the answers to Mr Kainé's questions are:

All grants to artists and arts organisations are paid on a calendar year. CAS operates its financial year on a calendar year basis.

The figures given below are for the 1990 calendar year.

- (1) The annual government grant to CAS is was \$93,000.
- (2) Three people are employed by CAS and their salaries are:  
Administrator (full time) \$31,156  
Director (full time) \$35,764  
Admin Assistant (part time) \$11,875

- (3) \$23,506 revenue was generated by CAS:

Membership fees/subscriptions \$ 3,536  
Interest \$12,587  
Sales . publications \$ 3,753  
. other (sundries) \$ 1,656  
Opening Functions (Bar sales) \$ 1,974

- (4) 16,500 people visited CAS in this period.

3746

15 October 1991

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 568**

**Kingston Foreshore Redevelopment**

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

Given that the Chief Territory Planner of the Interim Territory Planning Authority indicated on 14 February 1991 that a Draft Land Use Variation to the Kingston area would be introduced within a weekend Chief Minister Kaines assurances on the matter [Hansard (19.3.91) p. 971 and (20.3.92) p. 110001] could the Chief Minister give an indication to the Assembly when the Draft Land Use Policy will be presented, bearing in mind that it is only a draft.

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

I do not believe that precipitate action in relation to the redevelopment of the Foreshore area is appropriate or necessary. There are major issues that need resolution prior to embarking on the process. These include:

1. A significant portion of the area is declared National Land which is located in a key part of the site and part is within a Designated Area. Determination of planning strategies and land uses will involve both the ACT Planning Authority and the National Capital Planning Authority.
2. The CPA in conjunction with ACTT is currently undertaking a flood inundation study and preparing a management plan for Lake Burley Griffin. Both of these investigations will have a major bearing on the form of any redevelopment of the Foreshore.
3. There are a number of existing uses and services which are major physical constraints. These include the existing ACTEW substation, switchstation Depot and 132 Kv Cable; AGPS Printing Office; ACTION Bus Depot and Workshops Telecom and Australia Post Depots. Relocation of most of these uses and services cannot be achieved within a short timeframe.

Because so much of the area will be encumbered for a number of years, and major planning studies have still to be completed, I see no reason for initiating major planning and development initiatives for this area at this time. The ACT Planning Authority will however initiate work to determine the areas that will become available for redevelopment and the timescale of such availability. When this is known I will be in a

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position to set-out a programme for planning policy initiatives. I do not expect that these will be available for at least a year.

I would also point out that the proponents of one development scheme for this area propose an office complex of 100,000 me floor area as a major component of the development. Frankly I do not believe that from the Metropolitan employment and transportation standpoints, Kingston is an appropriate location for such a major office concentration. I would have thought that tourist, recreation and residential uses would be more appropriate. In the current economic climate I suspect that major tourist and recreation facilities would be difficult to achieve.

For all these reasons I believe it would be premature to require the ACT Planning Authority to undertake major planning initiatives that have little chance of bearing fruit in the medium term. The Authority will have its hands more than full in dealing with the public consultation and finalisation of the Territory Plan.

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**MINISTER FOR EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 571**

**Non-Government School Funding**

MRS NOLAN - asked the Minister for Education and the Arts upon notice on 10 September 1991:

- (1) Has he announced whether current funding for non-government schools will be maintained; if so, how will it be maintained and if it is not to be maintained, what is the reason.
- (2) What are the current numbers (as at 1 July 1991) of ACT school students attending (a) non-government preschools; (b) non-government primary schools; (c) non-government high schools; and (d) non-government schools for years 11 and 12.
- (3) What are the numbers (as at 1 July 1990) of ACT school students attending: (a) non-government preschools; (b) non-government primary schools; (c) non-government high schools; and (d) non-government schools for years 11 and 12.
- (4) What are the current numbers (as at 1 July 1991) of ACT school students attending (a) government preschools; (b) government primary schools; (c) government high schools; and (d) government colleges for years 11 and 12.
- (5) What are the numbers (as at 1 July 1990) of ACT school students attending (a) government preschools; (b) government primary schools; (c) government high schools; and (d) government colleges for years 11 and 12.

MR WOOD - The answer to Mrs Nolans question is:

- (1) The Government will continue to fund all registered non-government schools at 50 percent of the Commonwealth rate. In accordance with this policy, the Chief Minister announced in her 1991-92 ACT Budget speech that the level of grants to three nongovernment schools will be reduced. This is as a result of the Governments decision to cease from January 1992 the "cushioning" grants which it currently provides to Category 1 and Category 3 nongovernment schools.

Table in printed Hansard.



15 October 1991

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

**QUESTION NO 574**

**Public Aged Persons Units - Tuggeranong Valley**

Mr Jensen - asked the Minister for Housing and Community Services:-

- (1) What is the current waiting time for public Aged Persons Units (APUs) in the Tuggeranong Valley.
- (2) What assessments and/or studies have been conducted, or are currently in process to identify the future needs for public APUs in the Tuggeranong Valley.
- (3) How many public APUs are to be built each year in the Tuggeranong Valley over the next three years.

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

- (1) The waiting time for APUs in the Tuggeranong Valley, as at 5 September 1991, is 3 years and 8 months for a 1 bedroom APU, and 3 years and 3 months for a 2 bedroom APU.

The waiting time for 2 bedroom APUs is comparable with other districts.

The waiting time for 1 bedroom APUs is the second shortest after Belconnen (3 years).

- (2) The ACT Housing Trust, in assessing requirements for the types and numbers of public housing needed by area, goes through the following processes:

- analysis of waiting lists
- analysis of population projections
- consultation with District Offices.

- (3) The Housing Trust has programmed 6 APUs for construction in the Tuggeranong Valley for 1991/92.

No other APUs are currently programmed over the next 3 years, however the Housing Trust is actively seeking suitable sites in the Tuggeranong Valley and recognises the need over time for this type of accommodation in the area.

The opportunity to meet assessed need is constrained by availability of suitable land in the area, particularly with land development by the private sector in the new release areas. This difficulty will be addressed in future land releases in Tuggeranong, West Belconnen and Gungahlin through the Deed of Agreement process whereby land developers will be required to hand back selected sites to the Department of the Environment, Land and Planning, for sale to the Housing Trust.

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

**QUEST16N NO. 575**

**Melba Flats Redevelopment**

Mr Humphries - asked the Minister for Housing and Community Services:

- (1) What options were available that led up to the decision to demolish the Barring Gardens Flats.
- (2) What were the key problems with Barring Gardens.
- (3) Which of these problems could be attributable to deficiencies in building design.
- (4) Which of these problems could be attributable to unsound social planning.
- (5) What other causes were identified.
- (6) What studies, tests or evaluations were carried out to determine whether the Flats were structurally sound.
- (7) What was the result of these studies, tests or evaluations.
- (8) What efforts were made to investigate the possible sale of the Flats to the Private sector.
- (9) Was any interest shown by the private sector in the possibility of purchasing the Flats.
- (10) Was any advice received which suggested that the private sector might be interested in purchasing the Flats.
- (11) What is the current estimated income to the Government which will result from the decision to raze the Flats.
- (12) What was the estimated income to the government at the time the decision to demolish the Flats was taken.
- (13) Did the Trust or the Government receive alternative estimations of revenue which could be realised from the decision.
- (14) Was an offer to purchase the Flats for \$4m made to the Trust or the Government at any stage.
- (15) Was a consultant engaged to estimate the net value of the site following demolition of the Flats; if so, what was the recommendation of the consultants report.
- (16) Is it the case that the consultant said the post-demolition value would be between \$1.7m and \$2.5m.

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- (17) Is it also the case that the consultants report also said that the yield to the Trust could be raised to \$4.8m if the Trust undertook redevelopment and marketing of the site to a standard residential density.
- (18) Were expressions of interest ever sought from the private sector to redevelop the site; if not, why not. If they were, at what stages were they sought and what steps were taken to seek expressions of interest.
- (19) Was selective demolition of the Flats ever considered in conjunction with an upgrading of the remaining dwellings; if not, why not.
- (20) Was this ever suggested as an option to the Trust.
- (21) What is the estimated value of the infrastructure (roads, sewers, stormwater drains, underground electrical reticulation, water supply) that has been put in place at the Flats.
- (22) What were the aims behind the decision to demolish the Flats.
- (23) What consideration was given to allowing the private sector to redevelop the Flats.
- (24) What is the latest estimate of revenue to be obtained by the Government from the Flats project.
- (25) Is the demolition project on schedule; if not, why not. What is the estimated date of completion of the project.

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

(1) A report prepared by the national Capital Development Commission in April 1988 identified 19 options as follows:

1. Do nothing
2. Do nothing and change management
3. Minimum upgrade units only
4. Minimum upgrade and site improvement
5. Minimum upgrade of all units
6. Premium upgrade
7. Selective upgrade
8. Redevelop with APUs and family units
9. Redevelop with diverse mix
10. Sell as is
11. Demolish, subdivide and sell
12. Partial sale and upgrade 40 units
13. Partial sale and upgrade 100 units
14. Partial sale and redevelop 100 units
- Partial subdivide plus sell, retain, redevelop
16. Leasing to private enterprise (70%)
17. Sale to existing tenants
18. Sell 33% to private enterprise Sell 33% to tenants Retain 33%
19. Retain, redevelop 80% plus increase open space

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A report prepared by W.P. Butler in November 1988 examined the following options:

- the do nothing option
- premium upgrade option
- sale to tenants option .
- withdrawal options
- sale

(2) The method of acquisition of a very large complex, through fast track design and construction coupled with a new and untried (to Canberra) building method led to physical and social problems. These were:

Social:

Poor access to shops, public transport, schools and other community facilities; high proportion of emergency housing and non-English speaking people, atypical social mix, poor public and self image, isolation, high density of flats and people, low level of privacy, poor traffic planning, unenforced lease conditions.

Physical:

\_ Inadequate ventilation, condensation, water penetration, mould, general dampness, poor orientation/siting, lack of effective maintenance, inadequate landscaping/maintenance.

(3) The external concrete wall panels were not waterproof.  
Wet areas were located internally with inadequate ventilation.  
Detailing around doors, windows and at roof wall junctions were poor.  
Orientation and siting was poor.

The problems which flowed from these included:

- water penetration
- condensation
- lack of privacy and security

(4) Poor access to shops, public transport and other community facilities, high proportion of emergency housing, and non-English speaking people, inadequate mix, isolation and high density of flats.

The size of the complex and the concentration of a large number of low income people exacerbated the design and siting problems.

(5) See Attachment 1 which lists 11 studies on Melba Flats and a summary of their findings.

(6) A large number of studies were carried out on Melba Flats. Each of these studies included design, structural and social problems.

In 1986/87 12 flats in 3 blocks were upgraded in a prototype study, to see whether it was possible to correct the problems of water penetration, mould and

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condensation. This prototype upgrading was evaluated in a further study of prototype upgrading in 1988.

Eleven of the studies undertaken (the list may not be exhaustive) and a summary of their findings, are at Attachment 1.

(7) See Attachment.

(8) The Melba Flats Study, the Butler Report and the Melba Flats Redevelopment Final Report for the ACT Housing Trust all investigated the option of sale, and compared it with other options. The conclusion was that either partial or total sale of the site would give a lower return to the Trust than the redevelopment option accepted by the then Government.

(9) On 24 April 1990, nine months after the Governments decision to demolish the

Flats, Mr WSJ. Gordon of WSJ. Gordon and Associates Pty Ltd issued a letter to the ACT Housing Trust and this letter stated: "I am reasonably confident that I could interest developers in a feasibility study and in negotiations to purchase and redevelop, provided of course, that the Government is receptive and positive." Mr Gordons representations were fully investigated. The Trust made the commercial decision not to sell to Mr Gordon.

(10) Refer to Question 9.

(11) The words "estimated income", in Questions 11 and 12, were not used in the studies on Melba. The figure for "net return", given in answers to these questions, is based on land sales revenue (estimated) minus the sum of actual (for Question 11) and estimated (for Question 2) demolition and land development. It excludes other costs and returns such as administration, replacement housing, tenant relocation, rent increase from replacement housing, reduced vacancy rate, etc.

Estimated net return in September 1991 is \$5.206M for sale of redeveloped land.

(12) Estimated net return at July 1989 was \$3.95M.

(13) The last three studies referred to in Question 8 all provided several estimates of revenue yield that would flow from each of the alternative strategies adopted for the site.

(14) Mr Bill Gordon of WSJ. Gordon and Associates in a meeting with the then Acting Commissioner for Housing, Mr Tony Waters, early in 1990 made an offer of \$4.0M to purchase the flats. When questioned Mr Gordon would not divulge the proposed developers name or the funding source.

(15) Yes. The recommendation is at Attachment 2.

(16) No.

The consultant stated "the sale of the site en globe to a developer in todays real estate climate could yield returns to the ACTH between \$1.7M and \$2.7M.

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Note that this estimate was for the sale of the flats, not as the question asks, for the post-demolition value.

(17) Yes.

(18) The ACT Housing Trust accepted the "Redevelopment" consultants recommendation that the Trust subdivides and services Section 60 Melba and sells off single and multi-unit land packages for residential development.

Many of the consultants engaged private sector developers and property managers during their studies, and the parcels of land sold will be further developed by the private sector.

(19) Yes this was considered in the April 1988 report prepared by the National Capital Development Commission.

Upgrading of selected flats was completed in the mid 1980s but these prototype upgrades did not prove efficient or cost effective.

One of the major difficulties with selective demolition was that the best units were generally on the top floor and the worst on the ground floor.

(20) This was one of the options considered.

The ACT Housing Trust carefully considered the options for selective demolition in conjunction with possible upgrading.

(21) The contract for construction of the Flats was the result of a Design and Construct competition and the infrastructure costs were not requested as a separate part of the tender.

(22) The decision to demolish was made after exhaustive studies of the Flats, the aim of which was to find the most cost effective and socially responsible method of dealing with problem housing.

(23) Private sector consultants and contractors are being engaged progressively for demolition and infrastructure works.

(24) Refer to Question 11.

(25) Yes.

The contract completion date for completion of all demolition works is 18 February 1992 and at mid-September 1991 the contractor is ahead of schedule.

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Attachment 1

## STUDIES OF MELBA FLATS

Summary of studies:

1. 1979 Baringa Gardens - the Problems of Social Mix Housing Branch
  2. 1982 Melba Flats Child Care Study - G. Simpson
  3. 1982 A pilot study of the needs and problems of Baringa Gardens Residents - L. Arcus
  4. 7/83 CBS. Combos - Investigations into dampness
  5. 1/85 Social Planning Policy and Management Issues AIDS
  6. 1986/87 Prototypes Upgrades
    - a. Melba Flats Study
    - b. Melba Flats Upgrading
- Monitoring Prototypes  
(Consultant Engineers)
- c. Baringa Gardens Report
    - CBS Realty World
  7. Melba Flats study NCDC
  8. Baringa Bardens Report - CBS Realty World 1988
  9. Case Comparison of Clients from Melba Flats and surrounding Areas - N.A. Zwar - Melba Health Centre 5/88
  10. W.P. Butler - Consultants Report on the Future of Melba Flats - Nov 88
  11. The Expert Client - Melba Flats Redevelopment. Final Report for the ACT Housing Trust.

A summary of these studies follows:

1. 1979 - "Banned Gardens,: The Problems of Social Mix" - Housing Branch

"... a concentration of people with very low incomes ...".

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... lack of privacy and security...".

"The estate is regarded with distaste at best and as a ghetto at worst by outsiders...".

The residents wanted additional facilities by way of shops, post office, telephones, child care and improved bus service, information, roads, security, privacy and landscaping.

## 2. 1982 - "Melba Flats Child Care Survey" - G. Simpson

Interviews with 44 out of the 120 single parents with children under five years of age.

:... parents needed time to organise their lives".

"... improved access to child care service (would provide) more time for them to gain employment, education and personal skills".

"... the service of an Administrator was required to assist in Melba Flats Community Association in competing for scarce resources".

Recommended the establishment of a Neighbourhood Centre incorporated a range of child care services.

## 3. 1982 - "A Pilot Study of the Needs and Problems of Barring Gardens Residents" - L. Airbus

Interviews with 36 households (random sample):

81 percent on pensions and benefits (ACT 7.5 percent) 31 percent female single parents (ACT 1.2 percent) 25 percent aged pensioners (ACT 3.5 percent)

Low income, personal problems, ethnic.

Over half wanted to leave.

"... programs aimed at alleviating poverty...".

Child care, youth activities, emergency transport, better shop, everyone else should lift their game etc.

Recommended employment and Community Health Worker.

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4. July 1983 (and earlier) - C.J. Combos

Investigations into dampness.

"There does appear to be some solution available to the dampness problem at Melba ... but this is expensive and not a final solution and it could prove costly to maintain over the life of the flats".

5. January 1985 - "Social Planning Policy and Management Issues" AIUS

Close liaison with joint DTLG/NCDC Project Team, resident manager, housing inspectors, Planning/ Architectural Consultant, onsite Project Team member.

Statistical analysis, survey etc.

Premises:

- a. ... there is a crisis in public rental housing in Canberra".
- b. Public housing is becoming welfare housing.
- c. Non equity tenant management is a good thing.

Recommendations:

10. Transfer tenants, "Melba is not a satisfactory geographical location for many of these tenants".

12. "... ear-mark up to one third of units at Melba Flats for aged housing".

13. "... one quarter of the flats at Melba were to be occupied by single parent female households".

14. "... in general the majority of tenants were relatively well satisfied with both their flat and with living at Melba".

("... they are unpopular with existing and prospective tenants ..." p3).

"... it would be unwise to follow previous recommendations that Melba Flats should be demolished and rebuilt" (major shortage of public housing).

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"it would be preferable, however, to utilise monies which would be spent on a major rehabilitation programme to provide additional new public rental housing units in Canberra".

15. Landscaping - construction, privacy, childrens playgrounds.

"In the longer term (15-20 years) the aim should be towards a total reconstruction programme ...".

16. Non-Equity co-op management.

17. Caretaker.

18. Pets.

19. Review of Neighbourhood Centre - few use it.

21/21. Carpenters.

6. 1986/87 - Prototype Upgrades

Twelve two bedroom units (183/194) were upgraded by the NCDC and handed over in July 1987. Different claddings were used to test solutions.

No information is available as to why this program went ahead despite the AIRBUS recommendations.

Cost per flat ranged from \$26,400 (192/194) to \$50,000 (190 APU). The total cost of the exercise, including monitoring, was \$632,500.

(There is a Project Managers Report on this matter is unavailable).

Evaluations available:

a. Melba Flats Study:

"The generally low quality of construction of Melba Flats and the likelihood that it is cost ineffective to upgrade them to current Government Rousing Standards, leads one to believe that it is difficult to justify a major upgrade" (p 19).

"Progress Report on Evaluation of Melba Flat Prototype Upgrading" (CAM 28/09/87).

The report does not provide an overall evaluation. In detail:

No reports of water penetration.

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Still condensation on windows of most.

Ventilation OK.

Heaters inadequate.

External lighting to carports.

Brick cladding recommended.

Cost of new roof excessive unless essential.

All windows should be replaced.

Ventilation improved.

APU conversions can be done.

b. "Melba Flats Upgrading - Monitoring of Prototypes" (Consultant Engineers)

Largely technical detail, but

Condensation problems can be overcome.

Little or no benefit from externalisation of wet areas.

Brick cladding recommended.

External shading for some glass.

c "Banned Gardens Report" - CBS Realty World

Not cost efficient as no guarantee of success in eliminating root problems and new accommodation could be built for same price.

7. "Melba Flats Study" NCDC

Current data/options/evaluation.

Social problems:

Poor access to shops, schools, public transport.

High proportion of emergency housing and non-English speakers.

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A typical social mix. Poor public and self image Isolation. High density. Low level of privacy. Poor traffic planning. Unenforced lease conditions. Lack of maintenance. Vandalism. Dogs. Physical: Inadequate heating/ ventilation. Condensation. Water penetration. Mould. Dampness. Poor orientation. Inadequate landscaping. Prototype Upgrade: 377 of the 795 residents (47.5%) living at Melba one year previously. Low income, high unemployment. Flats used for priority and emergency housing - short stays.

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## Options

"... mitigate against the retention of all the flats as a socially and politically acceptable option. The potential for providing adequate solutions to the physical problems of the flats is severely limited, and in some cases precluded by the low quality construction design and detailing, the poor siting and orientation of the majority of flats" Mpg 31).

Range of options, indicative costs.

### Objectives:

1. Improve housing standards.
2. Provide safe/secure living environment.
3. Provide for broader range of tenants.
4. Encourage longer term tenants.
5. Reduce public housing numbers.
6. Achieve more balanced proportion of public/private housing.
7. Integrate Melba Flats into suburb.
8. Minimise management problems.
9. Minimise recurrent/capital expenditure.

Estimated costs of 19 options over 10 year period range from \$9.3 to \$31.8.

"Allocation to Melba Flats causes a high degree of aggravation to housing staff that is a consequence of placing people in a substandard social and physical environment" Mpg 35).

"Within the options identified the NCDC would not support:

- a. the sale of all the units to sitting tenants
- ii. the option to do nothing; and
- iii. minimum upgrade to all units as a long term solution.

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The NCDC would be reluctant to recommend or support the retention by the Housing Trust of all the units (p 35).

8. "Barring Gardens Report" - CBS Realty World -1988

Commissioned by NCDC. Identified usual physical and social problems.

Considers three options:

Address Structural Deficiencies:

Not cost efficient as could build new accommodation in traditional construction for same amount.

Bulldoze Site; offer for sale as en be sub-divisions.

Should be possible to produce 200 house blocks and 100 medium density sites. Not a profitable option.

Phased Disposal to Private Enterprise:

A private buyer could be found for the complex if it is offered in bite sized lumps, in the range \$20,000 to \$25,000 per unit.

Purchaser would have in mind upgrading and disposal in strata title.

Not a perfect solution but on balance the only practical avenue.

9. Case Comparison of Clients from Melba Flats and Surrounding Areas" - N.A. Zwar, Melba Health Centre - May 1988

Usual problems outlined:

30 clients from flats compared with 30 from outside.

More females, single, single parent families.

Almost twice as many presentations.

Higher rates of smoking, drinking, drugs (IV).

Antenatal care rather than contraception.

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High incidence of childrens skin infections.

10. W.P. Butler "Consultants Report on the Future of the Melba Flats" Nov 1988

The recommendations of this report are at Attachment 2.

11. The Expert Client - "Melba Flats Redevelopment - Final Report for the ACT Housing Trust." 1989.

The objectives were:

1. To arrange the orderly transfer of sitting Government tenants to other Trust accommodation thereby ensuring that tenants location desires are achieved with minimum emotional or physical stress.
2. To maximise the revenue return to the ACT Housing Trust by the progressive sale of Section 60 to assist in the acquisition or development of replacement housing.
3. To protect the amenity of existing tenants through out the redevelopment process.
4. To consider the opportunity to allow sitting tenants who wish to remain in Melba that opportunity, consistent with social planning and commercial objectives.

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Recommendations of the Butler Report Attachment 2

It is recommended that the ACT Housing Trust:

Accept this report as a basis for the redevelopment of Melba Flats.

Adopts the "Service, Site and Sell" redevelopment approach whereby the Trust subdivides and services Section, 60 Melba and sells off single and multi-unit land packages for residential development.

Adopts the Preferred Subdivision (Option I) as a basis for ongoing action described in this report including initiation of Policy Plan Variation, Road Gazettal Variation, Demolition, and Subdivision Infrastructure design, documentation and construction.

Adopts the Staging Plan proposed. for development of infrastructure services and subsequent land sale.

Adopts the Demolition Proposals and Demolition Staging Plan contained in the report.

Embarks on a pre-release marketing campaign to acquaint prospective land buyers with the opportunities at Section 60 and build up anticipation in the marketplace with a view to maximising revenue return.

Alert the parties which have an interest in the Child Care Centre in order that the need for a Centre be agreed with the community and responsible Government agencies and appropriate funding arrangements be identified.

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**MINISTER FOR HEALTH**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 580**

**Ambulance Service**

Mr Jensen - asked the Minister for Health:

How many times, if any, in the last four months, has the ACT Ambulance Service sought or used the services of the Australian Federal Police to drive an ambulance and, if so, what were the circumstances which prompted the request.

Mr Berry - the answer to Mr Jensens question is:

There are occasions when the ACT Ambulance Service seeks the assistance of the Australian Federal Police to drive an ambulance from a motor vehicle accident site to Hospital.

Although records of these events are not maintained, it is estimated that during the last four months, Officers of the Australian Federal Police have been asked to drive ambulances on two occasions.

The circumstances for the request would be where a critically injured patient required urgent transport to Hospital and in the opinion of the Ambulance Officers the patient would benefit from the treatment of both Ambulance Officers. A Police Officer would then be requested to drive the ambulance to the Hospital.

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**MINISTER FOR EDUCATION AND THE ARTS**  
**LEGISLATIVE ASSEMBLY QUESTION**  
**QUESTION TAKEN ON NOTICE 6 AUGUST 1991**

**School Enrolments - Tuggeranong Valley**

MRS NOLAN - asked the Minister for Education and the Arts:

When will the projected enrolments for the entire Tuggeranong Valley be available for both high schools and primary schools?

MR WOOD - the answer to Mrs Nolans question is:

Projected enrolment figures for ACT Government Schools 1992 - 1996 were released on 9 September 1991.

The figures for Tuggeranong, including actual enrolment for 1991, are attached.

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Table included in printed Hansard.

Table included in printed Hansard.

*15 October 1991*

Table included in printed Hansard.