



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

16 June 1993

Wednesday, 16 June 1993

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

PETITION

The Clerk: The following petition has been lodged for presentation:

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

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

Tuggeranong Homestead

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that Tuggeranong Homestead and Environs (Richardson Section 450) is of great historical, architectural, cultural and aesthetic significance, declared by the Australian Heritage Commission to be worth keeping for present and future generations.

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

Petition received.

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VOLUNTARY AND NATURAL DEATH BILL 1993

MR MOORE (10.32): I present the Voluntary and Natural Death Bill 1993.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

This Bill seeks to regulate and control the current widespread practice of mercy killing. However, instead of the power to terminate life when suffering a terminal illness being in the hands of doctors, usually in consultation with family members, this Bill allows the individual to make the decision for themselves. The most important word in this Bill is "voluntary", as it places the responsibility and the choice squarely in the hands of the individual.

In societies outside the Western medical ethic, the right to choose the time of one's death has been common. Recent advances in medical technology have enabled doctors to keep patients alive longer - a blessing in most cases; however, in the case of a patient with a terminal and totally disabling condition, perhaps a curse. In many cases, doctors have postponed death rather than prolonged life. They have also denied the right of the patient to make their own choices regarding their own fate. For some, that means the right to choose to die with some dignity and under conditions of the patient's choice.

The Hippocratic oath, to which doctors have traditionally committed themselves, provides for the preservation of life and the relief of suffering. In the case of the terminally ill, however, these duties can become a contradiction. If life is preserved or, rather, death is postponed, suffering may be prolonged or worsened and, if suffering is to be relieved, it may be at the cost of life. The release of suffering, if the patient chooses, should have equal if not greater respect than the prolonging of that life against the patient's wishes. At first, it seems ironic that the AMA chooses to oppose such legislation when they support passive euthanasia, that is, the removal of life support systems. Their members write "not to be resuscitated" on patients' charts, even though the patient might not be involved in the decision making process.

Active euthanasia takes the prime decision making process out of the hands of the doctor and returns it to where it rightly belongs - to the individual. It is with passive euthanasia, when there is no patient consent, that accusations of "playing God" may have some substantiation. In these cases, the doctors, and probably family members, determine whether someone lives or dies. Euthanasia must be voluntary. That is, it may be carried out only if the patient has expressed a desire to be assisted, when in competent and sound mind, and this desire has been expressed persistently over a period of time. The medical practitioner must also have the right to choose whether or not to assist a person who chooses to die.

With this legislation, a person will be able to prepare for his or her future incapacity by appointing an agent or attorney to act for him or her through an enduring power of attorney or a living will. The power of attorney must be given when the person is of sound and competent mind, specify the conditions under which it would apply, and be exercised only under conditions spelt out by the legislation.

Community reaction to voluntary active euthanasia has changed, perhaps coincidentally, in line with the development of life-prolonging technology. In 1962, a Morgan Gallup poll revealed a 47 per cent positive response to the question, "If a hopelessly ill patient, in great pain, with absolutely no chance of recovering, asks for a lethal dose so as not to wake again, should a doctor be allowed to give a lethal dose?"; 39 per cent answered no and 14 per cent were undecided. In 1992, the response to the same question revealed that 76 per cent of the Australian population voted yes, 18 per cent voted no, and 6 per cent were undecided.

Although the questions are not quite as we would have worded them, the crucial role of the medical profession and the principle of medically assisted death are clear. These questions have been asked not by a voluntary euthanasia society but by a private organisation which survives by identifying issues of public concern. No doubt the introduction of this Bill and the ensuing debate will modify public opinion further, as the community will be exposed to the full resources of both those opposing and those supporting these reforms. For the present, the public opinion level of support is around 75 per cent. It is too strong to be casually dismissed.

If we were asked, "Should a doctor or family member be allowed to make the decision to deliver a lethal dose when a patient is terminally ill, without that patient's consent?", no doubt there would be uproar, as there should be. But this is what is happening at present, no doubt for the most compassionate of reasons. Nevertheless, this unregulated and chaotic approach leaves too much room for abuse and is an affront to the fundamental right of the individual to make their own decision regarding their life and death. The very opponents of voluntary active legislation support the medical profession's right to make these decisions on behalf of patients, providing it is done quietly. They have even suggested that this legislation would lead to abuses - abuses such as exist now. In fact, this legislation addresses those abuses by making it legally impossible for a doctor, or anyone else, to take any action to expedite a patient's death without the patient's consent, which can be given only under strict and assessable conditions.

Opponents have also argued that, if controlled voluntary euthanasia were to be practised, it would somehow lead to non-voluntary euthanasia, through the slippery slope argument. How? The only slippery slope I imagine this legislation will promote is the slope leading to more patients' rights. As the medical profession has become more specialised, individuals have become more and more disempowered, conceding control to the medical profession, who, generally speaking, have hidden behind esoteric medical jargon. Many doctors will tell us what is good for us in terms we do not understand and with ramifications we cannot discern, rather than treat us as partners in decisions about our own health.

The challenge in this Bill has been to draw up legislation which focuses on the rights of the patients as central to its purpose. It regulates where there is no regulation and gives very clear guidelines for both patients and doctors to follow. In a death-denying society, it will hopefully bring about respect for an individual's right to choose the time and quality of one's death without fear.

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

EUTHANASIA - SELECT COMMITTEE
Appointment

MR MOORE (10.40): I ask for leave to move a motion regarding the appointment of a proposed Select Committee on Euthanasia.

Leave granted.

MR MOORE: I move:

That:

- (1) a Select Committee on Euthanasia be appointed to inquire into and report on the Voluntary and Natural Death Bill 1993;
- (2) the Committee shall consist of Mr Moore, Mrs Carnell and a Member appointed by the Labor Party;
- (3) the Committee shall report by 17 March 1994;
- (4) on the Committee presenting its report to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting;
- (5) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

The delay in circulating this motion has been because of a misunderstanding, I think, between me and members of the Labor Party about the nomination of a member.

Ms Follett: So it is all our fault?

MR MOORE: No, I did not say that. I said that it was a misunderstanding.

MADAM SPEAKER: Mr Moore, you do not have to apologise. Motions do not have to be circulated. Proceed, please.

MR MOORE: I am aware of that, Madam Speaker, but I prefer to do it that way. The Chief Minister interjected, "It is all our fault". I certainly do not think that is the case. I said that it was a misunderstanding between me and Labor, and I prefer to leave it that way.

There has already been quite some debate on the issue of euthanasia. It was raised publicly, I think, and significantly, by the fact that it was adopted as Labor Party policy prior to the last election. The issue was raised also in the Assembly by me as a matter of public importance, and at that stage I indicated that it was important to have a broad debate on the issue. Ms Szuty and I, as well as the Labor Party, went to an election with euthanasia as part of our platforms.

In January this year, I announced that I would be preparing the Bill I have just tabled, and that has brought about a significant amount of debate. The Bill, I believe, does address the issues appropriately; but, because this is the first time that any such legislation has been tabled in Australia, it is appropriate that further discussion take place. One of the best ways to allow appropriate public discussion is through a select committee of this Assembly. Mr Stevenson would be aware that at a debate on this issue at Erindale Centre last Thursday night, I mentioned that I would be seeking to have a select committee appointed on this issue, and I have been negotiating to achieve that end.

It is also important to point out that the motion deals with one of the standing orders that would otherwise present some difficulty, and we have had a problem with this before. Standing order 174 provides:

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

We need to have that final provision in the motion because this Bill has not been debated to the in-principle stage, nor would it be appropriate to do so until we have sorted out some of the issues associated with it. For those reasons, Madam Speaker, I have moved for the establishment of this select committee.

MR BERRY (Deputy Chief Minister) (10.45): Madam Speaker, the proposal for a committee of inquiry in relation to this matter has been strongly supported by Mr Moore. It pays no regard to the fact that Mr Moore will be away for a couple of months in the early part of the committee's work, and it strikes me as odd that a committee should be set up when somebody who, I presume, wants to be chairperson will be away. He sought leave yesterday to be away for a couple of months. That is a really odd arrangement, it seems to me.

The Labor Party is a bit puzzled about why a committee would proceed. Nevertheless, Mr Moore has his heart set on it, and it does allow for an additional period of consultation and agitation around the issue, which I am sure will occur. The Labor Party is quite comfortable with that extra time, but is puzzled at the approach that has been taken by Mr Moore. If it is important to get it up so quickly, perhaps it should have been important enough to require his attendance in town to deal with the issue. However, he deals with it the way he wants to.

The Labor Party will support the establishment of the committee. We are not in a position to provide the name of a member; we have not decided on a member for the committee, and it is not our timetable. We will be deciding in due course who amongst the Labor Party, firstly, might be interested in the position and, secondly, will be nominated.

MR STEVENSON (10.47): I did attend the debate that Mr Moore lost last Thursday night to Spencer Gear.

Mr Moore: Each person was able to judge, so Dennis judged that I lost. Okay.

MR STEVENSON: No; actually I am a debating critic. Not only I judged that you lost; people that support you - - -

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Mr Moore: And unbiased.

MR STEVENSON: It is an unbiased statement. If you acknowledge the situation yourself - - -

MADAM SPEAKER: Order! Please address your remarks to the Chair and to the motion, Mr Stevenson.

MR STEVENSON: And Mr Moore as well, then.

MADAM SPEAKER: To me, Mr Stevenson.

MR STEVENSON: Right. I make a couple of points. First of all, I did hear Mr Moore talk about a committee and he said - - -

Mr Berry: You have been frozen out, Dennis.

MR STEVENSON: It is true. I did not know about this; you are quite right.

Mr Moore: What do you mean? You were there at the debate. Weren't you listening?

MR STEVENSON: At the debate I did hear you mention a couple of times that there would likely be a committee inquiring into the matter. I did not hear you say that you would propose one, and I wondered when you said it. I thought, "Is there some move afoot to hold a committee?". You said that you hoped that there would be one. I was surprised this morning, after you had presented the Bill, to hear you say that you proposed one. I was not told about it before.

Paragraph (4) of the motion says:

on the Committee presenting its report to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting;

I am told that that is the second standard; in other words, it is the second time it has happened, supposedly. If the intention is that this Bill that Mr Moore tabled this morning not be debated until after the committee tables its report, I suggest that there would be a more practical way to achieve that. You simply say that, rather than suggesting that the Bill should come up for debate when the report is tabled. I grant that it could be adjourned, and it may well be; but I suggest that, if we are going to have a standard form of words in future, the standard form of words should say that the Bill not be debated until the report is concluded and tabled in the parliament.

MR HUMPHRIES (10.50): Madam Speaker, I move as an amendment to the motion, in regard to paragraph (3):

Omit "17 March", substitute "30 June".

The Liberal Party understands that this is an issue of considerable complexity and sensitivity in the community and feels that for this issue to be ventilated in a short period of time would be unfortunate. It needs to lie on the table for enough time both for the committee to do its job and, in my personal view, for the committee's

report to have an opportunity to be presented and possibly lie on the table in a draft form or in some kind of exposure form for a period before it is brought back formally to the Assembly. It may be that that would best be facilitated by providing for a slightly longer period in which the committee might report.

I point out that there is no compulsion on the committee to report on 30 June. It could certainly bring down a report sooner if it wished. But I feel that it is important not to have a position where the committee's time to report is extended and then not have the capacity to get the answers to these questions in a reasonable time.

MADAM SPEAKER: The amendment does need to be forwarded to us in writing, Mr Humphries.

MR HUMPHRIES: Yes.

MR STEVENSON (10.51): Madam Speaker, I support Mr Humphries's amendment. I think it makes sense. As he mentioned, the committee can report at any time before the reporting date. As the reporting date of March is not long after a quite long break for Christmas, it would seem to me -
- -

Mr Berry: Are you going away on holidays, too? Is anybody going to be in town?

MR STEVENSON: Very soon, but not at Christmas. After a Christmas break, it is probably a good idea not to table a report immediately but to allow more time for communication once the report has been brought down and made available for public comment.

MR BERRY (Deputy Chief Minister) (10.52): As far as the Government is concerned, we will be opposing the amendment. We think there is plenty of time to resolve the committee's deliberations by 17 March. There has not been an argument put forward for an extension. If the committee chose to seek an extension at some point in the future, that might be something they could argue on the basis of its merit. As Mr Humphries has said, the committee may choose to report earlier. I think March is near enough. It is all a bit like testing the direction of the wind, with a bit of speculation about when the committee might conclude its deliberations. We will be opposing the amendment moved by Mr Humphries.

MR MOORE (10.53): I must say that I am very comfortable about it either way. The original date I set is fine, but the reporting date would still be in the control of the committee, basically. They can report when they are ready. On the other hand, it seems to me at this stage that March would be an adequate time. If there is any problem with the date, I feel very comfortable about coming back to the Assembly. I cannot see a need to change a time that was already agreed.

Amendment negated.

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MR MOORE (10.55), in reply: I would like to reply to one thing Mr Berry commented on, and that is the fact that I will be away over the next five or six weeks. That is true.

Mr Stevenson: Five, six or seven.

MR MOORE: There is an interjection about seven, which is not correct. Whilst I sought leave for that time, in case there is some delay, that does not necessarily mean that I will be away for that whole time. I think the important thing, though, is for the committee to get under way with the subject. The first step is to carry out the literature review, and that will be the first task of the secretary of the committee, as far as I am concerned.

I thank members for their contributions. Could I say just one final thing. Because I had not circulated the motion, the last two-and-a-half lines following the full stop - the words "the motion previously circulated in my name relating to the establishment of a select committee on Euthanasia" - are inappropriate and have been deleted. I also indicate to members that, should this motion pass, it would then be necessary for me to seek leave to refer the Bill to the committee, as a matter of course. That has not been done, so I would need to do that as well.

Question resolved in the affirmative.

Reference - Voluntary and Natural Death Bill 1993

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

That the Voluntary and Natural Death Bill 1993 be now referred to the Select Committee on Euthanasia.

DISCRIMINATION (AMENDMENT) BILL (NO. 2) 1993

MR CORNWELL (10.57): Madam Speaker, I present the Discrimination (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR CORNWELL: I move:

That this Bill be agreed to in principle.

This legislation to amend the Discrimination Act will make membership of student unions in the ACT non-compulsory. This has been a matter of contention for some years, particularly among part-time and mature age students - - -

Mr Berry: But not when the Liberal Party has control of the student union.

MR CORNWELL: - - - who have neither the time nor the interest, Mr Berry, because of their circumstances, to use the facilities provided to students through the fees. Many of these part-time and mature age students are married with families, and the facilities that would be welcomed by, say, full-time single

students, such as the gym, attending concerts, or even the various clubs that exist on a campus, simply do not have the appeal to these part-time or mature age students, who, quite reasonably, if they have any spare time from their studies, would prefer to spend it with their spouse and their families.

We believe that it is unfair, therefore, that they should be compelled to fund these activities, for example, to amounts of \$107 twice a year at the University of Canberra or \$120 a year, at \$30 per term, at the Canberra Institute of Technology. I stress the word "compelled", because it may be that even some of these part-time or mature age students will be willing to pay the fees. If so, nobody stops them doing so under this legislation, providing it is their option. Similarly, some full-time students might not wish to pay union fees. They might not have any interest in the facilities that can be provided through these fees. Again, I stress that it is their right not to do so, and thus forgo the services and the facilities that the fees provide. Quite simply, the legislation removes the compulsion to join a student association at tertiary institutions in the ACT under the control of the ACT Government.

Apart from being Liberal Party policy, this legislation parallels a recent amendment to the Discrimination Act moved by Mr Moore to make unionism in the ACT non-compulsory. In defence of my own legislation to change the compulsion to voluntary membership of a student body, I cite the same reasons as advanced in support of the previous successful amendment, namely, if trade unionism is to be voluntary for reasons of freedom of choice, of social justice, of democratic principles - all arguments which were put forward in favour of the previous amendment - the same arguments must be advanced in support of the legislation I present today to make membership of student unions voluntary. I commend the legislation to the house.

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

DOG CONTROL (AMENDMENT) BILL (NO. 2) 1993

MR WESTENDE (11.01): Madam Speaker, I present the Dog Control (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR WESTENDE: Madam Speaker, I move:

That this Bill be agreed to in principle.

Madam Speaker, in introducing this Bill I would like to reiterate that it has been the Opposition's intention to approach the matter of amending the Dog Control Act in a bipartisan manner. I have indicated this intention on previous occasions, including at the time of Ms Szuty's Bill. Madam Speaker, I have consulted with the Minister and his department. I have waited for the working party on dog control to make its assessment, and I have in fact read its draft report. A draft of this Bill was circulated to the working party members for their comment, and I have taken note of those comments that I have received.

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Madam Speaker, the Bill that I am introducing is largely a response to the spate of attacks by vicious dogs on members of this community. This Bill is to tighten the Dog Control Act in regard to dangerous dogs. I believe that it was in fact the issue of dog attacks that raised the necessity to take a closer look at the Dog Control Act in the first place, and since then the Act has been shown to be inadequate in several respects. However, it is my understanding that the Minister will address a number of these issues in response to the working party report.

Madam Speaker, when looking more closely at the Dog Control Act and in fact coming to terms with the question of dealing with dangerous dogs, it seemed to me that the stumbling block was that the Act did not define what a dangerous dog was and, as such, it was not possible to prescribe specific requirements for the keeping and handling of such animals. Madam Speaker, this Bill therefore provides an interpretation of what is meant by a dangerous dog. This will require listing some breeds and it will enable the registrar, by instrument, to declare a dog to be dangerous. I have not compiled a list of what I would regard as dangerous breeds. That is not my area of expertise. I would be quite happy for that to be determined by those who have knowledge in the framing of the regulations. I might say, however, that South Australia has listed dangerous breeds and that at least half a dozen States in the United States of America have listed dangerous dog breeds in their dog control laws.

Madam Speaker, having defined a dangerous dog, the Bill quite specifically prescribes the requirements for the keeping of such dogs and how they are to be handled in public. For a start, people who wish to keep a dangerous dog will be required to apply for a licence to do so. The penalty for not doing so will be a heavy fine. Madam Speaker, this requirement is designed to restrict the ownership of dangerous dogs to people who are responsible in the keeping of them, whether for breeding purposes or for pets or guard dogs. Where an application to keep a dangerous dog is refused, the registrar will have the opportunity to have the dog seized and destroyed and, furthermore, an inspector will be able to enter the premises where the dangerous dog is kept to seize the dog. Madam Speaker, I believe this to be in the interests of not only the general public but also the animals. I am aware of cases where dangerous dogs have not been kept securely on the keeper's premises and they have cruelly savaged neighbours' pets to death. Licensing will carry certain requirements with respect to where and how dangerous dogs are kept.

In this Bill we are looking to anticipate where the possible dangers exist, and we believe one area of danger to be when dogs are taken to public places by their keepers. The Bill therefore requires that all such dogs must be restrained by leash and kept under control by a responsible person. Under this requirement it would no longer be possible to tie a dog up in a public place. I have seen cases where a young person has spotted a dog tied up near a shop and gone over to pat it, and the dog has snapped aggressively at the child. In these cases it is not the dog's fault, but the risks of a young child being seriously bitten are high. Of course, not only are there dangers from bites; there are other health risks as well. Madam Speaker, when parents take their children shopping they should not have to worry about dogs. This Bill takes a strong approach to dealing with dangerous dogs in public. It is my view that prevention is always better than the cure. When you think of some of the horrific dog attacks that have taken place in this community in recent times, it is hard to see a total cure with some victims. So, under these circumstances prevention is the way to go.

Madam Speaker, this Bill will require that all dangerous dogs must wear a muzzle when in public places. Dangerous dogs, by definition, are prone to attack and, as such, the keepers of such animals must take precautions to prevent this from happening. The public must be free to move around without fear of dangerous dogs. You often see cases where people are not game to enter a shop because a dangerous looking dog is sitting at the entrance. Parents walking their children down the street should not fear walking past somebody leading a dangerous dog. But how often do you see a child reach out to pat a dog that is near to them?

Madam Speaker, a muzzle on dangerous dogs may seem an overreaction, but I would prefer this to even one attack on a young person who could be scarred physically and emotionally for life. Quite apart from this, greyhound dogs are already required to be muzzled. Madam Speaker, dogs attacking or worrying people or animals must simply be stopped. I believe that this can be done with more responsible ownership. However, through this Bill the penalty for dog attacks will be dramatically increased from \$1,000 to \$10,000. This community simply cannot tolerate vicious dog attacks.

Madam Speaker, to show that I have looked at this matter fairly, I acknowledge that some people have little to no tolerance of dogs and, as such, can go out of their way to make life difficult for keepers of dogs. To that extent, it is possible for people to have a dog impounded on suspicion of an attack - I repeat, on suspicion of an attack - simply to get it out of the way. This Bill, therefore, provides that where the registrar or the court finds an action to be frivolous the person who instituted the proceedings will bear the costs of impounding the dog.

One of the weakest aspects of dog control in the ACT is the number of unregistered dogs. I understand that this is one of the major areas that the Minister will address following the working party report. However, it is my belief that if all unregistered dogs found roaming the streets were destroyed on capture more people would have their dogs registered. This Bill provides for this course of action as one of the options open to an inspector.

Madam Speaker, in essence, this Bill is signalling to people that owning a dog carries considerable responsibilities. People who are contemplating owning a dog must simply think through all aspects of keeping a dog and, because all dogs can bite, they must consider the safety of other people. Madam Speaker, without apology, this Bill is definitely based on the premise that human life and well-being far outrank those of dogs. However, I am a strong believer in kindness to animals as well, and surely we can strike a balance between protecting people and caring for dogs. Madam Speaker, I present the Dog Control (Amendment) Bill (No. 2) for consideration by this house.

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

TRAFFIC (AMENDMENT) BILL (NO. 2) 1992

Debate resumed from 9 December 1992, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.10): The Government will be opposing this legislation, which seeks to ban skateboards in city areas. Sometimes we get the impression that the Liberal Party, if they see Canberra's young people doing anything and enjoying themselves, want to oppose it or to ban it. We think this Bill is a very counterproductive legislative intervention into the activities of Canberra's young people. We think it is unnecessary because we think we can achieve a better result by taking another course of action. This debate goes back quite some time. I think this was originally a Bill Stefaniak issue in the First Assembly. Mr Humphries got on the skateboard last year and was photographed on a skateboard. I seem to recall Mr Stefaniak at one point talking about the need for police dogs to control young people, and I suggested that perhaps we needed police dogs on skateboards in order to control the apparent outbreak of young people on skateboards. This issue has been around for some time.

We think the best solution is to go down the path of trying to develop some facility close to Civic where young kids can engage in skateboarding and rollerblading. In the range of activities available for Canberra's young people, I think we have to say that skateboarding and rollerblading are in some ways quite commendable forms of activity. If the alternative is hanging around a video parlour, I would certainly prefer my children, when they are of a sufficient age, to be engaged in the healthy pursuits of skateboarding and rollerblading. When you see some of these kids performing their stunts, you appreciate that they are very athletic. It is a very skilled athletic pastime. Some of the kids are going into competitions. There is a developing competitive scene for skateboarding and for rollerblading.

This issue of complaints about rollerblading and skateboarding is significant because it relates only to Civic. At our other shopping centres and main areas where people congregate - Woden, Belconnen - we are not finding comparable problems. That is probably because for quite some time we have had a range of facilities near those centres to enable people to participate in this activity. We have successful and well patronised skateboard facilities located in Canberra at Telopea Park, Stirling, Rivett, Football Park, Kambah district park, Richardson, Fadden Pines, Campbell, Kippax, Charnwood and, of course, the Belconnen skate park.

The Belconnen skate park is a very grand facility, up there with the standard of the best skateboard facilities in Australia. It is complete with lighting, ablution facilities and all the rest of it. It is a very expensive facility, but it works very well to serve the interests of Belconnen's young people. It is conveniently located close to the shopping centre and the bus interchange and also close to some fast food outlets. It seems to be very well patronised and you do not see young people on skateboards and rollerblades around the shopping areas.

Clearly, Canberra's young people will use these facilities if they are provided. They have to be near where the action is. Canberra's young people are no different to young people in any other city or of any other time; that is, they tend to be attracted to the centre of action. Where the bright lights and the big city are is where you will find young people wanting to congregate, so Civic is obviously a major area of attraction. Some of the skateboard facilities that we have in the old inner south and old inner north of Canberra - the old inner city area - are a bit far out from Civic. The kids want to come into Civic, have a chat with their friends and show off their various techniques.

De facto, the chess pit in Garema Place has become the skateboard and rollerblade centre. That is where the kids congregate; that is where they are engaging in these activities. In the long term, we want to redevelop that area. It is a bit of an eyesore; it is a bit run down. The problem with that area is the large concrete blockhouse which houses a major ACTEW distribution station. As has already been made public, when we get to the next phase of redevelopment of the commercial buildings that surround Garema Place - they are all pretty ripe for redevelopment - it will be a condition that in the basement and excavation for the first new project there be some space for that substation so that we can get rid of the blockhouse and redevelop the Garema Place skateboard pit.

We need something in the Civic area for the skateboarders. We have been doing some work and some thinking on this since this issue was first raised late last year. We have had a letter from a businessman in Civic indicating that business communities might be prepared to cooperate in providing a facility. I also had meetings late last year with the association in Canberra that looks after rollerblading and roller-skating, and we facilitated the holding of a New South Wales championship for rollerblading and roller-skating in the car park opposite the Lakeside Hotel. That was held earlier this year and was apparently a quite successful event.

We have been looking at providing in the car parks that surround Civic some facilities where the kids can congregate and engage in their rollerblading and skateboarding but be close to the bus interchange, to the fast food outlets, to the cinemas, to the other attractions that the kids want to look at. We are looking at the City Hill long stay car park, the area where they in fact held some State championships. There may be some problems there, in that it is a bit far from the bus interchange and the other entertainment facilities. We have been looking at the car park at section 56, the car park next to the Griffin Centre. That is certainly close to the Garema Place de facto skateboarding pit. It is close to the youth facilities at the back of the Griffin Centre; it is close to the cinemas; it is close to the fast food outlets; it is close to the bus interchange. However, it is a very heavily used car park. We have a dilemma, in that the car park that is not very heavily used is a long way away, while the one that is heavily used is very convenient.

We were looking at the area between the Boulevard and the car park at section 52. It is close to Civic and the fast food outlets. However, there may be a bit of a problem because it is too close to the Boulevard area and the pedestrian thoroughfare that is developing as people are going from the casino-hotel complex. We are looking at a range of areas throughout Civic. We were looking

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also at Glebe Park, but again we think probably one of the car parks around Civic would be better than Glebe Park, given the fact that Glebe Park is essentially green space and construction of concrete facilities there would detract from the quiet park nature of Glebe Park. So we are looking essentially at one of the car parks. We are proposing a facility that will be smaller and more informal than existing ones. We do not have the financial wherewithal to duplicate the Belconnen facility, which is a high standard, international competition standard skateboard facility. We are looking at something rather more modest, and we will probably start it on a temporary basis to see how it works.

We think this is the way to deal with skateboarding if it is seen to be a problem. We have to say that we do not see this as being at the top of the priority problems. There have been very few incidents where pedestrians have come into collision with skateboards in the Civic area. These incidents are a tiny proportion of the number of times that pedestrians come into contact with motor vehicles in the Civic area, but obviously we are not banning motor vehicles from the Civic area. That would be impracticable. But we acknowledge that it can be frightening for aged pedestrians when they see skateboarders. It is probably more frightening, in many cases, when aged pedestrians see people on pushbikes, because the pushbikes seem to make less noise and to be moving at considerably higher speed. It has for quite some time been an offence to belt along on a pushbike within 10 metres of an open shopfront, but the advice from police and other relevant authorities is that it is extremely difficult to enforce that law. It would be even more difficult to enforce a skateboard law.

Most skateboarders are young kids; that is, they are under the age of 18. When you start dealing with juveniles, there are some very onerous provisions on the police under the Children's Services Act - and properly so, because we are saying that you deal with young people who are potential criminal offenders in a much more careful way than you deal with adults. Most young kids who are on skateboards will not be carrying any form of identification. They do not have to carry identification. We do not live in a state that requires identification. If you start trying to enforce these laws and kids do not have identification, there will obviously be an enforcement problem. Are we saying that we will drag all the kids into the Civic police station and hold them until they can prove their identity? It is a difficult issue. Admittedly, that has not stopped us in the case of some other laws. Bicycle helmet legislation was a law that received general support in this Assembly, even though it too had some potential enforcement difficulties. But we would make the point that enforcement of pushbike law has proved difficult, and enforcement of a skateboard and rollerblade law would be even more difficult.

There are also some issues in the Bill which would need to be addressed if the Assembly were to proceed with it further. The Bill refers to "rollerblades", which is in fact a proprietary brand name. It would be better to get a more effective definition to clarify what is meant. "In-line skates" may be the more appropriate generic term. They are issues of detail; but, given that the Government opposes the legislation, we will not be moving amendments at this time.

Briefly stated, Madam Speaker, the Government's position is that we oppose this legislation. We think that if there is a problem with skateboards and rollerblades in Civic it is better to deal with it, not by legislation banning the activity, but by trying to provide some sort of alternative facility to attract Canberra's young people away from the main pedestrian thoroughfare in Civic but still close enough to the activities in the city that attract young people to the city in the first place. We do not think it is positive to pass punitive laws to outlaw what is in many ways a healthy athletic activity for Canberra's young people - laws which would create enforcement problems and which would mean that for a lot of young people their first contact with police would be in a confrontational manner. We do not think that would be a positive move at all.

MRS CARNELL (Leader of the Opposition) (11.22): Madam Speaker, I think that Mr Connolly has really missed the point of this legislation. We fully support the idea of a skateboard facility, because it was Mr Humphries's idea. Mr Humphries brought forward that proposition last year, and obviously we on this side support that approach. But I think Mr Connolly is missing the point of this whole legislation.

What the legislation attempts to do is to provide an appropriate environment for shoppers and people who own shops and service facilities in shopping centres generally. Certainly, Civic has been the focus of attention with this legislation, but it is not the only area where there are very real problems with skateboarding and rollerblading. Every single retailer in, I would say, every shopping centre in Canberra has had problems in this area. I think we have seen quite a number of petitions in this place and certainly letters - - -

Mr Berry: Which problems? What are they? What problems?

MRS CARNELL: I will get to them, Mr Berry. Just be calm. Have patience. Shopping centres exist for people to go shopping, for people to set up their businesses to sell goods and services to the community. The shoppers and, for that matter, retailers need to have a safe environment in which they can go about their business. Obviously, Mr Berry has never experienced being in a small shopping centre or in a large shopping centre when all of a sudden a rollerblader has whistled by. Even in my little shopping centre, on a number of occasions, I have had little old ladies - - -

Mr Berry: You own the thing too? You own the shopping centre?

MRS CARNELL: The shopping centre in which I have my business.

Mr Humphries: I raise a point of order, Mr Temporary Deputy Speaker. Mr Berry's interjections are becoming a bit childish. I ask him to let Mrs Carnell complete her speech in relative silence.

MR TEMPORARY DEPUTY SPEAKER (Mr Westende): Mr Berry, you will take notice.

Mr Berry: We just want to know what these very real problems are.

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MRS CARNELL: The very real problems that exist would be apparent to Mr Berry if he carried out any of his precious community consultation, which we know he never does. If he talked to people in shopping centres, the shoppers, particularly the elderly, he would know that, for those who can move around less ably than obviously he can, skateboarders and rollerbladers are very concerning. It is not just our elderly people who are concerned.

Mr Berry: Why? Tell us about it.

MRS CARNELL: If Mr Berry had ever been in a position of going shopping with a couple of young children, a child in a stroller or a toddler that could not get out of the way, he would know perfectly well that this is a very real issue.

Mr Berry: Very real? What is it? What is the problem?

Mr Kaine: I raise a point of order, Mr Temporary Deputy Speaker. I would suggest that we are getting close to the point where you should warn Mr Berry, and we might liven up the day a bit if he does not like the way the debates are going now.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I trust that you will stop interrupting and let Mrs Carnell finish her speech.

MRS CARNELL: Mr Berry seems to be a great expert in this area. He seems to know what the community believe in this area. That means that he has not actually read any of his mail in the last six months or so - as Mr Connolly said, for a long time. In my own shop, on two occasions over the last few years I have had customers who have been hit by skateboarders. In that situation it is not a very nice deal. In both circumstances I admit that no bones were broken; there were just people who were badly scared.

In environments that were not designed for skateboarding and rollerblading we are not just allowing, but actually encouraging, people to engage in those activities. If shopping centres are to be used as sports facilities, maybe we could see football or volleyball in the middle of our shopping centres. Maybe we could have a driving range and those sorts of things. That might seem silly, but skateboarding and rollerblading are sports - - -

Mr Cornwell: We are short of cricket pitches. What say we put one of those in Garema Place?

MRS CARNELL: I think that is a very appropriate statement from Mr Cornwell. Skateboarding and rollerblading are either methods of transport or alternatively sporting activities, neither of which are appropriate in a shopping centre environment. Overseas or, for that matter, in other parts of Australia skateboarders and rollerbladers are banned from shopping malls and all sorts of areas. Even in the United States, the home of individual freedom, rollerbladers and skateboarders are banned from shopping centres. Why are they banned? They are banned because it is sensible to ban them. They are banned because they are inappropriate in shopping centres, particularly in shopping centre malls.

Then there is the issue of community property and the property of the shopping centre, of the retailers and service providers in shopping centres. If Mr Berry and Mr Connolly, who is not here, would bother to walk around Garema Place, or any shopping centre in Canberra, and ask the retailers whether they have ever had a front window broken or any of their stock or possessions damaged by people zooming past on rollerblades or skateboards, they will all tell you that they have or that somebody next door has. Just go down to Garema Place and ask how many shopfront windows have been broken or other property damaged. It is up to any normal government to do something about that, but this Government does not seem to believe that the rights of those people are in any way important.

The Liberal Party believes very strongly in individual freedoms and individual rights. We believe that everybody has rights. We believe that skateboarders and rollerbladers have every right to engage in their sport, to have some fun; but not at the expense of others, not at the expense of the individual freedoms and rights of other people in our community. That is exactly what we are seeing at the moment. We are seeing a situation where one group, and a fairly small group, are able

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Mr Berry: What rhetoric! That is hollow rhetoric.

MRS CARNELL: Mr Berry is obviously into facts today. He certainly was not last night, when we were debating the TAB Bill. I suppose things can change overnight.

I fully agree with Mr Connolly that this piece of legislation would be very hard to enforce, as is the current bicycle legislation. What it does, though, is give shopowners and the police some capacity to encourage these young people to leave the area. At the moment, they are acutely aware that there is no legislation to stop them riding in areas where people are supposed to be walking. It would of great benefit to be able to say, "Please move; it is against the law". That might seem really silly to people opposite; but, quite honestly, out there in the real world where people are trying to buy their groceries, where they are trying to get on with life, to be able to go shopping and not be intimidated by people on rollerblades or skateboards would be a great step in the right direction.

MR MOORE (11.31): I think it is important to warn people about the slippery slope on this issue. What we have is a situation that is akin to the domino theory in terms of communism. You will remember the domino theory about the communists that was around during the Vietnam war. It is the same slippery slope argument that I have heard people present at a - - -

Mr Kaine: Reds under every bed.

MR MOORE: I hear the interjection about reds under every bed. These are the sorts of problems that this may lead to. The real agenda here is to eliminate fun. What we have is a situation where people on skateboards and roller-skates have fun. A short time ago Mr Humphries was talking only about skateboards; now he is talking about skateboards and rollerblades. The question is: What next? The answer to the question is obvious: Anything that is going to provide fun.

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I can give you some examples of what I think is in his sights. The very dangerous backyard swing is likely to be the subject of the next piece of legislation. As you know, not only are they dangerous because they swing back and forth and somebody might walk by, but, to use Mrs Carnell's words, people can be hit and badly scared. There are also swings in some of our parks. Do you know the noise they make? It is absolutely disconcerting.

Mr Kaine: That is self-inflicted. You can inflict that sort of stuff on yourself if you want to.

MR MOORE: I hear an interjection from Mr Kaine that that is self-inflicted, but that is not the case. You might be just walking across your park while a swing is swinging away and you could be either hit or badly scared, and it happens to toddlers. I am warning you about the slippery slope. This is where Mr Humphries is heading.

Mr Kaine: The slippery slide is next.

MR MOORE: That interjection brings me to what is sometimes called a slippery slide; in South Australia we used to call it a slippery dip - I am not quite sure why. They also are a source of fun for children. I would not be surprised to see that in the pipeline, following this piece of legislation. Do not forget that pipelines are quite common now in children's playgrounds, and I am sure that there will be a reason why they will need to be banned as well, probably because visually they are threatening. There are also seesaws and a whole series of other things. The critical factor that ties all these together is that word "fun". When people are having fun, we must make sure that they are away from us.

On a slightly more serious note, I would like to take up a couple of things Mr Connolly said about taking a positive approach to our young people. I congratulate him for that, but I would ask him to consider very carefully, in taking this positive approach, the extent to which that positive approach will be seen as such by young people if you move them away from the centre of the area where all the activity is. There may be a sense of rejection, and we have to deal with rejection. A lot of the people we are dealing with in the chess pit at the moment are unemployed and are already suffering problems in terms of rejection.

Mr Cornwell: You are unbelievable.

MR MOORE: Mr Cornwell interjects that this is unbelievable. He does not understand the full ramifications of somebody feeling rejected. It is an issue that needs to be taken into account. We should be trying to imply to our young people that we welcome them, but let us see - and this, I think, is Mr Connolly's point - whether they can actually carry out their activity in a way that suits everybody. I understand that. If it is possible for them to carry out their activity centrally, it could be a great tourist attraction. It already is on the Gold Coast, where sometimes a real feature is made of very talented young people who can do fantastic things on their skateboards and their rollerblades. I recall seeing on television the picture of Mr Humphries - - -

Mr Connolly: In the *Canberra Times*.

MR MOORE: The *Canberra Times*; I knew that I had seen it somewhere. Mr Humphries was showing his skill on a skateboard. He has a way to go, but certainly the picture presented in the *Canberra Times* showed a very unusual stance on a skateboard, one that I imagine people would like to emulate if they possibly could. With a skateboard going in one direction and Mr Humphries going in the other, it is probably a quite difficult thing to repeat.

It seems to me that there are some very serious issues surrounding this, where the solution, "Just ban them; just kick them out; just do not let them have fun", is an entirely inappropriate solution. Ms Szuty has circulated a motion, which no doubt she will speak to, to refer this Bill to the Standing Committee on Legal Affairs for inquiry. I am going to support it, but I have to overcome my inclination to reject this Bill outright. The reason I am prepared to support the motion in the long run is that I have been convinced by Ms Szuty that we might get something positive out of this, something positive along the lines that Mr Connolly is suggesting. The Legal Affairs Committee may be able to take a broader view of the issue and say, "What positive things do we need to do to ensure that our kids do not perceive themselves to be rejected, that they do not get offside with the police?".

Mr Connolly raised the very important issue that young people's dealings with the police ought to be in as positive a light as possible. We are already putting a lot of effort into that. I know that Constable Steve is at the school my children attend and is working very hard on that sort of crime prevention strategy. That is the sort of strategy that could well be terribly undermined by a piece of legislation that requires the police to be on the backs of kids and get a negative relationship rather than a positive relationship. These are issues Mr Cornwell seems very relaxed about dismissing easily. I hope that I am not misrepresenting him. I believe that they are absolutely critical to ensure that we get a positive feeling amongst our young people in our society and that we can provide for them a positive approach to understanding the needs and fears of other people.

MR DE DOMENICO (11.39): I rise briefly to make some comments on the interjections and the comments made by Mr Berry and also on some of the comments made by Mr Moore. Let us, first of all, talk about the reality of the situation. We are not all about abandoning and rejecting children and all the other things Mr Moore was alluding to. We are talking about things such as Mr Moore going and talking to some of the retailers around the shopping centre near Lake Ginninderra College - the Kentucky Fried Chicken outlet, for example. Mr Wood's department and Mr Connolly's department spent a lot of money in planning and urban services to make sure that the area looks attractive, and it is landscaped and all that sort of thing. By the way, there is a skating rink very close by, Mr Moore, in case you have not noticed.

Notwithstanding that we have one of the best facilities in the country very close by, there are still a serious number of complaints by those retailers, who from time to time find their windows smashed by some child, as you call them, running into the window on a skateboard. We have also had some complaints from people that go there shopping, and let us keep in mind that the area is a designated shopping area. It has been built as a shopping area, not as a skateboard rink.

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Mr Moore: Are you sure?

MR DE DOMENICO: Yes, I am positive. If you go and talk to the shopping people there, they might tell you this.

Mr Moore: That is their perspective.

MR DE DOMENICO: No, not their perspective at all, Mr Moore. There have also been some shoppers knocked over. As Mrs Carnell says, perhaps no bones have been smashed and there is no blood; but it is very frightening, especially if you are an elderly person. We have to talk also about their individual rights and freedom. We should not abandon, I am sure Mr Moore would agree, the rights and freedoms of the older people in that community as well. It is not all about getting stuck into the young people. That is point No. 1.

Mr Moore and Mr Berry were asking about particular problems. There is one, Mr Berry. Perhaps you would like to go out to Belconnen and have a word to some of those shopkeepers there. In your travels, Mr Berry, you might want to go and talk to some of the shopkeepers in Garema Place as well. Quite rightly, Mr Connolly's department spends a lot of money and time in making sure that those areas look attractive. They are designated shopping areas where people come from all sorts of places, and a lot of tourists also come into those areas to shop and to do things associated with the restaurant and other facilities that are provided. That is fantastic; but they do not expect to be knocked over or pushed aside or whatever by any person, whether young or old, on a skateboard or anything else. If we use a logical argument, driving cars fast down a road was a very popular thing in Melbourne in my youth, but that does not mean that we should allow cars into Garema Place, and that if we do not allow cars into Garema Place we are being insensitive to young people who want to drive fast up and down the streets.

As Mrs Carnell and Mr Humphries have said, and I am sure that Mr Cornwell also will say it, we have to see a balance in these things. Quite recently I was privileged to be in Queensland with an Assembly committee, where we saw the magnificent facilities in the Brisbane mall. The first question Ms Szuty and I asked the people of the Brisbane City Council was: Do you allow skateboard riders in the mall?

Mr Cornwell: What did they say?

MR DE DOMENICO: The answer was, obviously, "No, we do not, because the mall has been designed and shaped and landscaped beautifully as a shopping facility. We expect people from all over the place to come there and shop, and the shopkeepers, accordingly, take a lot of pride in the way they present their windows and that sort of thing. The last thing we want is people to be knocked over while shopping, by someone riding a skateboard. Of course, we provide quite good facilities further down the street". That is a wonderful attitude to have. That is what the Liberal Party's Bill is all about.

Mr Moore made some comments about the elimination of fun. The comments were quite bizarre.

Mrs Carnell: Zooming old ladies down.

MR DE DOMENICO: Yes. If you eliminate zooming old ladies down whilst shopping, you are eliminating fun! As if the Independents - the would be's if they could be's - have a complete monopoly on fun in this life. What a ridiculous comment to make!

This Bill is all about saying that there are designated areas in which to do all sorts of things. If the Government, any government, wanted Garema Place to be a designated area where we could have rollerblade competitions, they should build a facility accordingly. Garema Place and the areas around the Belconnen and other shopping centres such as the Red Hill shops, where Mrs Carnell is, are there to provide the public and the community with shopping facilities. Elderly people especially ought to feel confident that when they go shopping at a place designated as a shopping centre they are not likely to be knocked over by anybody, whether on a rollerblade or anything else, and that is what this Bill is all about.

There is another thing we need to look at. Has anyone thought of the financial consequences if someone does get injured in one of these areas? Who is going to be responsible? Who is liable for paying the costs? Has anyone thought about all the damage that is done to the trees and the plants around these shopping centres, or do we just talk about the environment when it suits us? Has anyone talked about the damage that is done to public property sometimes? Who is responsible for paying for that? What about the damage to ACT property? What about the damage done to the kerbs?

If people went out and had a look at those shopping centres, they would know exactly what we are on about. We are not about abandoning our concern for young men or women or children or eliminating fun, for heaven's sake. We are all here because there is a problem out there in the community. It is the community that is coming to us, the elected members, and saying, "We have a problem and we want you to fix it". It is not as if we are going out ourselves and creating the problem, for heaven's sake. It is the community coming to see us.

Mrs Grassby: Why are they not coming to us? We do not see them.

MR DE DOMENICO: Talk to them, Mrs Grassby. You have to ask them that yourself. Go out there and talk to them. You might find out what is going on.

Mr Kaine: Ask how many of them have tried to get an appointment with you up there and cannot get in beyond the door on the fifth floor.

MR DE DOMENICO: Thank you, Mr Kaine - and especially the people in Belconnen. As Mr Kaine knows, they are coming to see us because they cannot get anybody up there to talk to them. Mr Moore is not here, unfortunately. If he were to go out and talk to these people, he would realise that there is a problem. I am going to support this Bill being referred to a committee. Once and for all, let us try to get it out of the political arena and say that there is definitely a problem. When there is a problem, it is no good hiding it behind the bushes and saying that it does not exist. It does exist. Every problem, I believe, has a solution, and we have shown in this Assembly, when we get to the committee area and do not have to argy-bargy politically across the floor of the house, that we usually solve our problems. For Mr Moore to talk about the elimination of fun and other things is just preposterous.

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MR CORNWELL (11.46): I rise because I really could not allow Mr Moore's outrageous statements that we were somehow opposed to fun to go uncommented upon. Mr Moore, who is not here, unfortunately, talks about this side of the house being anti-fun. Mr Moore is one of the people who voted to ban circuses in this town. Where is he? This is the man who criticises us for opposing fun, yet Mr Moore helped ban circuses coming into the ACT. So much for Mr Moore's concern for the fun factor in the ACT.

Of course, he is always full of reformist zeal and he stands up and makes sanctimonious speeches about the dangers of young people suffering rejection if they are moved out of Garema Place when they wish to ride skateboards. He then goes on to talk about taking a positive approach to young people. I might suggest to Mr Moore that one of the positive approaches we could take to young people is to explain to them that they should not be riding skateboards in shopping centres. We are not seeking to ban skateboards. What we are saying is that they are unsatisfactory in certain areas, and unquestionably one of those areas is shopping centres.

Mr Lamont: Fuddy-duddies.

MR CORNWELL: Mr Lamont, let us see what happens if your grandma gets knocked over and her leg gets broken by somebody on a skateboard. What are you going to do, Mr Lamont?

Mr Kaine: Because it was such fun, he will laugh.

MR CORNWELL: Thank you, Mr Kaine, for the interjection. Mr Kaine suggests that, because it was so much fun, Mr Lamont would probably laugh. This is the problem. Mr Moore's idea of a positive approach to young people is simply to allow them to do whatever they like, wherever they like, whenever they like. Fortunately, most sensible, responsible people do not share that absurd view. The fact is that they do need to be taught that there are certain places where you cannot ride skateboards, just as there are certain other things that you have to do in life that require some sort of discipline, some sort of control.

This is not a question of ending up rejected. We know that there are numbers of people out there who do feel rejected, mainly because they very often do not want to obey any laws at all. I wonder what Mr Moore would do if the skateboard fraternity suddenly decided that the new and permanent Parliament House foyer was a good place for skateboards. Would Mr Moore be standing up in this place demanding that the Joint House Committee allow these people to express their skateboardness, or whatever phrase you may wish to use, in the new and permanent Parliament House? This is the sort of absurdity this man comes up with.

I wonder whether Mr Moore's attention to youth is because he supports euthanasia and does not really believe that there will be too many of the old ones left by the time he has finished with his inquiry. Maybe he is looking ahead for more votes. I can assure you that he will not have the support of the community for putting up such a ridiculous argument in favour of not moving these people on from Garema Place or any other shopping centre. The fact of the matter is that the shopping centres are for shopping; skateboarders should go somewhere else.

I reluctantly support the move by Ms Szuty to refer this matter to a committee. I say "reluctantly" because I do believe that often this Assembly gets itself into a terrible mess when simple pieces of legislation could be resolved on the floor of the house if only people were prepared to stand up and address matters in a commonsense, sensible manner. Instead, we end up with all this nonsense from people like Mr Moore, who wishes to attack people, apparently, because we are opposed to fun and because if we take some firm action, as we should as an Assembly, we might be leading to further rejection of the young.

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

LEGAL AFFAIRS - STANDING COMMITTEE
Reference - Traffic (Amendment) Bill (No. 2) 1992

MS SZUTY (11.52): I ask for leave to move a motion concerning the Traffic (Amendment) Bill (No. 2) 1992.

Leave granted.

MS SZUTY: I move:

That, notwithstanding the provisions of standing order 174 -

- (1) The Traffic (Amendment) Bill (No. 2) 1992 be referred to the Standing Committee on Legal Affairs for inquiry and report by 16 December 1993.
- (2) On the Committee presenting its report to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

On first seeing and reflecting on the Bill proposed by Mr Humphries, I felt, as many other people have, that these were punitive measures which would be applied to cyclists, skateboarders and rollerbladers. I have listened very intently today to the debate on the Bill, and I take on board a number of comments that both Mr Connolly and Mr Moore have made about the importance of being proactive in situations where we can be and promoting the needs of all groups within our community to participate in our society.

I would also like to take up comments made by Mr De Domenico about the Queen Street Mall in Brisbane. Mr De Domenico was quite right in stating that a question was asked about whether skateboarders and rollerbladers have any access to the Queen Street Mall in Brisbane. The answer was no. Certainly, that is an accurate reflection of what happened. Notwithstanding that, that certainly does not mean that the members of the Planning Committee who were present at that time agreed with the action that has been taken by the Queen Street Mall management.

Mr De Domenico: I did not say that. I did not say that you agreed with anything.

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MS SZUTY: I am reporting on what you said, and I am reporting further that some members of the Planning Committee may not necessarily hold to that view. The view we have is that we very much do not like to see any particular target group or section of the population prevented from participating in the full life and activity of the community. On that basis, we had some reservations about the measures that were taken in Queensland.

Mr De Domenico: No, you had some reservations, not "we". You cannot on the one hand say one thing and on the other hand say the other.

MS SZUTY: I will say that I had some reservations, but I also note that other members of the Planning Committee had reservations as well. So I am using "we" in that context.

However, Mr Humphries said that he has had many representations to him on this issue, and I have, too, by a number of people who recognise that the issue is one of concern. I believe that the Standing Committee on Legal Affairs is well placed to consider the issue further and to come up with options and strategies which will effectively address the concerns expressed. We have a timeframe which allows us to report to the Assembly in December this year, and I believe that that is an appropriate timeframe and will give us enough time to consider the issue more fully. I commend the motion to the Assembly.

MR LAMONT (11.56): It is an appropriate resolution of the presentation of this legislation today that it be further reviewed, principally because the rationale for the introduction of this Bill is fundamentally flawed. The reality is that there is a perceived public safety problem with rollerbladers, skateboarders, cyclists and so forth - and not just in the city centre, I might add. That view has been expressed, I think, to all members of this Assembly. However, attempting to take the action that is proposed in this Bill to address the problem is putting the cart before the horse. Indeed, there should be - and I think Ms Szuty and I are at one on this - an investigation into the provision of suitable facilities for this type of activity to be undertaken in appropriate locations. That is one of the issues I would hope the Legal Affairs Committee, which Mr Humphries chairs at the moment, will investigate.

The investigation should not take long. I think the various sides, if you like to use that terminology, to this argument have both well documented and well argued their respective cases over the last few years. It should therefore be a fairly swift review by the Legal Affairs Committee of all of the issues associated with this question. I would hope that we are able to do it prior to Mr Humphries having his seven weeks' leave this year.

Mrs Carnell: You mean his honeymoon.

MR LAMONT: If that is how long it takes, his seven weeks' honeymoon then. I do not want to belabour the point - or even beliberal the point, Mrs Carnell, if you will pardon the pun. I think it is an appropriate way for us to handle the matter. I hope that we are able to have some of the issues addressed on the public record.

As I said in my introduction, I think they go further than just addressing the problems in the city centre. It is extremely difficult for us to isolate the city centre from through traffic, because of its design. It is designed as a fairly large meandering pedestrian mall - appropriately, in my view - but it does cover the

entire thoroughfare, if you like, across the city, with the exception of the London Circuit footpaths. Even that, I understand, would be drawn into question by Mr Humphries's proposal, and even in that area there could be a prohibition on the use of skateboards, bicycles and the like. So it is a larger question than specifically for the city. What we have been able to do in Belconnen is to provide for a skating rink with a range of different activities on it.

Mrs Grassby: Put there by me.

MR LAMONT: Thanks to the reaction to appropriate community concerns by Mrs Grassby when she was the Minister responsible for such matters. We have been able to ameliorate the effect of this in the Belconnen area. I understand that similar facilities are being investigated for other major areas. In some of those areas it may not be appropriate to incorporate them as an adjunct to the town centres - say in Tuggeranong, because of the positioning of the Tuggeranong Town Centre. When I was at the Tuggeranong Town Centre recently, I saw there that there was a danger to the rollerbladers and skateboarders in crossing the roads between the Hyperdome and some of the other city facilities, and that also should be addressed by the committee as part of the investigation of this legislation.

I do not necessarily believe that all Liberals are wont to remove matters of joy to our children and our younger population - most are, but not all. I believe that it is an appropriate way for Mr Humphries to reflect the recent position of the conservative Opposition on the rights of children to participate in the types of sports and activities that, as kids, to a lesser or greater degree, we all did. The point Mr Moore may have been attempting to make is that at times, as we grow further away from childhood, our memories tend to dim about some of the activities we got up to when we were younger. Mr Humphries may even be able, in the next couple of weeks, to partake of some rollerblading and skateboarding as an appropriate form of recreation. I am told that it is extremely exhilarating.

Mr Humphries: I have given it up, David.

MR LAMONT: You have given up skateboarding now?

Mr Humphries: Yes.

MR LAMONT: That is very good. I am pleased, with your new state, that that is the case. I am sure that your partner would be extremely concerned about the damage you may cause to yourself, being inexperienced in these areas.

This is an appropriate reference for the committee to take. I understand from the motion that there is no reporting date on Ms Szuty's proposed referral.

Ms Szuty: Yes, there is. It is 16 December.

MR LAMONT: I hope that we are able to conclude this matter well before then. We can have a reasonable debate prior to the end of the year on the matter outlined by Mr Humphries. I have received fairly substantial correspondence, from shopowners and the youth involved particularly in skateboarding, about some of the things that have been occurring to both sides. I was extremely disturbed that in one instance oil had been placed on footpaths to prevent

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skateboarders and rollerbladers from going into particular areas in some of the suburban centres. That is extremely dangerous and, I would suggest, irresponsible. As Ms Szuty has said, the mechanism we are now proposing is an appropriate way to have those concerns addressed.

On the question of pushbikes, and I accept the knowledge of Mr Humphries and my colleague Mr Connolly on this, I understand that it is currently illegal for a person to ride within a prescribed distance of a shopfront. That technically would prevent any bike riding at all in the city, particularly in the pedestrian mall areas. You have to go through an area within 10 metres of a shopfront to get into the pedestrian mall or you are within 10 metres of shopfronts in most locations within those pedestrian malls.

Mr Humphries: Unless you are on a road.

MR LAMONT: There are no roads in a pedestrian mall.

Mr Humphries: There are shops against the road.

MR LAMONT: I do understand and accept that; but you must also accept that we have an extensive pushbike network in the ACT, with a whole range of people, including workers in shopping centres, who ride their pushbikes to and from work.

Mr Humphries: But they can wheel their bicycles when they get to these areas.

MR LAMONT: I understand. I am not suggesting that there are not ways to overcome the problem, Mr Humphries. All I am doing is trying to identify, for the purpose of the deliberations of the committee, some of the issues we will need to address. Pushbikes are a particular example of an issue that does need special attention, certainly in relation to the existing law and its enforcement. As an example, as you may recall, I spent some time as the secretary of the Transport Workers Union, covering such great people as the bus drivers who operate in ACTION. We have around Australia a specific classification of pushbike rider and a range of other people.

Mr Cornwell: Skateboarders?

MR LAMONT: In fact, we do have couriers in Sydney who use skateboards in some areas; but specifically you will see pushbikes dodging through the traffic in metropolitan Sydney, in particular where professionally they are required to undertake their role in that fashion. The point I was trying to make was that we had some difficulty with pushbike riders in the bus interchange in the city. That specifically is still a designated roadway. You can ride a pushbike on a designated roadway, but it is the city bus interchange. How do we address that issue as part of the totality of the questions you have raised, Mr Humphries? Again, that is a specific question the committee will need to address.

In addition, we need to take into account the fact that some areas in the city should be added to our pedestrian ways. That will expand the size of the problem, and that may be something that should be looked at, although the Legal Affairs Committee is probably not the appropriate one to investigate such a matter. I suppose that the Planning, Development and Infrastructure Committee would be the more appropriate of the Assembly's committees to investigate that specific question. I understand that there are moves, not at

official government level but at the discussion level within the administration at this stage, to identify other areas in the city that may be expanded into a further area of pedestrian mall. What impact will that have on bicycle access and, again, can that be used as a justification for the result you are trying to achieve, Mr Humphries?

I say, in conclusion, that we need to address the cause of the problem. I believe that the cause of the problem is far more significant than saying, "Kids will ride skateboards in the city because they want to annoy the shopowners". That is not the reason why they are there at all; there are other reasons. We need to give some cognisance to that fact and identify those issues and suggest some remedies as part of dealing with this Bill.

MR HUMPHRIES (12.08): Madam Speaker, as the proposer of the Bill and as the chairman of the Legal Affairs Committee, I am prepared to accept the motion put forward by Ms Szuty to refer the Bill to that committee. I think the committee is well equipped to consider the issues that have been raised. Mr Lamont suggests that there are broader issues than just kids on skateboards, and he may well be right. I hope that the reference to this committee represents a desire to see some way in which the very real interests of pedestrians and shoppers, particularly elderly ones, in our shopping centres can be reconciled with the interests of young people in exercising what is acknowledged to be an important release of their energies and their talents in skateboarding and rollerblading.

I want to make it very clear in the course of this debate that I have no objection to people rollerblading or skateboarding or bicycling. They are activities which, particularly in the case of skateboarding and rollerblading, exhibit great skill, and I admire them for their capacity to do what they do on those items of equipment. But the essential point being made by this Bill, now as before, is that there are times and places for these activities. We as a community need to decide whether these activities ought to be encouraged and tolerated in particular places.

I also hope that the committee, when it considers this Bill, can examine the question of enforcement raised by Mr Connolly. The issue we are facing here is not: How do we deal with young people who transgress the law? Do we throw them into paddy-wagons and take them down to the station to be processed, or do we employ other better methods of enforcing this law? The problem has been not that the police have been itching to get out their on-the-spot-fine notepads or their handcuffs to deal with these sorts of people, but rather that they have not had the capacity to go to these people and say, "You are causing a nuisance in what you are doing here. Your presence here on a busy Saturday morning is not appropriate; it is not desirable. Would you please go somewhere else to do this?".

That is the essential point I am making with this Bill. It is to reconcile the legitimate interests of shoppers and pedestrians in using those places with the very real and legitimate interest of skateboarders and rollerbladers in practising their skill in some appropriate place. I hope that this motion will achieve that, and I look forward to the inquiry we will now embark upon.

MS SZUTY (12.11), in reply: I would like to thank members for their contributions to this debate and to urge them to support the motion that is before the Assembly.

Question resolved in the affirmative.

DEMENTIA CARE

MS ELLIS (12.11): Madam Speaker, I move:

That this Assembly notes the inadequate funding for dementia care in the ACT and support services for carers of dementia sufferers. This Assembly calls on the Government to negotiate with the Federal Government to:

- (1) alter and increase the funding formula for dementia care facilities; and
- (2) provide funding as a matter of urgency for increased dementia care facilities in the ACT which include adequate provision of respite care beds for dementia sufferers usually cared for in a home environment.

Madam Speaker, I rise today to bring to the attention of this Assembly, and hopefully the wider community, the desperate need for all governments in this country, but particularly the Federal Government, to address the issue of appropriate care for people who suffer from dementia and support services for the carers of dementia sufferers. Dementia can be one of the mysteries we all hope we never need to understand or concern ourselves with. Those of us not involved with the day-to-day care of people with dementia tend not to understand or concern ourselves with the extent to which this illness not only affects the sufferers but also permeates the lives of carers and other family members. I am sure that at different times we may come across an article in a magazine or a newspaper outlining the plight of some poor soul struck by this terrible disorder. The occasional documentary on television brings it home to us, even if only for the duration of the program; but it is very easy, and far more comfortable for us, to turn off our concern when we turn off the television.

Dementia is an illness which, in its more advanced stages, requires constant 24-hour care of the sufferer. The illness is insidious and makes caring for the sufferer emotionally and physically exhausting. The parent you know so well does not know you any more. Sufferers cannot remember whom they have just seen or spoken to. They are not sure whether they have just eaten, just washed, or just dressed. You can no longer reason with them or explain much to them. More seriously, Madam Speaker, they may turn on the gas stove but forget to light it, and then even forget that they were planning to use it. Any level of intellectual enjoyment or achievement which they once enjoyed is lost. This is the world of dementia sufferers, and it is the behaviour that close family members and friends have to cope with every hour of every day. It is also the behaviour that staff of hostels have to deal with when their facilities, skills and staffing levels can barely cope. Dementia sufferers, however, are generally physically healthy and may even be fortunate enough to enjoy, to some degree, a physically active life - not the sort of lifestyle that is available in nursing homes for frail aged.

At the moment, Madam Speaker, it is safe to say that the majority of sufferers are cared for in private homes, by family, mainly, or, in some cases, by friends. As the dementia worsens, the need for that care increases and quickly becomes 24-hour. In those cases, where the care is given at home, the strain on the carer is enormous. In many cases where a carer in the home is the primary source of care for the sufferer it is physically tiring for the carer, and because he or she is usually a family member or close friend it is emotionally draining. The emotional and physical health of carers ultimately suffers. Dementia is affecting families at an alarming and ever-increasing rate. The cost to the individual is devastating.

Despite continuing research and increasing knowledge, we still do not fully understand why it occurs, and we do not know how to treat it effectively. We have only just started to learn how to care for the sufferer. I have said that dementia is affecting families, because we must understand the trauma this illness brings to the families of those sufferers, the effect it brings to so many lives. There is a social cost that must be acknowledged. Madam Speaker, I have previously said that dementia is an insidious disorder. It can take a long time to become apparent, but it can also move rapidly. The sufferers may still look well in themselves, at least while they are able to remember to care for themselves or they have someone to attend to their personal care.

The Carers Association of the ACT, part of the Carers Association of Australia, offers invaluable assistance and support to those carers, wherever possible. This organisation achieves a great deal and is a terrific service for the many carers in our community. I know that we all applaud the dedication and work of those Carers Association members. But, Madam Speaker, with other family members to attend to as well - children, spouses, other older parents - the carer is at very high risk of ill-health or physical ill effect due to the demands of the job. When things get really tough the carer may be lucky and get access to a respite bed for a few days or weeks, where the sufferer can be placed in care. Access to respite care in this way is essential. However, not only can this disorient the sufferer, but also, after the rest, the carer role has to be resumed. What options does the family or the carer have if the illness has progressed severely or the carer's health has suffered so badly that a return to the home is considered unwise? At the moment, Madam Speaker, severely limited options are faced.

Of course, some people or families choose to keep their family member at home. If this path is chosen, all possible support must be made available, whenever needed, so that carers are able to care for the sufferer in an effective, safe and happy environment. On the other hand, some carers may not be in the position of choosing that option and institutional care may be the only way open. What does this currently mean? Some dementia sufferers are accepted into hostels, in many instances quite successfully; but this option may remain only while the level of dementia is moderate and remains static. Other non-demented hostel occupants can find it very difficult to cope with the needs and demands of the dementia sufferer. Also, the staffing and funding formula is inadequate to provide the level of care needed by these people. The issue of accommodating these people in hostels is, in fact, questioned by many. Madam Speaker, some dementia sufferers are accepted into nursing homes. These facilities are not built or run with dementia needs in mind, and, although providing some badly needed assistance, are not considered entirely the appropriate place of care either.

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What is desperately needed is access to purpose built facilities where dementia sufferers can receive the level and type of care specific to their needs, like, for instance, the facility about to open in the next few weeks as part of Mirinjani in Weston, the new Eabrai Lodge. With proper and considerate architectural design and planning, and with careful and appropriate staffing arrangements and management, the 20 people who will be admitted to Eabrai Lodge will receive exactly the care they need, given our levels of understanding of the world of dementia. Their families will know that their loved ones are cared for in an appropriate, caring and understanding environment. However, Madam Speaker, while the current funding formula continues to be administered by the Federal Government we will not be seeing very many Eabrai Lodges being built. Mirinjani know that they will have to run the lodge at a considerable loss each year, but believe that the need is so great that they have committed themselves to continually fundraise to enable Eabrai Lodge not only to open but also to look forward to a future and stay open.

To put it simply, the Federal Government currently has two tiers of funding for aged people needing assisted accommodation or care - one for hostels and one for nursing homes. The hostel level is the formula paid, obviously, for hostels, but also for specific dementia care facilities like Eabrai Lodge. Any purpose built dementia facility is funded currently at the hostel level. This level provides funding for hostel places for aged people in relatively good physical and mental health. These people do not need constant care and attention. This form of funding for dementia specific facilities is grossly inadequate and makes no allowance for the special full-time care dementia sufferers require. The nursing home formula, on the other hand, is based on levels of nursing care required. Not only is it, I believe, the wrong assessment - that is, it is based on nursing care - but also it is too costly. These people need a particular kind of special care, but not necessarily high-level nursing care.

I believe that what is needed is a third level of funding specifically designed to cater to the needs of dementia sufferers. This must be adopted by the Federal Government. It would fit, in cost terms, between the hostel and nursing home levels, and would have an appropriate structure comparable in assessment, admission and monitoring with what applies for hostels and nursing homes. It would enable the needs and level of care of sufferers to be correctly established. The correct level of staffing hours would be applied at a cost-effective rate. It is simply not good enough to continue to rely on the current funding policy and I believe that it is incumbent on the Federal Government to address this social issue as a matter of urgency. We must urge all governments to bring pressure on their Federal colleagues and have this matter given the priority it deserves.

On behalf of our ACT community, I believe that it is our responsibility to continually fight for the rights of these people and their families - to seek what we call social justice on their behalf. For how long can we allow the current situation to continue? I believe no longer. I know that budgetary times are tough, but I do not believe that the cost and expense of providing care for dementia sufferers has been looked at properly. In fact, if the extent of the problem were identified as it should be at the Federal level and appropriate care facilities provided, it would not only be cost effective but also ensure that appropriate care is being provided for the different levels of age-related care.

.However, Madam Speaker, this is not really an issue that should be decided on dollars alone. This is a social justice issue, I believe, of the first order and it deserves treatment accordingly. Madam Speaker, it is the responsibility of all of us to work towards changing attitudes and facing the realities of properly caring for those who suffer from dementia. We must urge the Federal Government to properly assess the needs for dementia sufferers, to assess the extent of the problem throughout our community and to provide the facilities that are needed that can best accommodate and care for them.

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

Sitting suspended from 12.25 to 2.30 pm

QUESTIONS WITHOUT NOTICE

This Week in Canberra

MRS CARNELL: My question is to the Chief Minister. I refer the Chief Minister to the 30-year-old Peter Isaacson publication *This Week in Canberra*, which the head of the Tourism Commission, Mr David Lawrance, recently directed to be removed from the shelf at the Northbourne Avenue tourist office and to be kept under the counter, apparently because the publication included ads for ACT brothels. I ask the Chief Minister: Why does she deem it appropriate for the ACT Government to levy rates and taxes on brothels but not seem to deem it appropriate to allow such businesses to advertise and yet allows them to be listed in a much more explicit way in *Yellow Pages*? Further, is the action for removal of the publication, without any legal reason, in breach of the Trade Practices Act?

MS FOLLETT: I thank Mrs Carnell for the question, Madam Speaker. Can I say at the start that this is not a matter that has been referred to the Government. As members know, Madam Speaker, the Tourism Commission has acted on this after several complaints. Not everybody shares Mrs Carnell's apparent enthusiasm for these industries. The Tourism Commission, after several complaints, took a decision to refrain from prominently displaying publications containing sex industry advertisements and to make them available to those visitors who ask for them. I think that is a reasonable course of action. The publishers of the brochure *This Week in Canberra* - - -

Mrs Carnell: But that is not the point of the publication.

MS FOLLETT: Just listen. The publishers of *This Week in Canberra* took a decision to provide that publication to the commission's Jolimont office but not the Visitors Information Centre on Northbourne Avenue. So the publishers have taken some action themselves.

Madam Speaker, I understand that the chief executive of the Tourism Commission, Mr Lawrance, has discussed this matter with the newly appointed chair of the Tourism Commission Advisory Board, Mr Wright, and they have decided to re-examine the commission's policy towards these publications.

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So the matter is under discussion, and I think it is under discussion at the appropriate level, amongst the people who have the greatest contact with the industry itself, and, I must say, amongst the people who I think have the greatest expertise in the question of how Canberra ought to be portrayed and what it is about the ACT that would attract more visitors to come and more visitors to stay here with us.

Mrs Carnell has also asked about levying rates and taxes on, I think, the brothel industry. As Mrs Carnell knows full well, this industry is legal in the ACT and it ought to pay its rates and taxes like any other industry. Like any other industry, Madam Speaker, its rights to advertise are always subject to the decisions of the individual editors or publications. I know that there has been a continuing issue brought to my attention by one particular brothel owner about their apparent inability to advertise in the *Canberra Times*. That is the *Canberra Times's* decision, not mine. This industry, Madam Speaker, like any other industry, has to take its chances about when and where it may advertise. I know that they will take up that cause with their usual vigour. Madam Speaker, Mrs Carnell also asked me about *Yellow Pages*. This Government is not responsible for *Yellow Pages* and decisions on what does or does not appear in *Yellow Pages* are entirely up to that organisation.

MRS CARNELL: I ask a supplementary question. Why will the Tourism Commission not inform the publisher in writing as to the reason for the publication's withdrawal or, for that matter, for putting it under a counter, which is the same thing? How long will the Chief Minister allow all the other Canberra businesses who advertise in *This Week in Canberra* at quite definite cost to be in a position where their paid advertising is not being seen by tourists?

MS FOLLETT: Madam Speaker, I will take on notice the question about advice to the publisher. I do not have information on that. On the other question of other people advertising in this publication, that is a commercial decision for them to make. If it is apparent to them that they are not getting the best value for their advertising dollar from that publication, then the decision is up to them as to whether they continue with that advertising or seek some other form of advertising. It is a commercial decision.

Mrs Carnell: Censorship.

MS FOLLETT: There is not an issue of censorship, as Mrs Carnell has just asserted. Rather, as I have said, this is a matter which is under discussion between the Tourism Commission and the advisory board. Presumably, they will want also to get a view from the industry generally, including from other advertisers, on how they view this issue and how they want it handled. I am saying to you, Madam Speaker, that my information is that, in taking the action that it has, the Tourism Commission is acting upon a number of complaints that it has had about the current format of that publication.

York Park - Road Closures

MR LAMONT: I wish to advise that, unlike the previous question from Mrs Carnell, this question was not found in the top drawer of Mr Kaine's old desk that she obviously got the last question out of. Madam Speaker, my question is directed - - -

Mr Kaine: Madam Speaker, I insist that I had no pornographic literature in the top drawer of my old desk.

MR LAMONT: It is good to see that the point of order is about as relevant as the previous question. My question is directed to the Minister for the Environment, Land and Planning. Can the Minister explain the need to close Windsor Walk and the slip-road onto Canberra Avenue in the vicinity of York Park?

Mr Kaine: Another anti-royal action.

MR WOOD: There was an advertisement in the paper recently on that matter and I have had a lot of questions about it, so it is appropriate that I fill people in on it. Windsor Walk is on maps, but it is nowhere that you would walk. The slip-road is that short cut that comes in beside St Andrew's. It cuts off, at St Andrew's, from State Circle onto Canberra Avenue and down to National Circuit. With the work at York Park, it is proposed to extend Sydney Avenue, which does not, at this stage, go right through to State Circle. It is proposed to extend Sydney Avenue, which is between Brisbane Avenue and Canberra Avenue, through to State Circle. The boundary for the new DFAT building then will be Sydney Avenue and Brisbane Avenue. With that change, Sydney Avenue will come out right where that slip-road is. The two cannot exist together; so it is proposed to take that slip-road out. Windsor Walk - someone over there made a suggestion about renaming it - is on the map and runs roughly parallel with State Circle and National Circuit and about halfway between them. It is proposed to change that from a road reserve to a park. This is all to do with the work at the DFAT building and finishing those roads that have been on the map for so long.

Government Service - Overtime and Redundancy Payments

MR DE DOMENICO: My question without notice is to the Chief Minister. I refer the Chief Minister to her comment in early May that her departmental head advised that an investigation into allegations of fraud by senior officers in her department would be undertaken and completed in 14 days' time. Given the undertaking, the investigation should now be completed. Is it completed? If it is completed, when will the findings be made public? If the findings will not be made public, why not?

MS FOLLETT: To the best of my knowledge, and I checked on Monday, the investigation is not completed at this point. It is still continuing. I have expressed my view that it ought to be wrapped up in the shortest possible time, and that view has been taken on board. Madam Speaker, Mr De Domenico has asked me whether the investigation findings will be made public. I have said previously that I do not believe that it is appropriate that matters of a staff-in-confidence nature be made public. Where there has been an investigation into a particular allegation against and about particular staff members, I think that that ought to be treated with some degree of confidentiality. Nevertheless, Madam Speaker, I am aware of the action soon to be taken by the Department of Health. Rather than releasing the report on a similar type of investigation, they will release the report's findings, and that is a course of action which I will consider.

Bicycle Helmets

MS SZUTY: Madam Speaker, my question without notice is to the Minister for Urban Services, Mr Connolly. Can the Minister inform the Assembly as to whether medical exemptions exist for people who are unable to wear bicycle helmets? If not, why not?

MR CONNOLLY: Madam Speaker, I will get a full check on this question because I am not entirely sure of my ground. There may be some residual exemptions. As a matter of general policy, the answer is no. If one has a medical condition whereby one's head is too frail to wear a helmet, one should not be riding a pushbike because when one's head comes into contact with a bus one will be killed. There is no doubt that the bicycle helmet legislation has saved lives in the ACT. That is not just my view; it is the view of the police and it is the view of people like the Child Accident Prevention Foundation, whose badges I see some members are wearing today and who have done so much to campaign for this law around Australia. I suspect also that it is the view of members opposite, because this was one of those rare pieces of legislation that were supported by Labor and Liberal but opposed by the Independents. There may be some residual cases, but the general policy is that we do not have medical exemptions, on the basis that if you feel that it would injure your health to wear a helmet you should not be riding a pushbike.

MS SZUTY: I ask a supplementary question, Madam Speaker. Can the Minister reconcile this position with the new SunSmart policy, which calls for hats which cover the neck, face and ears to be worn by schoolchildren?

MR CONNOLLY: Madam Speaker, you can get attachments to the helmet to cover those areas while you are riding your pushbike to school. That rule, according to my understanding of Mr Wood's very sensible rule to look after our young kids at school, essentially applies within the playground and, again, it is consistent with our approach of making things as safe as we can for our kids.

Swimming Pool Charges

MR CORNWELL: Madam Speaker, my question is directed to the Minister for Sport. I think it is rather ironic that I should be asking this today because last week I received an advertisement or a brochure about the Canberra Olympic pool and gymnasium. Minister, there have been some representations from the Burley Griffin Swim Club and the Canberra Amateur Swim Club, among others, on the basis that hitherto they have both received the first two swimming lanes free of charge. They now understand that all lanes are to be charged for at the rate of \$6 per half-hour, irrespective of when the lanes are used - some of them are used early in the morning and after school - which could lead in one case to an increase of \$600 per week in total, or an average of \$11 to \$12 per swimmer, including children, per week. Could you confirm or deny that this is the case?

MR BERRY: I can tell you - through you, Madam Speaker - that fees and charges for the use of facilities at the Tuggeranong Pool and Recreation Centre are in line with the fees currently charged at Erindale pool and the Olympic pool for like facilities. Lane hire charges for the exclusive use of facilities have been waived specifically for the Tuggeranong Vikings Swim Club, as an interim measure, due to an anomaly in lane hire charges between pools. Anomalies in charges between various government operated pools are being addressed in the review of fees and charges, and the new charges for 1993-94 will be consistent across all pools. In relation to those specific details, I will seek further advice.

MR CORNWELL: I have a supplementary question. I am particularly interested in the Canberra Olympic pool, Minister.

Canberra Clinical School

MRS GRASSBY: My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Could the Minister inform the Assembly when the associate dean of the Canberra Clinical School will be appointed?

MR BERRY: Madam Speaker, the position of professor and associate dean of the Canberra Clinical School is an appointment of the Faculty of Medicine at the University of Sydney. The position was advertised in the *Canberra Times* on Saturday, 12 June 1993. It will also be advertised nationally in the *Australian* and internationally in the *Lancet* and the *Times* higher education supplement. It is expected that any interviews for the position will take place around November this year, with an appointment as soon as possible after that time.

Madam Speaker, this is an important stage in the development of the Clinical School in the ACT, which was an initiative of the Follett Labor Government. This initiative was taken by the Follett Labor Government in recognition of the need to take our health system into the next century and beyond. It is a great move in the interests of the health system in the ACT.

Mr Humphries: You canned the idea when you first heard about it.

Mrs Carnell: You hated it.

MR BERRY: The Liberals opposite whinge. They could not make a decision on this matter when in government. Hand it over to Labor and pretty soon a decision is made. Most importantly, a decision was made which was in the interests of developing a better health system - not the sort of health system which was envisaged by the Liberals in the last Federal election and which was supported by all of those opposite, a health system which relied on higher costs to ordinary people out there in the community and, of course, a double standard health system. Madam Speaker, this is about strengthening our ACT public hospital system - a public hospital system to which Labor is committed. This Clinical School will carry this hospital system well into the future and will ensure that the services provided here are well recognised as the sorts of services provided by a Labor government - not abandonment of the health system, as was proposed by the Liberals.

Restricted Publications

MR HUMPHRIES: My question is to the Attorney-General. Has the Minister's department conducted an examination of unsolicited distribution of category 1 restricted publications in or from the ACT? If so, could he explain the results of that examination and present the results to the Assembly?

MR CONNOLLY: I will take that question on notice. From time to time I have had complaints from members of the public about unsolicited material. I have referred those complaints to the department. We have investigated individual matters. I am not sure whether there has been a thorough review. I will take the question on notice and get an answer to Mr Humphries as soon as I can.

MR HUMPHRIES: I have a supplementary question. I would like to refresh the Minister's memory. On 26 March he wrote to Senator Sue Knowles, of Western Australia, saying, "I have instructed my department to look into the issue of unsolicited material as you have suggested. I will pass on the results of the examination of these matters made by my department". That was over a year ago. I assume, Minister, that you already have had the results of that inquiry conducted by your department.

MR CONNOLLY: Madam Speaker, I cannot recall such a report, as I said in my original answer. I, from time to time, get complaints. They are referred to the department. I will pursue what the outcome of those complaints and such inquiries has been.

Planning - North Canberra

MR MOORE: My question is to Mr Wood, Minister for the Environment, Land and Planning. Would you advise the Assembly whether you will be providing the joint report on the evaluation of the North Canberra area strategy, as is required in the building better cities agreement, to members of the Assembly before the August sittings? I particularly refer to the approach and activities undertaken to implement the area strategy, an account of outcomes achieved during the year in relation to the agreed outcomes between better cities and you, and a report on the assessment modifications or continuation of each area strategy.

MR WOOD: Madam Speaker, Mr Moore can be sure that the agreement we have signed is one we have gone into willingly. We will fulfil all the requirements of that agreement. I am not sure of the timetable for the reporting that Mr Moore wants. I will check on that and give him the details.

MR MOORE: Madam Speaker, I ask a supplementary question. The other part of the question that I am interested in having answered is this: Will you make the report available to members of the Assembly, or publicly, for that matter?

MR WOOD: Well, that is the same thing. Madam Speaker, I will look at the report. I would see that it is in the interests of us all. I am quite prepared to be open about it. I see no reason why I would not be doing that. I have to say that I have not yet attended to that whole process of reporting, and I will do so.

Bed Tax

MR KAINE: I address a question to the Treasurer. Yesterday morning, as part of your continuing campaign of not informing the public about what you are going to do about next year's budget, you spent about 10 minutes with Matt Abraham on his show. One of the questions that you declined to answer was whether or not there is to be a bed tax on tourists introduced next year. Would you enlighten this house as to whether a bed tax for tourists is one of the new taxes that you are going to raise to close your budget gap this year?

MS FOLLETT: Madam Speaker, I think Mr Kaine is referring to an interview which I did this morning, not yesterday morning. Time flies when you are having fun, I know. As I said to Mr Abraham, I am not about to pre-empt the budget at this stage of its consideration. The Government is presently engaged in consultation with peak bodies in the ACT on budget matters. In addition to that consultation phase, there are a couple of other hurdles that we have to get over before it is possible finally to put the budget together. Those are the Premiers Conference in July and the Commonwealth's own budget, which is expected in August. The Premiers Conference will tell us how much the Commonwealth will give us by way of a general revenue grant and the Commonwealth's budget will make clear, especially, the specific purpose payments that we will be receiving for the coming year. Until we have that information, Madam Speaker, I cannot really put a budget together.

I can say, as I said this morning, that the Government is considering all available revenues - I repeat, all available revenues - in view of the very severe budget position in which we find ourselves. Having said that, Madam Speaker, this issue of a bed tax has come up in successive years. It has been considered and it has been rejected. For this year, as I say, I am not about to pre-empt the outcome of the budget and I am not about to rule out any particular revenue measure. That is my answer on bed taxes, just as it would be my answer on pool lane hire charges, or any other revenues. We are looking at the complete range of revenue options available to the Government.

MR KAINE: I ask a supplementary question, Madam Speaker. Since that answer was an equivocal yes, could the Chief Minister tell us whether she is thinking of one per cent or 2 per cent?

MS FOLLETT: Madam Speaker, I have not confirmed that I am thinking of a bed tax. I am saying that I am considering the full range of revenues which might be available to the Government. I think that Mr Kaine obviously is floating an idea here which I have no doubt he will use for his own political purposes. I believe, Madam Speaker, that I have made very clear my support for the tourism industry in the ACT. That support in last year's budget, which was also a difficult budget, although not as difficult as this year's, extended to a general exemption for our own tourism operations from the necessity to make efficiency gains. They were one of only two areas in the ACT Administration that did get such an exemption. It also extended to providing additional funding so that the commission might undertake additional work in the way of identifying and supporting events for the ACT. So, quite clearly, I have been a strong supporter of the tourism industry in the ACT. I think that people can draw their own conclusions from that. As far as being drawn on what might or might not be in the budget, as Mr Kaine knows full well, I am not about to fall into that trap.

Crime in Tuggeranong

MS ELLIS: My question is directed to the Attorney-General. I am sure that we have all read recent media reports about crime in the Tuggeranong Valley and brawls involving young people. I ask the Attorney-General: Is the Government concerned about these reports of explosions of crime in Tuggeranong?

MR CONNOLLY: I thank Ms Ellis for her question. The Government was concerned about reports which I received immediately following a fight at the Tuggeranong Town Centre the other week. I was particularly concerned to see the way that that fight had been reported in sections of the media. They suggested that the fight was ethnically based. I was particularly concerned to see a description of a fight between European, Asian and Australian youths. Madam Speaker, all the youths in Canberra are Australian youths, unless they happen to be here on a tourist visa and are merely visiting the country. It is really not helpful to bring in suggestions that it is ethnically based. We have in Canberra a very multicultural population of which we are all very proud. We have in Canberra, living peacefully together, many ethnic groups who in other parts of the world are at one another's throats, and it is very important that we attempt to continue the good relationships we have had in the community. So I am very concerned when I get any reports of ethnically based fights between youth groups, because there is that potential for the troubles of other parts of the world to get into Canberra. We have done very well to prevent it.

I am pleased to report that the police view is that that fight in Tuggeranong the other night was not ethnically based. I originally had some fears that it may have been, and said so, but I am now advised that it was not. It was a set-to between large groups of young people. That clearly is unacceptable. The police response was to mount quite a presence in Tuggeranong over last weekend. I notice that, despite the enormous headlines on the front page of today's *Valley View* suggesting that crime was out of control in Tuggeranong, they noted that it was a very quiet Friday night. A shopkeeper in the district was quoted as saying, "It was great", when asked about the police response. One would have thought that one could have had a headline saying "Great police response", instead of a headline suggesting that crime is out of control.

Ms Follett: You are joking!

MR CONNOLLY: Perhaps, as Ms Follett says, I would be joking if I thought that. That issue about the racially based or ethnically based fight needs to be put to bed. It was a disturbance among young people. That clearly is intolerable. The police have responded as you would expect them to respond to that sort of public order problem. There was a higher presence there last weekend and the incident has been resolved. Police are also working with the various schools to try to keep things calm. I would again stress that the people in that fight were not just from the valley; they were, it would appear, from throughout Canberra.

The front page of the *Valley View* again seemed to suggest that Tuggeranong was the area where crime was most out of control. I recall that a couple of years ago, when the *Canberra Times* wrote an article which suggested that Tuggeranong had a particular crime problem, the *Valley View* vigorously defended the valley and rather stridently attacked the *Canberra Times* for daring to suggest that Tuggeranong was the centre of crime problems. It rather disturbed me to see their own newspaper suggesting that Tuggeranong was the centre of crime problems. If anything is designed to create community disquiet and scare off would-be residents and would-be investors, it is a suggestion that an area is a particular crime front in Canberra.

As we pointed out at the time of the original suggestion in the *Canberra Times* some years ago, the fact is that Tuggeranong is a community which has a relatively lower level of crime than other areas of Canberra. On the latest figures that I have from the police, the number of offences reported per thousand of population across Canberra, for the financial year to date, is 86. For Tuggeranong it is 72. So, Tuggeranong is running below average on the number of offences reported per thousand of population. On the number of offences, it again is well below the average. The biggest area of concern for crime in Canberra is in fact the city district, the inner north and the inner south.

Tuggeranong, while it is the new suburbs, and while it has a very high proportion of young people, is not an area that is particularly crime prone. Indeed, it is an area which is relatively safe compared with other areas. However, that is not to suggest that the police or authorities can be complacent. We are aware of the rapid growth in Tuggeranong in recent years. Canberra has been served for quite some years now by three police districts - north, central and south. With the rapid growth of Tuggeranong, the south district is now proportionately much larger than the other districts. The Australian Federal Police have now implemented a division of Canberra into, in effect, four crime districts. Tuggeranong and Woden have been separated; the south district has been split in two. Whereas previously there was a superintendent in charge of the whole south district based at Woden, and a superintendent of crime based at Tuggeranong with crime responsibilities for the whole of the south side of Canberra, we now have a superintendent at Tuggeranong who is the superintendent with command responsibilities for the new Tuggeranong crime district. That is Superintendent Sandra Peisley who, incidentally, is the first woman to assume operational command of a district in Canberra, and that is a significant achievement.

Madam Speaker, I was concerned about reports of violence in Tuggeranong. That has had an appropriate police response. I noted that the person reported on the front page said that it was a great police response, although that was not conveyed in the headline. The suggestion that crime is somehow out of control in Tuggeranong is wrong and creates, very much, a misleading impression for citizens of the valley. A couple of years ago when it was suggested by the *Canberra Times* that the valley was an area where crime was growing at a rapid rate, that it was the crime capital of Canberra, the *Valley View* responded vigorously in defence of its own readership and citizens, and I was disappointed to see it taking a contrary view. That is not to suggest any complacency; Tuggeranong is the rapidly growing area of Canberra. The decision to reallocate command responsibilities and create a fourth district with specific command for Tuggeranong was reached after many months. The police management union working group, which I set up some months ago to manage police resources and to deal with future resourcing issues, was the forum from which this idea grew. I commend everyone involved in the idea. I am sure that what it will mean for residents of Tuggeranong is a better police response because the officer in charge of the district and accessible to the people will have direct control over allocating resources within the Tuggeranong Valley.

Petrol Prices

MR WESTENDE: Madam Speaker, my question is directed to the Attorney-General in his capacity as the Minister having responsibility for consumer affairs. Is it not true that the Minister, last Friday night on WIN television, advocated that ACT motorists boycott service stations in the ACT and go across the border? Are the Government and, for that matter, the business community in the ACT so well off that both can afford to lose that revenue? Is this something that this Government will advocate? Is the Minister further aware that the retailers in fact have absorbed four price increases, on 29 April, 13 May, 3 June and 10 June? It was the retailers who were forced to increase the prices because the wholesale price had gone up with the Prices Surveillance Authority recommendation. Could the Minister assure this house that he will not further advocate that motorists go interstate, when it is not the service stations' fault that prices have to be increased?

MR CONNOLLY: Madam Speaker, when the oil companies put petrol onto the retail market in Canberra at 74.9c per litre and put petrol onto the retail market an hour's drive up the road at a price in the low sixties, I will not urge Canberra motorists to pay the high price in Canberra. I will say, "Consumers, vote with your feet and express your disappointment and resentment at the way the oil companies treat this market with contempt", as they do. We have to make it clear to the oil companies that the Canberra public will not tolerate the continued outrageous approach that they offer to Canberra. It is totally unacceptable that we are paying, consistently, 8c and more above prices that are paid elsewhere.

Mr De Domenico: Take off your 3c petrol levy.

MR CONNOLLY: That is a silly comment. I was going to use an unparliamentary term. That is a silly statement, Mr De Domenico; I will not say that it is a stupid comment. It is a silly comment because the petrol tax that is paid in Canberra, the 3c, is in fact lower than the petrol tax that is paid in New South Wales. Therefore, one would expect the price of petrol in Canberra, all things being equal, in a free market, to be lower; but it is, in fact, higher.

It is absurd to suggest that the rate of tax that the ACT Government extracts from the petrol industry is a reason for a higher price for petrol in Canberra, because the rate of tax that is taken in the ACT is lower - lower, Mr De Domenico - than the rate of tax in New South Wales.

We have a major problem with petrol pricing. I will be announcing shortly in a ministerial statement the Government's response to that; but, in terms of advice to consumers, I always advise consumers, whatever the product, to shop around for the best price.

MR WESTENDE: I ask a supplementary question. Would the Minister agree that it does not hurt the oil companies; it hurts the small service station operators when the Minister advocates that motorists go interstate? It is the small service station that can ill afford that revenue, even if the Government could afford to forgo the 3c.

MR CONNOLLY: The oil companies treat the Canberra market with contempt.

Mr De Domenico: Take on the oil companies.

MR CONNOLLY: That is what we are about to start doing in a very short time. It is a market which they assume will take any treatment that is handed out to it. If they start to see that consumers respond here, they might start to treat this market like they treat other markets - and that is, respond to consumer demands.

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

Swimming Pool Charges

MR BERRY: Madam Speaker, in relation to a question asked by Mr Cornwell, I can provide the following further information. Current lane hire fees for swimming clubs at the Olympic pool are \$6 per half-hour, with the first two lanes being free of charge. The availability of free lanes has to be reviewed against the high level of demand for access to water space by swimming clubs and other aquatic sports and user groups. There is high demand for swimming space in the ACT.

Mr De Domenico: At 6 o'clock in the morning?

MR BERRY: When was the last time you were down at the pool at 6 o'clock in the morning?

Mr De Domenico: Yesterday.

MR BERRY: Driving past it. I have already mentioned the fact that there is a review of fees and charges going on at present. It also has to be said that this Government has done more for swimming space in the ACT than any other in history. Mr Humphries, you can grin; but this Government has done more for swimming space in the ACT than any other. We have provided the Australian Capital Territory - - -

Mr Humphries: You implemented our plans for a Tuggeranong pool. What are you talking about?

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MR BERRY: No, no. They were plans made in 1989. I know the struggle about the budget for it. I know who provided the money. It was this Government that provided the money. It is all right to make plans, but it was this Government that provided the money and initiated the plans in the first place. We have provided more water space in the ACT. The ACT can now boast about the Tuggeranong swimming facility, which is available for all to use. That facility has been a joy to everybody that I have known go there.

Mr Humphries: Who built the DUBY dome?

MR BERRY: Well, credit where credit is due. The dome at the Civic pool was placed there as a result of the Alliance Government and a former member, but I am keen to take credit for us as well. We fixed up the Dickson pool. So we have done more for swimming in the ACT than any other government and we will continue to make sure that water space is available for all of those users, but at the same time we cannot abandon the requirement to take a responsible approach to hiring charges. We try to please everybody, but nobody is happy with increases in charges. I expect that if there are changes there will be people who will not be particularly happy, but we have to make sure that the swimming space that is provided for people in the Territory is well measured against the needs of all organisations throughout the swimming community.

Mr Cornwell: I ask the Minister to table the paper from which he was quoting, Madam Speaker.

Mr Berry: Come on! We have been through that before. I was not quoting from any paper. Do we have to go through that stuff again? All right. It is just my questions brief. You can have it if you like.

PAPER

MADAM SPEAKER: Members, for your information, I present a study trip report I have received from Mr Lamont.

AUDITOR-GENERAL'S REPORT NO. 3 OF 1993 Performance Audits Conducted to 30 June 1993

MADAM SPEAKER: I present, for the information of members, Auditor-General's report No. 3 of 1993 on various performance audits conducted to 30 June 1993.

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

That the Assembly authorises the publication of Auditor-General's report No. 3 of 1993.

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

That the Assembly takes note of the paper.

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

**LEGISLATIVE ASSEMBLY MEMBERS SUPERANNUATION BOARD
Report**

MADAM SPEAKER: Members, I present, for your information, the annual report of the Legislative Assembly Members Superannuation Board.

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

That the Assembly takes note of the paper.

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

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present approval of variations to the Territory Plan known as the revised Territory Plan, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, these variations are presented with the background papers, a copy of the summaries and reports, and a copy of any direction or report required, and maps. Madam Speaker, I ask for leave to make a statement.

Leave granted.

MR WOOD: Madam Speaker, this variation to the Territory Plan replaces the existing Territory Plan made under Part 3 of the Interim Planning Act 1990. The document is a major achievement for the ACT Government and I would like to make some brief comments about the making of the plan and its significance for the Territory.

Madam Speaker, at this time I have two complementary feelings about this exercise. The first is a sense of relief that a long and sometimes demanding project is nearing completion. It has taken three years of formulation, consultation, negotiation, assessment and inquiry. The preparation of the plan has been a major task of the ACT Planning Authority almost since self-government, and it has involved an enormous input from the citizens of Canberra. I will repeat the remarks that Mr Lamont made recently about the enormous energy and the high quality of work that has gone into this plan from all the people of the ACT Planning Authority.

My second feeling is a sense of pride that the ACT Government has produced a quality result - a plan that is responsive to the needs of Canberra and which provides a sound basis for the future planning and development of the Territory. I should acknowledge the contribution of all members of this Assembly. Certainly, this plan was processed for a time under the leadership of Mr Kaine, and it has been one in which everybody in this Assembly has had a considerable involvement. The plan will be the vehicle by which the Government can put into place the policies that we have developed to protect the special quality of Canberra, yet allow for appropriate growth, change and conservation. I believe that it will be warmly welcomed by the community.

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As members will be aware, the preparation of the plan was a requirement of legislation. The Australian Capital Territory (Planning and Land Management) Act 1988 required the Assembly to establish a Territory Planning Authority and to confer on it a number of functions. A principal one was the preparing and administering of a plan of land. The object of this plan, as given in the Act, is to ensure, in a manner not inconsistent with the National Capital Plan, the planning and development of the Territory to provide the people of the Territory with an attractive, safe and efficient environment in which to live, work and have their recreation.

Madam Speaker, one of the prime features of our Government is its commitment to public consultation. The Territory Plan is a tremendous example of this. The consultation on the Territory Plan has been open, strongly focused, sensitive to the issues and determined to ensure that the residents of Canberra have a wide range of opportunities to be involved in the formulation of the plan. After initial consultation with the public at the end of 1990 about the issues that should be addressed in the plan, a draft Territory Plan was released for public comment in October 1991. A period of five months was allowed for public comments, ending in March 1992. Over 1,000 written comments were received from members of the public, community and professional groups, and government agencies, including the National Capital Planning Authority. Each separate issue raised by these comments was considered in reviewing the plan. The report on the consultation, prepared by the ACT Planning Authority, documents the response to the over 10,000 separate issues raised.

A revised plan was submitted to the ACT Executive in November 1992. On 1 December 1992 it was referred to the Legislative Assembly Standing Committee on Planning, Development and Infrastructure for inquiry and report. In the early months of this year the committee held a series of meetings with members of the community to give them a final opportunity to present their views. Following briefings with the Planning Authority and public hearings on the plan, the PDI Committee prepared a report recommending changes. This report was tabled in the Assembly on 20 May 1993. Accompanying the report was a revised version of the plan, with changes to the written statement and the map. I commend the work of the PDI Committee. This was probably the most important task that it has undertaken to date. The report is concise, sensitive to the issues and clear in its presentation of them. The whole exercise demonstrates the value and growing maturity of the Assembly committee process. The Assembly now has the opportunity to complement the work of the committee by approving the new plan.

Following the tabling of the committee's report, the Executive returned the draft plan to the ACT Planning Authority under section 26 of the land Act and directed it to consider the committee's report and the Government's general support of its recommendations. The Planning Authority revised the plan in accordance with this direction and resubmitted the plan in its amended form for approval. The Executive has now approved the plan as amended and it is now tabled in the Assembly. All of the recommendations in the committee's report relating to the plan have been accepted and have been incorporated in the plan.

Mr Kaine: Well, they were so soundly thought through.

MR WOOD: I think it is a credit to the system that that happened. The Government is committed to the policy and process outlined in relation to the introduction of energy efficiency guidelines by July 1995. The committee also made another major recommendation. This was that a new planning and land appeals board be established. The Government unequivocally supports the recommendation that the committee has forwarded. It is anxious to resolve quickly the form of the proposed review body and is currently considering the form of the legislation and will release in the near future its proposed legislation. Our aim is to present legislation to the Assembly for determination in August 1993 so that it is in place at the same time as this has cleared the six days.

Several other recommendations will need to be addressed by amendments to legislation. These will include proposed amendments to the Land (Planning and Environment) Act to give effect to streamlined processes for notification and review of design and siting, land use and leasing applications. These matters will be subject to the same process and timetable as the new appeals process outlined earlier. The existing Territory Plan, most of which was inherited from the former NCDC, with the balance being policies gazetted since by the Interim Territory Planning Authority and the ACT Planning Authority, consists of over 1,100 separate policy documents. This comprehensive variation revokes those policies. Even if the Territory Plan did little else, it would be a major achievement just to consolidate these existing policies, but it does much more. It takes the opportunity to completely review existing policies and to formulate new ones to suit Canberra's current and future planning needs.

If there is one special feature in the plan that separates it from the planning policies currently in operation, it is the policies for a greater diversity in housing. The plan provides for a range of dwelling forms, including those introduced through redevelopment, and for compatible uses in residential areas. The policies in this regard are in the forefront of current thinking and will seek to ensure that renewal in Canberra's older areas is undertaken in an integrated, efficient and sensitive manner. Supporting these policies are revised design and siting policies for single unit and multi-unit housing that will ensure that the traditional high quality of residential development in Canberra is maintained.

The plan specifically provides for higher density residential uses adjacent to identified development nodes and along major transport routes, to reinforce and support the public transport system. Particular attention is given to protecting and reserving areas of open space. Most of the open space, including open space areas within urban areas and the nature reserves, national parks, et cetera, in the non-urban areas, is given the status of public land. Designation as public land requires the Government to prepare a management plan for the area in consultation with the public, and thus provides a layer of protection in addition to the provisions of the plan.

Under the Land (Planning and Environment) Act 1991 the Territory Plan can prescribe decisions where a preliminary environmental impact assessment is mandatory. The plan therefore includes a schedule of the classes of defined decisions which automatically trigger a preliminary assessment. These are decisions where a proposal, by itself or as part of a cumulative effect, could have a significant environmental impact. The various parts of the Territory are classified in the plan into one or other of 16 policy areas - residential,

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commercial and so on. For each policy the plan lists the objectives and the controls which may apply. It also lists the circumstances where proposals do not have to be publicly notified, and where third party appeals are not provided. These are usually where a proposal meets all the required standards and has no effect on local amenity.

The major changes between the plan referred to the Planning, Development and Infrastructure Committee and the plan now tabled include the addition of a section covering the subregional context, additional metropolitan structure and residential principles, and the addition of policies concerning the protection of significant streetscapes. The issues of energy efficiency for new dwellings and subdivision of existing residential blocks are also addressed. The plan removes some previous public land exclusions, particularly along Ginninderra and Sullivan's Creeks. The design and siting policies for group development and performance measures for landscaping have also been revised. The opportunity has also been taken to correct a number of minor errors in the document considered by the committee and to incorporate the details of policy variations which have been finalised since 20 November 1992. The written statement has also been amended to respond to comments from the National Capital Planning Authority.

The new Territory Plan will provide Canberra and the Territory with a range of planning policies that will guide its development into the twenty-first century. It is a very thorough piece of work and it brings credit to all the people that have been involved in its preparation. I commend it to the Assembly.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE

Report on Tuggeranong Homestead and its Site - Government Response

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.24): Madam Speaker, for the information of members, I present the Government's response to the report of the Standing Committee on Conservation, Heritage and Environment entitled "The Cultural and Heritage Significance of the Tuggeranong Homestead and its Site" and move:

That the Assembly takes note of the paper.

Madam Speaker, the report of the Standing Committee on Conservation, Heritage and Environment entitled "The Cultural and Heritage Significance of the Tuggeranong Homestead and its Site" was tabled in the Assembly on 15 December 1992. The report contains 11 recommendations and the Government's response gives its agreement, or agreement in principle, to all of those recommendations. The Tuggeranong Homestead site of some 31 hectares is confined within an area bounded by Ashley and Johnson Drives and the realigned Tuggeranong Creek. The site has been identified as part of the Government's urban renewal program which places greater emphasis on meeting the demand for new housing by developing land in or adjacent to established areas and makes use of existing physical, social and commercial infrastructure.

The Government, in accepting the recommendations of the committee, is particularly pleased with the committee's finding of unanimous agreement for retention of the Tuggeranong Homestead and the outbuildings identified as being of cultural and heritage significance. The Government acknowledges the need for stringent controls to ensure a sympathetic approach to protect the aesthetics and heritage values of the homestead and environs and will continue to consult closely with the Heritage Council and interested parties on this important issue and the appropriate boundaries for the proposed residential areas.

The Government will assess future management options for the homestead and outbuildings based on successful and feasible reuse for the site and associated buildings. The Government proposes to seek expressions of interest for the future use of the historical site, including appropriate commercial and/or cultural activities that will assist the conservation and maintenance of the homestead and outbuildings to an appropriate professional conservation standard and in keeping with the international charter for conservation of places of cultural significance known as the Burra charter. Any additional buildings proposed will be required to be in harmony with the heritage character of the homestead and its site. The Government will consider all proposals carefully and notes innovative proposals from MOTH, that is, Minders of Tuggeranong Homestead. Consideration of all such proposals will proceed following the draft variation process that will provide the opportunity for residential development on part of the site and appropriate commercial uses on the heritage precinct. I do emphasise that there is a draft variation process to go through and nothing is decided at this stage.

The ACT Planning Authority has appointed a consultant to undertake a planning and environmental analysis of the site, including the heritage significance of the Tuggeranong site flora and fauna. This analysis will include an examination of the impact that proposed residential development will have on existing flora and fauna and will lead to the preparation of a preliminary assessment report of environmental and planning issues. The report will be released for public consultation with the draft variation to the Territory Plan to allow residential development on the site. This work will provide a basis for consideration of the approach to be taken to providing additional buffer plantings to screen residential development from the homestead precinct.

The Government will consult with the Federal Government on the feasibility of establishing a Charles Bean memorial study centre within the homestead or its precincts. A decision to proceed with such a proposal will depend on Federal Government commitment to fund the study centre and the impact that such a proposal may have on commercial expressions of interest for the site and the implications this may have for the long-term funding of the restoration and maintenance of the total heritage site. The Government will also examine community and public access proposals for the historical precinct in consultation with the Heritage Council and appropriate community bodies. The extent to which the committee's recommendation to redirect community facilities identified for section 790, Calwell, to the homestead site can be implemented will depend on wider planning and social equity issues. The Government will proceed to the draft variation stage, and I assure all interested parties that the ACT Planning Authority will examine closely the responses from the community, particularly those relating to proposals for residential development on the site.

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

DOMESTIC VIOLENCE
Community Law Reform Committee Research Paper

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.30): Madam Speaker, for the information of members, I present research paper No. 1 of the Community Law Reform Committee of the Australian Capital Territory entitled "Domestic Violence" and move:

That the Assembly takes note of the paper.

Madam Speaker, this research was undertaken by the Australian Institute of Criminology for the ACT Community Law Reform Committee in connection with its reference on domestic violence. This is the first comprehensive research project of its kind since the domestic violence legislation was enacted in 1986. It will be an invaluable tool to the Community Law Reform Committee in considering its final recommendations.

The research focuses primarily on the response of the ACT's criminal justice system to domestic violence. The approach of the researchers involved three areas. Firstly, they undertook an analysis of court and police statistics on domestic violence. Secondly, they conducted an attitudinal survey of the Australian Federal Police. Lastly, they interviewed some 36 people involved with domestic violence, including police, magistrates, court staff, lawyers and Domestic Violence Crisis Service workers. This is a very comprehensive research report and it would be impossible for me to cover all of its findings here today. I will, however, mention some of the central results.

The research of court and police figures over a three-year period between 1989 and 1991 showed that in 90 per cent of cases applicants for domestic violence orders are women. This is consistent with findings in other States. The researchers also found that during the same period there was an increase of 25 per cent in domestic violence applications. The reasons for this increase are not clear, but it most likely reflects an increase in reporting rather than an increase in violence itself. One alarming finding was that some 17 per cent of applications involved respondents who were the subject of more than one application. This may indicate that there is a significant possibility of domestic violence perpetrators reoffending with a different partner.

The researchers looked more closely at one three-month period, from March to May of 1991, and found that 87 per cent of protection orders related to de facto or marriage relationships. Further, in a large proportion - some 42 per cent - of cases, orders are sought after the breakdown of relationships. This is consistent with a New South Wales study published by the New South Wales Bureau of Crime Statistics and Research which found that separation or the threat of separation was the precipitating factor in 46 per cent of wife killings. Nearly two-thirds of applicants reported assault as one of the incidents preceding seeking a protection order. In a quarter of cases the use of a knife or other serious weapon was reported. These figures emphasise the seriousness with which domestic violence must be treated.

One major finding of the research was that all interviewees expressed support for the domestic violence legislation. The researchers also noted that the existence of the Domestic Violence Crisis Service is an essential ingredient of the ACT system as it performs support and advisory functions which relieve both the police and the courts of a considerable workload. There were also a number of areas that the researchers recommended that the Community Law Reform Committee consider. The researchers said that possibly the largest problem they had noticed in the course of the research was the need to improve communication between agencies. They also recommended that there be an integrated criminal justice information system and that police and court records be regularly monitored. The researchers recommended that the police adopt an explicit pro-arrest policy for domestic violence assaults and breaches of orders.

The Community Law Reform Committee will be considering the findings of this report, along with all the submissions it has received, in making its recommendations about the ACT's domestic violence laws. This report will give the committee a sound empirical basis for making its recommendations. The research assesses how the existing measures to assist domestic violence survivors are working, so that the community can identify where improvements can be made. I believe that this research is important for the ACT and that it demonstrates the Government's ongoing commitment to domestic violence issues.

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

DOMESTIC RELATIONSHIPS LEGISLATION **Discussion Paper**

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.34): Madam Speaker, for the information of members, I present a discussion paper entitled "A Proposal for Domestic Relationship Legislation in the ACT" which includes an exposure draft of domestic relationships legislation. I move:

That the Assembly takes note of the paper.

Madam Speaker, this discussion paper, "A Proposal for Domestic Relationship Legislation in the ACT", outlines historic proposals for change in the law for those who live in domestic relationships. For many years there have been calls for the ACT to introduce laws which deal with de facto relationships. On 7 April 1992 the Government announced in the Legislative Assembly its intention to introduce de facto relationship legislation to provide greater protection to partners and children of de facto relationships. This proposal puts into place such legislation. However, it goes further than that; it provides also for those living in other types of domestic relationships such as extended families.

Most people, if asked, would probably consider that anything from 20 to 40 per cent of ACT families are based on de facto marriages. They would be wrong. Research carried out as part of the preparation of legislation has shown this to be a myth. There is in fact a much smaller number of de facto relationships in the ACT - in the vicinity of 7 per cent. However, research carried out by my department identified a significant number of households where there are adults living together in non-marital, non-de facto relationships. When considered in conjunction with de facto relationships, these relationships could include as many as one in every four ACT households.

The Government acknowledges the many changes in living patterns and attitudes to relationships and property which underlie these figures. It is also conscious of a growing recognition in the ACT of the needs of those in a wide variety of domestic relationships, not just those who live in long-term sexual relationships. People in domestic relationships may include those caring for an ill or aged parent or friend, grandparents providing a home for their grandchildren, or others who have committed themselves to the welfare of someone at their own expense. In everyday cases, people will not need to avail themselves of legal remedies; but, in those extraordinary situations when people need to turn to the law for justice, justice should be available to them.

This paper proposes, then, that where a person has been in a domestic relationship for at least two years they will be able to apply to the court for relief if they have provided personal or financial commitment and support of a domestic nature to the material benefit of another person or other people, and they may be entitled to relief. However, it should be made clear that the relationship is to involve a commitment which goes beyond friendship and neighbourliness. Flatmates, people living in group houses, employed live-in housekeepers and others in domestic employment, and those living in halls of residence for employees or students would not normally be entitled to seek relief.

It is not intended that the law unduly intrude into personal relationships. It may be feared that the proposal will create a plethora of new rights and will open the floodgates for claims without merit, as well as to vexatious litigation. The intention is, however, to codify and simplify principles which have been developing for many years in the courts. The doctrine of equitable trusts already applies to most of the cases which are being considered, and some excellent examples of case law are set out in an appendix to the paper. However, the law is properly criticised for forcing applicants to have recourse to what is currently an antiquated and costly process to achieve these results, which are never certain.

As our society has become more pluralistic and multicultural, greater emphasis is being placed on fairness and justice as the mainspring of law, rather than law representing the moral beliefs of any particular group. As a result, the judicial view has developed that the approach to domestic relationships should no longer be restricted to either common law property principles or even the contributions made by the parties, but rather enlarged to embrace the concepts of unconscionability and unfair enrichment.

The financial conduct of people who live in durable domestic relationships is often similar to that of married persons. However, it is not intended to liken these relationships to marriage. This is a fundamental difference in the ACT approach from that of the States. Even so, it is considered that the Commonwealth Family Law Act approach to property, as well as the practice and procedure in settling property disputes, is of considerable use as a model for change in the ACT. Limited State legislation has not stopped distressing, drawn-out and expensive applications for equitable relief in those jurisdictions. Consequently, as part of a larger project to provide for fairness and equity for those living in domestic relationships and their children, the Government has released this paper to canvass legislative change to cover domestic relationships including de facto marriages. Other legislation is also open to change to provide fairness and justice for those in domestic relationships.

This paper proposes that the legislation be based on the current principles of equitable trusts in relation to domestic situations. Equitable trusts were established by judges at common law as a means of providing a remedy in situations where one person has provided another with a material advantage, to their own detriment. This beneficial application of the law is intended to cover a wide range of equitable trust situations. One party may be in a position of financial dominance; in others there will be a form of mutual interdependence. In both cases the issue of a sexual relationship between the parties is irrelevant. The common factor for applicants is to be contribution to financial resources of another, and that alone. It is proposed that a person who fulfils the stipulated requirements should be eligible to apply for a remedy, and that a sexual, marriage-like relationship is not necessary.

However, the law as it stands is an inadequate means for resolving property disputes arising from this type of relationship. The process is complex and costly, and yields unpredictable results, due to its reliance on various highly technical legal principles. The problem is that the rules applied are, for the most part, based on the traditional rules of property, which do not take account of matters such as unpaid labour in the home, and have not adequately evolved to do so. Courts are slowly developing the law of trusts to take some account of them, but the process is increasingly recognised as unsuitable and expensive. There is an urgent need for change to provide this very important source of relief for a substantial number of people in the ACT.

Under present law, when partners do go to court they must use the Supreme Court. The legislation proposed in this paper would also allow for some matters - for example, those involving smaller amounts of property or where the parties agree - to be dealt with by the Magistrates Court. Accordingly, the impact on each may be lessened. Also, as the law will make the position of those in domestic relationships clearer and more straightforward, cases should be much less complex than those presently brought before the court. Court-initiated mediation could prove highly cost-effective, and the Government will pursue this as a possible option. However, the parties involved in support relationships would also have the option of bypassing the legislation by creating their own property and financial agreements, thereby decreasing the courts' involvement in disputes.

Draft legislation that gives effect to this approach has now been prepared, and I am pleased to release this discussion paper that includes the draft Bill and a detailed explanation of the scope of the proposed law. This legislation is the result of careful consideration of the laws in other Australian jurisdictions and the particular needs of the ACT community. Because of the wide impact of the Bill, the community's views are important, not only to ensure that the Bill reflects the interests of as many sections of the community as possible but also to ensure wider acceptance of the legislation. The aim is to design legislation that is appropriate and effective for the ACT. I have therefore set aside a period of two months to allow for comment on the Bill and I look forward to receiving submissions from members of the public and comments from members. The Government is interested in comments on the attached draft Bill and any other proposals that members may have about this very important and, we think, pressing change.

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

NATIONAL EPILEPSY WEEK
Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.42):
I seek leave to make a ministerial statement relating to National Epilepsy Week.

Leave granted.

MR BERRY: I am pleased to be making a statement today for National Epilepsy Week. Epilepsy means different things to different people. For people who are not familiar with epilepsy and are confronted by a person having a seizure, it can appear to be a dangerous condition, but it is a relatively common disorder which takes the form of recurring seizures. Seizures occur when there is a sudden uncontrolled surge in the normal electrical activity in the brain. Seizures range from major or grand mal to temporal lobe attacks to absence or petit mal seizures.

In a major seizure the person suddenly falls to the ground, rigid and unconscious, and may begin to shake or convulse. Attacks of this kind are usually over within four or five minutes. A temporal lobe attack occurs when a sudden increase in electrical activity takes place in the brain immediately behind the temples. This type of attack can involve a range of confused, repetitive and inappropriate behaviour and the person is usually unaware of their surroundings or what they are doing. Absence seizures are mostly seen in primary school age children and consist of a brief period of unconsciousness, usually around 30 seconds, without any falling over or convulsions.

Epilepsy can affect people of all levels of intelligence and from all age groups, but it most commonly begins in childhood or youth. Most people with epilepsy can lead an essentially normal life and, in the majority of cases, seizures can be well controlled by continuing treatment with a range of effective drugs. Indeed, Madam Speaker, about 50 per cent will have no seizure at all if their medication is taken regularly, while a further 30 per cent will have the frequency and severity of their seizures greatly reduced.

It is estimated that 320,000 Australians have epilepsy, and, of those, 50,000 are children attending preschools and primary schools. In the ACT the Epilepsy Association provides a support service for an estimated 3,000 people, with 60 to 150 new cases diagnosed annually. The association is funded through government grants, fundraising events and donations. The long-term goal of this year's appeal is the purchase of a video telemetry unit, costing approximately \$45,000, for Woden Valley Hospital. A video telemetry unit is a unit which links a video camera with an EEG machine. This linkage allows a videotape record to be taken of the person while they are having a seizure. That videotape record is then carefully matched to the EEG results to give a more accurate diagnosis of the type of epilepsy suffered.

Epilepsy is often not understood and, as a result, is feared by many people in our community. This fear can make life more difficult for those with the condition. It should be recognised that, with the treatments now available, the vast majority of people with epilepsy are able to take part fully in every aspect of family life, work and leisure. The community's attitude towards epilepsy is changing, but there is still a great need for wider community understanding and acceptance of the fact that people with epilepsy are essentially no different from anyone else. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

MRS CARNELL (Leader of the Opposition) (3.46): It is with great pleasure that I rise, too, to speak in National Epilepsy Week. Mr Berry rightly spoke about what epilepsy is and the number of people that it affects. With 3,000 epileptics in Canberra, it really is a great problem and something that we, as a community, have to address.

What I would like to speak about particularly is the discrimination that epileptics suffer, often every day of their lives. Really, irrespective of what is said or written about the condition, the sufferer of epilepsy, an epileptic, still bears a stigma. Insurance companies, employers and even government authorities have been known to actively discriminate against epileptics. In a recent survey, only 37 per cent of those over the age of 16 are employed and, interestingly, of those that are not employed, 25 per cent stated that their condition was a real factor in their unemployment. Those people suggested that they would not declare their epilepsy to a prospective employer. In the same survey, 26.8 per cent stated that there were some people they would not tell about their condition. Another 52 per cent said that they would not tell their acquaintances, 21.5 per cent said that they would not even tell their close friends, and 13.9 per cent said that they would not tell anybody at all.

Discrimination is, obviously, a very real problem for epileptics. I know personally of a case where, after diagnosis was made, the patient was told by the doctor not to tell anybody because if they did they would be discriminated against and their life would become very difficult. In fact, earlier this year the case of a young person came to light through representations to my office. This young person had applied for and was successful in obtaining a position with ACT Health. She was taking medication and her condition was under control. She had not suffered a seizure for two years. However, because this young person was honest she had advised both the interview panel and the CMO of her condition; but, when it came to light that she was an epileptic, her position was put in jeopardy. In the end, the problem was overcome; but for a period she had been told that she would not get the job because she was an epileptic. That is here in the ACT and I really wonder whether, if she had not been a fairly definite young woman and come forward, she would now be in the ranks of the unemployed.

Discrimination with epileptics takes a lot of forms. We have spoken already about employment. There is also the area of driving. It is impossible for an epileptic to drive until they have not had a seizure for two years and, of course, in a city like Canberra that can be a very real problem. They cannot use machinery in many jobs, which again limits the areas of employment they can engage in.

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Also, I think we have to look at the legal definition of mental illness. Take the situation where during a seizure an act causes death to another person. In the case of an epileptic, that person could be regarded as being legally insane and, obviously, this has some very severe legal implications. If the same thing had occurred to a diabetic who was going into a coma, the problem would have been regarded as an accident. Obviously, this is an issue of concern. I understand that it is on the agenda for the world congress in 1995, which will take place in Sydney. It is an issue that I am sure we all hope will be addressed, and addressed very appropriately.

Another issue that I think is of importance for the ACT is the proposed new mental welfare Bill which Mr Connolly has suggested will come forward very shortly. I think it is very important for us to realise that many people with mental illness also are epileptics; but, whereas normalisation - that is, bringing our people with mental illness back into the community - is a very appropriate way to go for very many of these people, there are some people, and that is our severe epileptics, for whom it is not appropriate. People who have 30-plus seizures a day often find normalisation very difficult when there is not on-call treatment on a day-to-day, minute-by-minute basis. I certainly hope that these people will be addressed under our new mental health Act.

It is interesting to note that many famous people have been epileptics, people like Alexander the Great, Julius Caesar, Handel, Byron, possibly Napoleon - all people who managed to handle their epilepsy and get on with life very effectively. I think that we have to use this week, National Epilepsy Week, to address two things - to educate the community and to educate all of us here that epilepsy is not a mental condition and it does not make people different. In many cases, in fact in 80 per cent of cases, it can be controlled. In fact, 50 per cent of people never have another seizure. So it is really about education and understanding, and I hope that this week is used appropriately.

Question resolved in the affirmative.

PETROL PRICES - WORKING GROUP REPORT Ministerial Statement

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.52): Mr Deputy Speaker, I ask for leave of the Assembly to make a ministerial statement on the Government's position on recommendations made in the report of the ACT Government Working Group on Petrol Prices.

Leave granted.

MR CONNOLLY: I wish to announce the Government's position in relation to the recommendations made in the report of the ACT Government Working Group on Petrol Prices. That report was tabled in the Legislative Assembly on 26 November 1992. Public comment was sought and submissions addressing the report have been received from members of the oil industry, the Prices Surveillance Authority, the Motor Trades Association, Canberra Consumers Incorporated and the ACT Consumer Affairs Advisory Committee.

Mr Deputy Speaker, the Government has decided to adopt the recommendations as set out in the report, notwithstanding that this will affect longstanding policies that have governed the petrol retailing industry in Canberra for many years. We believe that the adoption of the recommendations as set out in the report will encourage greater competition in the petrol industry, which will in turn lead to the lowering of petrol prices in the ACT to the benefit of consumers. These benefits will begin to emerge as the recommended changes begin to affect the industry.

In accepting the recommendations made by the working group, the Government has taken into account comments received from those groups and organisations which I previously named. Generally, the recommendations were well received, particularly for the deregulatory approach of the report. All except the Motor Trades Association support such an approach. However, two concerns were common to a number of submissions. The first concern was common to all industry submissions and the Prices Surveillance Authority; the second concern was common to the industry groups.

The first concern relates to the recommendation that independent operators be encouraged into the petrol retailing market by the Government giving such operators preferential treatment. That recommendation is contained at recommendation 11 of the working group's report. It states:

The following short term intervention measure be undertaken to encourage the introduction of independents into the Canberra market:

. Expressions of interest from independent operators should be invited in relation to the already-nominated sites at Gold Creek and Gilmore and additional sites, up to a total of 7 sites, to be nominated by persons or groups expressing interest.

. These sites should meet planning requirements as recommended by this report and should be offered at market value by direct grant or restricted auction.

. A maximum time frame of six months should be set for the receipt and assessment of expressions of interest and the grant of sites.

. The eligible grantees would have to be owner-operators and not own more than 3 sites already in the ACT.

The Government accepts the view of the working group that such operators should be encouraged into the market in an effort to increase competition which should lead to a reduction in the retail price of petrol. The report recommends that the Government encourage independent operators in an effort to stimulate the petrol retailing industry but that any intervention be restricted to the absolute minimum necessary. I recognise that this means that preferential treatment will be given to independent petrol retailers initially, but it is necessary to bring in more players and encourage competition. As well, there is no intention to exclude existing operators from the proposed changes. They will be able to take advantage of the recommended planning changes, and the working group will continue to talk to them about other strategies for lowering the price of petrol in the ACT.

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I draw members' attention to page 37 of the report, which states, in summary, that because of their domination of the industry in the ACT the major oil companies have had no pressure on them to discount petrol prices in order to gain a share of the market. There has been no sustained action on the part of the major oil companies that has shown there to be a competitive market in the ACT and this has confirmed the Government's view that action must be taken in respect of the petrol retailing market in the ACT to encourage lower petrol prices.

As further support for the Government's position, there was, a couple of months ago, a brief flurry of activity in relation to petrol discounting in the ACT. The Government supports that type of activity and I make the point that, while seasonal factors may result in periods of discounting, in order to sustain that discounting it is necessary to encourage the strong independent petrol retailers into the market, as they can extract discounts from suppliers because of the strength of their position and pass those discounts on to the customers.

Some submissions also argued that compensation should be paid to existing service station owners on the basis that they paid high premiums for their sites in the past, due to government planning policies, and that implementation of new, less restrictive planning policies would devalue their premiums. It must be recognised that it is not only policy changes that affect the value of assets; other circumstances may also affect value. In this case, it is not in the public interest, nor is there any legal or moral obligation on the Government, to make such payments and, indeed, it is the Government's view that no such payments should be made as a result of a change in policy. Further, I am advised that previous policy changes in relation to service stations did not result in compensation payments either.

Mr Deputy Speaker, the proposed timeframe for implementing the recommendations is six months. However, this may be a target date only, depending on the cumulative progress of the recommendations as a scheme for making long-term changes to the ACT retail petrol industry and the possible necessity to effect planning variations and redirection of resources within government departments.

In relation to the Fair Trading (Fuel Prices) Bill 1992, which was introduced in the Assembly on 25 June 1992, I propose to proceed with that Bill. I believe that the legislation has the potential, even if only rarely used, to be an effective restraining influence on short-term price exploitation such as the notorious Easter 1991 price rises.

Mr Deputy Speaker, none of these measures recommended by the working group to create a more competitive environment in the ACT petrol market will automatically lower petrol prices. However, the Government believes that genuine competition is likely to bring down Canberra's petrol prices. The Government believes that, with the adoption of the recommendations of the Working Group on Petrol Prices, the present state of affairs in the ACT in relation to petrol will begin to alter and that a benefit resulting in cheaper petrol being available to the consumer will flow through as the recommended changes begin to have an effect on the industry. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

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

MR DEPUTY SPEAKER: The question now is: That the resumption of the debate be made an order of the day for the next sitting.

MR HUMPHRIES (3.58): Mr Deputy Speaker, I note that on the daily program there are orders of the day Nos 3 and 4, dealing with the petrol prices paper referred to by the Minister and the Fair Trading (Fuel Prices) Bill, also referred to by the Minister. I wonder whether it is possible to have this matter made an order of the day for later today rather than for the next sitting day?

MR DEPUTY SPEAKER: I am in the Assembly's hands. Is that the wish of the Assembly?

MR HUMPHRIES: I move the following amendment:

Omit "the next sitting", substitute "a later hour this day".

Amendment agreed to.

Question, as amended, resolved in the affirmative.

CHIEF MINISTER'S DEPARTMENT - MANAGEMENT Discussion of Matter of Public Importance

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

The ineffectual management of the Chief Minister's Department and the resulting detrimental effects caused.

MR STEVENSON (3.59): A survey of members of the Chief Minister's Department asked the question, "What do you not like about working in the department?". Fifty-three per cent said, "Management". I believe that there are grave concerns about managerial incompetence within the Chief Minister's Department, and we must look at the ramifications for the ACT as a whole. Let me mention the survey details. The survey was distributed to all 313 of the Chief Minister's Department staff and a total of 193 returns were received, representing a response rate of 62 per cent. In all, there were 49 questions asked. The survey was done between 9 and 21 September 1992 and a report was compiled in November last year.

Firstly, let me say that I have no doubt whatsoever that there are many excellent staff within the Chief Minister's Department. However, many of them are undergoing a term of hard labour, through no fault of their own. We must understand that it is no good for the Chief Minister to blame other people within her department for the appalling lack of morale and the managerial incompetence that the survey showed. She has the power to hire, to fire, to move aside, to change positions, to train and so on.

What the survey shows is, in a quantified manner, how members of her department are handled. It must be understood that these people are amongst those closest to the Chief Minister. Let me read some of the survey results. Staff indicated that management does not consistently make good staffing decisions. It has 25 per cent positive, and it goes along in that vein in the survey.

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But perhaps if we put it more logically, we would say 75 per cent negative. As for providing a sense of direction, 76 per cent negative; understanding the problems confronting staff at work, 76 per cent negative; providing recognition for good staff performance, 75 per cent negative. The survey shows that the Chief Minister has not been capable, has not had the expertise, does not have the talent or the managerial qualifications to effectively manage 300 staff, and we must look at what that means for the 300,000 people in the ACT.

One of the vital things within any organisation, as it is within the ACT as a whole, is communication. Many times we have brought up the concerns about the lack of communication between the Labor Party and various groups, organisations, departments and the community in the ACT. Let us have a look at the results in this area within the Chief Minister's own department. Some 58 per cent are dissatisfied with the level of communication between sections and 66 per cent with communication across the ACT Government Service. Some 63 per cent indicated that departmental practices have been poorly communicated and 48 per cent indicated that the overall purpose had been poorly communicated. I think that what the survey shows, once again, is a grave misuse of resources. There is an abundance of resources within the Chief Minister's Department and the 23,000 people within the ACT public service, but what this shows us is that that resource is in no way being effectively used. In addition, of course, what this appallingly misused managerial situation shows us is that taxpayers' dollars must be being wasted and, with the level of managerial incompetence, it must run into a great deal of money indeed.

What are the wasted opportunities? When you do not train staff well, when you do not induct them well, when you do not communicate well with staff, you waste enormous opportunities. I think that what it shows us is that the Chief Minister, perhaps because she has not had the capacity, has not had the training herself in her former work - - -

Ms Follett: Yes, I have. I have a degree in it, Dennis.

MR STEVENSON: I will make the point. I said that it was possibly because she has not had the training, and the Chief Minister says that she has a degree in it. One could ask: A degree in what?

Ms Follett: Public administration.

MR STEVENSON: If the Chief Minister has a degree in public administration, Lord knows what that says for whom they hand degrees out to or what the course is like, so help me. Anyone reading this attitude survey would ask the same questions. I find it quite bizarre. We go on. A question was asked, "If you were looking for a job other than your current one, what characteristics would you be seeking?".

Mr Kaine: Rapid promotion.

MR STEVENSON: There are 13 points on the list, and the top one, I think we have understood by now, is good management practices. The next most common are challenge, responsibility, autonomy - in other words, people not fiddling and messing around with what you are doing, but letting you get on with the show. Then there is opportunity for career development and career paths - and Mr Kaine might be right; it might be a career path elsewhere. Were it not for the

economic situation, perhaps many people would beat a path out of the Chief Minister's Department. One of the things you note with the survey results is that, the longer the staff have been there, the more dissatisfied they are. You ask: Why would that be? I would suggest that, under two years, staff do not necessarily understand the reality of the situation and may not have had the experience. Staff that have had the experience show us consistently that they gave higher dissatisfaction survey results.

I think we must acknowledge that, from these surveys, we see that the Chief Minister handles people within her department in the same autocratic manner she does people in the community. I agree that she does it with a smile; but, when it comes down to the nitty-gritty, a smile is not good enough. We see a constant lack of communication with staff, a constant lack of consultation with staff, and a constant lack of education of staff. Are they not the three things we see that are sadly lacking within the ACT itself?

One of the incredible situations we had related to unnecessary work. The survey asks about time spent doing unnecessary work, and it has about 64 per cent. I am not sure what it is, because it says that the response categories have been inverted, that is, positive first. I am not quite sure what that means, and I must admit - and I have had this told to me by some other people - that it is hard to tell some of the results here. Certainly it is not hard to tell the result of this question, "Have performance indicators been developed for your staff, section, branch?". Over 60 per cent said no. The next question was, "Are they being used?". Some 76 per cent said no. It would seem that, of those people who have some performance indicators, 76 per cent are not being used.

I think we all understand, and I am sure that if the Chief Minister, Rosemary Follett, has a degree in public administration, she would understand, that good staff performance should be recognised by management. Certainly it is not within her department. It asks, "Is good staff performance recognised by management?". In the interesting way that the survey is reported in graph form, it says that just over 45 per cent said yes. In other words, the majority said no. What would this mean in practical terms? I think that what it means in practical terms is that it would be pretty crook working within the Chief Minister's Department.

Ms Follett: If it were you, it would be, I can assure you.

MR STEVENSON: I think you understand that I would give as much as I would get, and one of us would have to go. Under your autocratic methods, I am sure that it would be me, if you had the power. However, if there was an independent arbiter looking at these staff attitude surveys, I think you would be out of the place fast. I have spoken to senior people in business and senior people in the public service. I have said, "What would you do with someone whose department that was?". I am sure that you will not be surprised that the answer was, "Get rid of the Minister. Sack them. It is beyond the pale".

Ms Follett: Whom did you ask? Name the names, Dennis.

MR STEVENSON: I know that you would like me to and you would like to know where I got the information from and where I found that there have been no worthwhile changes implemented since November last year, when the results came out. This is one of the problems.

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Ms Ellis: I raise a point of order, Mr Deputy Speaker. I seek the guidance of the Chair in advising Mr Stevenson that there is no need to yell at the rate he is. I find it most disturbing. We can easily hear him without that sort of noise.

MR STEVENSON: I would beg to differ.

MR DEPUTY SPEAKER: Order, please! Please moderate your tone, Mr Stevenson. We can all hear you very clearly.

MR STEVENSON: Thank you, Mr Deputy Speaker. I would beg to differ. I do not think people are being heard at all. I do not think the staff in the Chief Minister's Department that have worked there for many years, or that answered this survey, are being heard. What is the proof of that? They were asked what good would come of the survey. What did they say? Only 14 per cent felt that there would be any constructive result from the money and the time that went into doing the survey. So I do not think people are listening at all. It will not wear with me, and what we are talking about is solid facts.

Once again, there is the famous Follett smile, as she shakes her head. I grant you that you have a smile, but when it comes to management you need more than a smile, Chief Minister. I think it is shown that the Chief Minister does not have the bottom line that is needed within management. You need entrepreneurial skills. You need to be able to run a department and get a result.

Mr Lamont: Just like your own businesses, Dennis.

Mr Berry: You have a great record.

MR STEVENSON: By all means, bring it up. Give me a chance to reply. What we need to do is attract people within the public service at senior managerial levels or promote people that have a proven track record. There obviously needs to be more movement within the public service and within the private enterprise sector; there is no doubt about that. What should be done now? Obviously, an autocratic attitude would have to change, but I think we need to have targets for staff that are effective. We need to have a focus. Most staff feel that there is no direction. We need to make sure that there are not injustices within this area with those sorts of demoralised results. There are injustices and they need to be addressed.

I think it is obvious that staff need to be listened to. The suggestions that come from staff need to be accepted, where feasible. The talent in the public service abounds. There needs to be genuine communication. We have had the survey for quite some time. It is mentioned in the survey that an evaluation of the survey process will be conducted in early 1993. Where is the evaluation? I would also ask: Where are the detailed implementation programs? That is a question I put on record here and now. Where are the detailed implementation programs that are leading to a change for staff who were asked to rate morale, and who gave it a 7 per cent rating out of 100? Once again, I think staff labour under great hardship within the Chief Minister's Department. The survey shows us that there is a great deal of work to be done and, unfortunately, there are grave problems.

MS FOLLETT (Chief Minister and Treasurer) (4.15): Mr Deputy Speaker, I would like, first of all, to address some of the very misleading statements that Mr Stevenson has made, in his typical fashion. Mr Stevenson, at the outset of his remarks, said that I have the power to hire and fire. I presume that the implication was that I ought to hire and fire most of my department. I should inform Mr Stevenson that I do not have the power to hire and fire public servants; neither does any Minister. Have you got that on board? I do have the power to appoint the head of the department, and that is it. The remainder of the staff are selected, promoted, appointed and so on in accordance with the Public Service Act, not at the whim of the Minister. That is the way it is in the ACT, and I think you should have checked your facts on that.

Mr Stevenson has also sought to use the staff attitude survey as a tool for a personal attack on me and on what he perceives as my management style.

Mr Stevenson: It was not you. It was management ability. It was not personal.

MS FOLLETT: Mr Deputy Speaker, I quite clearly heard Mr Stevenson make reference to my smile, as Mrs Carnell always does. Mr Stevenson obviously thinks it is a good political tactic to accuse someone of smiling, and he has injected it into the debate today. This is not a tool for personal criticism of the Minister. What we see in the staff attitude survey is a management tool to cope with change within a department, within a large organisation. Mr Stevenson simply does not understand that.

I would also like to say that, of all departments in the ACT Administration, in my view the Chief Minister's Department has had to cope with the greatest amount of change. I think Mr Kaine might agree with me that it was the Chief Minister's Department from the outset, starting from nothing, that virtually had to get self-government going. They were responsible for the implementation of the self-government Act, and upon self-government they had responsibility for virtually getting government going. Their early experience of that, of course, was not terribly happy. They had three governments in three years - an enormous amount of change.

Mr Kaine: They had only one good one, though. That was the one in the middle.

MS FOLLETT: I think they had two good ones, Mr Kaine, the first and the third. The Chief Minister's Department also comprises a very broad range of functions - everything from economic development to Cabinet work and Cabinet liaison, through to assistance to troubled young people in our community, women, Aboriginal people, the administration of grants programs, employment creation. A huge range of issues are dealt with in the department, and they have had to cope with enormous change. This staff attitude survey, I believe, is a brave and worthwhile venture by the management of my department to assist their staff to cope with change. Mr Stevenson chooses to use it in a purely political way to attack me, and that is fair enough. It is just not accurate or useful.

Mr Stevenson and, unfortunately, the television report on this matter last night have quoted extremely selectively from the findings of that report, and I am going to quote selectively, too, to try to get some balance into this debate. Mr Stevenson failed to mention that the survey results showed that 82 per cent of the respondents gained satisfaction from doing their jobs well - and so they might, because they do do their jobs well. Again, 76 per cent gained satisfaction

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from the opportunity to serve the ACT community, and I find that entirely creditable; 88 per cent agree that the community's perception of the ACT Government Service is important, and of course it is; 67 per cent are satisfied with their current position; 77 per cent rated highly the overall quality of work done in their work area - there was a high level of satisfaction there; 70 per cent of them have attended some training or development programs in the past year - that was a very good result; and 89 per cent were satisfied with the level of cooperation between colleagues within their immediate work area. Fellow staff are one of the major likes about working in the department. That is a good sign.

Over 70 per cent positively regarded the occupational health and safety conditions in their workplace; 61 per cent indicated that their immediate supervisor does his or her job well; 67 per cent indicated that their supervisor listens to what staff have to say; 69 per cent indicated that their supervisor shows confidence in them; 63 per cent indicated that they receive enough information to do their job well; and 65 per cent feel free to express their opinions on matters of importance to them. As I say, I have quoted selectively in an attempt to get some balance into the entirely bleak picture that has been painted by Mr Stevenson.

Because Mr Stevenson has given us only a very small part of the picture, I would like to spend quite a bit of time outlining the whole picture, outlining to members the process that has been undertaken to date and the steps that are still to be taken. I hope that members will then understand that this is not a subject on which the public servants, or even the Minister, should be criticised but rather one for which they ought to be praised as taking on a difficult issue and doing something about it. Personally, Mr Deputy Speaker, I commend my department for initiating and following through on an activity that is challenging and fraught with danger, one that is recognised these days as a modern management technique.

The management literature does indicate that staff attitude surveys can be an effective form of management improvement because they allow staff to express their views and to do so anonymously. They are free to say whatever they like. They therefore give management information about the views of staff that they would not otherwise be able to acquire. To state the obvious, management does need to know the views of their staff, and they recognise that they need to know those views. After all, the staff are the means by which programs are delivered and policies are executed, and the views of those staff are valuable. Too often in the past staff have not been involved or consulted, and I believe that that has been to the detriment of whichever area of the public service they worked in.

My department is charged with, amongst other things, the task of creating an excellent public service. That is one of their many tasks. One element of that is to develop a culture right across the ACT Government Service of participative management, where staff and managers work together to achieve outcomes. Accordingly, last year the department decided to pilot this staff attitude survey and to use the pilot to develop and then to market an effective management improvement scheme across the whole of the ACT Government Service.

It is probably also necessary for me to draw a distinction between management improvement and the purpose of creating a separate ACT public service, because Mrs Carnell drew attention to that. As I have said previously, the purpose of the latter exercise is to bring our public servants under the control of

our Government. The days are gone when it was appropriate for almost half of our work force to be employed under terms and conditions that had been set by another government. The separate public service, I believe, will make it easier, not harder, for us to set standards for our managers.

I should say that our managers are already expected continuously to improve the quality and effectiveness of their management. I make no bones about that. They do not need my permission to go ahead and take action to do that. They know that it is their job. They have been expected to make those improvements for many years. The staff attitude survey has occurred in the past and it will occur more frequently in the future. I believe that we ought to encourage our managers to seek out problems. We ought to be concerned only when managers avoid or choose not to address those problems.

My department chose to pilot the concept of a staff attitude survey. It did so partly because it is the centre for management improvement, but mainly because the managers of my department are genuinely committed to doing the best job they possibly can. Surveys elsewhere suggested that the results would show staff to be critical of managers and sceptical of the purpose of the survey itself. You have only to look at surveys conducted in the Civil Aviation Authority, the Housing Trust and a number of other areas to see the same sorts of results. However, experience has shown that, where staff have felt empowered to become active participants, this is a powerful change management tool and it has the potential to refocus an organisation on the maximum efficiency, effectiveness and enthusiasm in the discharge of their duties and their responsibilities. So the department expected those sorts of findings, and they accepted the resulting challenge to change things for the better.

Mr Stevenson: Expected? Why? Why would you expect that?

MR DEPUTY SPEAKER: Order! The Chief Minister has the floor.

MS FOLLETT: Thank you, Mr Deputy Speaker. The survey form was designed as an action document. Management's intention was to draft questions in a way that action could be taken on the answers in each area. As Mr Stevenson said, over 62 per cent of staff replied to the survey, and the results were then available to them before last Christmas. I am advised that this is the quickest turnaround of survey results in Australia to date. For members who may not have seen the report, I would like to table the document prepared in the department. It contains details of the process, the questionnaire, the findings and the actions to date. Members are free to study that at their leisure. While this material has not been the subject of a press release, it has been widely available within the public service and interested areas. For example, the survey result has been in the ACT Government Library since Christmas, so you could have looked it up in the library.

The secretary had meetings of staff before Christmas to talk about the results of the survey and to outline the steps that would now be taken to respond. The concern that the results would not be taken seriously was addressed specifically, as you would expect. I am advised that the staff who attended those meetings left with assurances that their comments would not be ignored. The secretary made commitments about follow-up meetings in the new year, and these commitments were honoured. The last meeting occurred in May and 43 per cent of staff attended.

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The response rate on the survey was extremely good, comparatively, and to some extent it belies the pessimism of the survey results themselves. Put simply, departmental managers, I am told, would have been more worried if people had not responded, because this would have suggested that they believed that it simply was not worth the effort and that nothing would change. The response to the survey and to the meetings, particularly the last meeting, was again extremely high by any standard. It can indicate only that staff believed that management would institute changes and that they could individually contribute to and influence the nature of those changes.

The next step is to implement the change management plan that was jointly agreed by staff and managers and to conduct another survey in November. As you can see from this description, my department has committed itself to an ongoing process of management improvement participatively with the staff. The process did not stop with the first report and it will not stop with the next survey. I understand that the next survey will trigger a similar participative process as managers and staff work together in strengthening the department.

The department's process of consulting staff through surveys is similar to that of many other departments. However, I am advised that the subsequent process of consultation is close to a first in Australian public sector management. As well as providing the survey results, the department has involved the staff in changes in the working environment by negotiating the changes that they and the managers would like to see. I, for one, am prepared to praise my department for several reasons. Firstly, as I said, I believe that they have had to cope with more change than perhaps any other department, with greater levels of disruption. That the managers were prepared to seek the views of staff about the department, I think, is praiseworthy. (*Extension of time granted*)

Secondly, I believe that the department ought to be praised because the staff responded positively. If you look at the results rationally, and I know that that is a challenge for Mr Stevenson, it is quite evident that for every negative comment staff had a positive suggestion about how to improve things.

Debate interrupted.

ADJOURNMENT

MR DEPUTY SPEAKER: Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

CHIEF MINISTER'S DEPARTMENT - MANAGEMENT
Discussion of Matter of Public Importance

Debate resumed.

MS FOLLETT: Thirdly, my managers consulted with staff about change, and they did so in an open manner. That they have been successful, I believe, is evidenced by the fact that staff are increasingly prepared to make concrete suggestions, and they are doing so without fear of criticism.

If I could turn now to the results, I would have to say that my managers expected to be criticised. We all blame the bosses - Mr Stevenson has done it today. The only comment I would make about that is that staff in my department perhaps blame their bosses to a lesser extent than has happened to other bosses through other surveys, and I am pleased about that. The big change that has happened as a result of the survey is that all levels of employees are making a concerted effort to communicate better with each other. I understand that the other big change is that staff now feel that they have the ability to influence outcomes and that their views will be respected.

Some of the changes that have already happened include regular meetings between staff and managers at divisional, branch and section level. An induction manual is to be introduced, and staff are now involved in decisions about their accommodation. At an individual and work unit level, areas are talking to each other about matters of common interest and are taking it on themselves to seek briefings or to contribute to work in other areas of the department. I am advised that the view of many middle level and more junior staff is that morale has improved as a result of this exercise and that working practices have also improved. My senior managers are confident that real and positive change is being achieved, but they would not wish to claim this as a fact until the staff themselves have the opportunity to comment through the next attitude survey.

I think it is one of the most powerful examples of industrial democracy in action. With a reducing budget and with staff at all levels being asked to work harder and smarter and for no extra reward, industrial democracy is one of the strongest weapons that managers have to help them achieve the outcomes that are required of them by government. I state again that I firmly believe in letting the managers manage. I do not expect them to be constantly harangued in this Assembly by members of the Opposition and by Independents. They do not deserve to be political cannon fodder.

MR DE DOMENICO (4.34): Madam Speaker, can I, first of all, say that that last comment by the Chief Minister was a bit unfortunate. In terms of haranguing, this Opposition and, I dare say, the Independents will continue to ask those questions that need to be asked. If some people find that they get upset by that, there is a lot of counselling they can seek from time to time. Can I also say that it was with great interest that I read, although briefly, this quite voluminous document - - -

Mr Lamont: Extract.

MR DE DOMENICO: Mr Lamont is now in a position, apparently, of telling me what I read and what I did not read. He has crystal balls in front of him.

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Mr Lamont: You do not understand it yourself.

MR DE DOMENICO: Have you read it? Yes or no?

Mr Lamont: Over his shoulder this afternoon, and it is considerably more pages than you have in your hand.

MR DE DOMENICO: Do not start making any comments then. There is the rest of it. Just get back in your box; you can contribute later on.

I was interested to see that, of the 313 staff members that were given this survey, 193 replied. That is a good response rate of 62 per cent, as Mr Stevenson and Ms Follett have mentioned. From time to time one tends to find it not so difficult to disagree with Mr Stevenson. Can I say, after hearing Ms Follett, that it is also not too difficult to disagree with what she had to say. I intend to keep my comments very brief and to the point of the facts and figures in the pieces of paper I have in front of me. Ms Follett, for example, said that 67 per cent of people were satisfied with their current position, and that is true. But the quote I want to read goes on to say that there are only 7 per cent -
- -

Mr Connolly: But are you satisfied with your current position, Mr Deputy Leader? That is the question.

MR DE DOMENICO: Mr Connolly, I am always satisfied, regardless of what position I am in, unlike some people opposite. Some 67 per cent are satisfied with their current position, although only 7 per cent rated morale in their division as high. Why did we not hear more about that figure? I am not having a go at public servants at all. It is a fact of life that only 7 per cent thought morale was high. In other words, 93 per cent thought their morale was not high. That figure is alarming. We are about to embark on the establishment of our own ACT public service, and so we should, in my opinion. Although Mr Stevenson might disagree, I believe that we should. Should it not be concerning to anyone embarking on that that only 7 per cent of current staff members consider their morale as high? We are told that we are going to take on board all these staff people.

Mr Berry: No, no; that is not right.

MR DE DOMENICO: You said it on radio. Do not say "No, no".

Mr Berry: No, 7 per cent is not the figure. You are saying "of all of the staff". Where from?

MR DE DOMENICO: Seven per cent from the Chief Minister's Department, which is where the survey was undertaken, in case you did not know.

Mr Stevenson: Perhaps Mr Berry should read it as well.

MR DE DOMENICO: Yes. It is available in the library. It has been available in the library since December. Seven per cent rated the morale in their division as high. I would be concerned if only 7 per cent of the staff I employed rated their morale as high, and I am sure that anybody else in business would be concerned as well. But no-one has asked the question, "Why do you rate your morale so low? What are the reasons why morale is so low?". Most of the responses I am getting from the survey are that it is because of the direction being given to them.

The Chief Minister may not be in a position to be hiring and firing staff, but she has the levers in her hand, as Mr Keating would say, to give direction to her department. If the 7 per cent morale rating is a reflection of direction they are being given, I would be very concerned, if I were the Chief Minister.

There are other points that need to be made. The Chief Minister said that 77 per cent rated highly the overall quality of the work done in their work area, and she stopped there. The summary goes on:

but less than 50 per cent indicated they receive sufficient recognition for good performance from their immediate supervisor or management.

Why do we not get to hear the full facts? It is not good enough to say, "But you could have read all the facts because the report has been available in the library since December". If you do not know that it is in the library, when you cannot find it you cannot read it. When you do find it, Madam Speaker - - -

Mr Lamont: Tony, you are in the Opposition; you are not part of the Government.

MR DE DOMENICO: Madam Speaker, could you please suggest to Mr Lamont that he can make his contribution later.

Mr Lamont: I am sorry. Mr Kaine, did you say that you do not think he understands that?

MADAM SPEAKER: Order! Mr De Domenico has the floor.

MR DE DOMENICO: So if you have to rely on being told that the thing is in the library, God help us. Let us have a look at what else it says. There was no mention of this by the Chief Minister, and this is something Mr Berry might be interested in, and also Mr Lamont, if he listens. At the bottom of page 4, under the heading "Communication", there is the statement, "I have enough information to do my job well". To the question, "From your union", 24 per cent said yes, they agreed; 76 per cent said no, they did not agree. If I were involved in the establishment of an ACT public service - and I am told by Mr Berry that he hopes to have one centralised union situation for the ACT public service - and then I read this survey, which says that 76 per cent of the respondents in the Chief Minister's Department believe that they are not getting enough information about their job through their union, I would be concerned and I would be asking some questions.

Let us have a look at what else the survey says. Interestingly, when you do find it in the library and you get a chance to read it, it says that only 25 per cent indicated that poor staff performance is consistently resolved effectively by their immediate supervisors. We should read that as saying that 75 per cent believe that the way that poor performance has consistently been resolved is not good - not that 25 per cent believe that it is good, but that 75 per cent believe that it is not good.

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To go on further, we know that 25 per cent give a positive response about making good staff decisions. One would tend to think, "That is fantastic, because 25 per cent are happy". But what that does not say is that 75 per cent are not. Were they asked the question, "Why are you not happy?". If you read through the whole of the survey, which I did, and obviously Mr Stevenson and Mr Kaine and some members opposite did - - -

Mr Lamont: It might have been that they had to answer stupid ministerials from the Opposition.

MR DE DOMENICO: The peanut gallery is heard again commenting. If we read the survey, we would know what the facts are. Let us read some more. Nothing was said about the fact that 76 per cent believe that there is no provision of a sense of direction. We know that 24 per cent said that there was. We get that in there; it is written as if everything is hunky-dory. But 76 per cent said no, they were not happy. Again, 76 per cent do not understand the problems confronting staff at work, but we are told about the 24 per cent positive, not the 76 per cent negative.

We are then told that 58 per cent are dissatisfied with the level of communication between sections and 66 per cent are dissatisfied with communication across the ACT Government Service. In other words, when you need to contact your colleagues outside, 66 per cent find that communication is a bit of a worry. To go on, 63 per cent indicate that departmental practices have been poorly communicated and 48 per cent indicate that the overall purpose has been poorly communicated. This word "communication" is repeated over and over again. Only 14 per cent expressed confidence that the results of this survey would be used constructively.

Mr Stevenson: Could that be 86 per cent?

MR DE DOMENICO: That could mean, Mr Stevenson, that 86 per cent said that the results of this survey would not be used constructively. If that is imprinted in the minds of the public servants, one would be very interested - perhaps this is the gauge we should take - in the results of the next survey. What is being done between this one and the next one? I think that is the question we ought to be asking.

I have heard time and time again about performance indicators, for example, starting at the Estimates Committee; but, when you have a close look at this survey, the majority of the staff that did respond said that they believed that the performance indicators were not being addressed adequately. Once again, we should ask the question: Why? Was the question asked, "Why do you think the performance indicators are not being addressed adequately"? We did not hear the Chief Minister say anything about whether those questions were addressed. We heard a lot about process, and that was fine. I applaud the Chief Minister for the process, except that perhaps she should have told the Assembly that the process was going on. There is no excuse when people say, "Yes, but you are not in government". We are elected members of this Assembly, who ought to be told. One of the most important issues this Assembly is going to face in the future is the creation and the establishment of a separate ACT public service.

Mr Lamont: You will fix that tomorrow, won't you?

MR DE DOMENICO: It is an issue that all people in the ACT are interested in, Mr Lamont. It will be very interesting to see, when it is time to put up your hand, what your attitude to that is going to be.

Mr Lamont: I will tell you what it is. It will not be to let you anywhere near it. That is the attitude.

MADAM SPEAKER: Order!

MR DE DOMENICO: Madam Speaker, if that is not pre-empting a vote of the Assembly in the future, I do not know what is. Thank you, Madam Speaker; I will go by your guidance and protection. It was interesting to read the survey, and I believe that other people, once they get a chance and find it in the library, will also find it very interesting reading.

MR KAINE (4.44): I will just throw in a couple of statistics, some of which have been referred to before, and some not. The relevance of this document is that it is a snapshot of an organisation on a particular day, essentially. If you asked the same questions now, you would get different answers, and you would then be in a position to make some judgment about whether things have changed for the better or for the worse or whether they have changed at all. One has to take the study in some sort of context, I think.

When all is said and done, I thought the most interesting statistics were those where people expressed a preference for their next year. I was interested to note that, in answer to the question as to whether they were happy or unhappy, 33 per cent said that they were going to be looking for jobs, either within the APS elsewhere or within the ACT Government Service elsewhere. So approximately one in three of the 300 people in the Chief Minister's Department, in answer to the question as to whether they were happy or unhappy, said, "I am going to try to be working some place else next year". I thought that was interesting.

There are one or two statistics that I thought were interesting - not so much because they relate to this particular organisation, but because there may be something here that the Government should be looking at across the entire public service. One of those is the question of effectiveness. Only 39 per cent of people said that performance indicators have been developed for their section or branch and only 24 per cent said that they were being used. That was of interest to me, and I would have thought it would be of interest to members of this Assembly. In consecutive estimates committees over four years now we have attempted to get some idea as to just how good performance indicators are across the service and whether they have any real validity. The public servants themselves, within this particular organisation, seem to agree with the members of this Assembly that the performance indicator system is not working or, if it is, it is not working very well.

The other interesting statistic was that only 38 per cent of people thought their corporate plan was being used as a management tool. This is the Chief Minister's Department, and only 38 per cent thought their corporate plan was being used. I think that to place too much weight on this would be wrong, but there are a couple of comments that flow from it. One is that it is interesting that it is the Chief Minister's Department, because it is within that department that the Office of Public Sector Management resides. That is the organisation that in a way, you could argue, is driving the management processes and procedures, driving

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management change, driving organisational and structural change and the like, to the extent that it is happening within the public sector. This does not allow us to know what the people within the OPSM specifically felt about these matters; they are just obscured within the figures. But perhaps it says something about the broader organisation as well. I think that is something the Assembly ought to be interested in.

I must say that I was a bit perplexed that this matter was being discussed as a matter of public importance. It deals with only one organisation of about 300 people in an ACT Government Service of 23,000. Just how big that makes it in terms of public interest, of public importance, I am not sure. It certainly is a matter that we as members of this Assembly ought to be concerned about, and perhaps we should have been discussing it in some other context, but as to the extent to which it is a matter of public importance I am not sure.

From the Chief Minister's remarks, the next step that would logically flow from this has not yet been taken; that is, to decide what needs to be done to rectify the matters that are brought out in this report, to the extent that they are adverse.

Mr Stevenson: Seven months on?

MR KAINE: To develop a program. You could argue that it is taking too long; that is a matter of opinion. I come back to just how important it is in the context not only of all of the things the Government is doing but also of what the public service is doing. I would like to see some results, to the extent that there are things that do not look too good on the face of it. Perhaps the Chief Minister could have told us what programs they are setting in place, what their timescale is, and when they expect to have them finished. She did say that there would be a further survey in November. That seems a long time into the future to do another survey and see whether there has been some improvement or not; but, hopefully, something is happening.

I think you have to ask the questions: How much did it cost to conduct this survey and, at the end of the day, was it cost-effective? Were there beneficial changes that flowed from it that at least recouped or more than recouped the cost of doing it in the first place? That is a question I would ask the Chief Minister to comment on when next we hear a report about this. The final point is that the Chief Minister has indicated that this was a pilot survey. That implies that this is going to be done elsewhere in the public sector. Is there a program for doing this, and who is next? Is the Health Department going to be next or is Mr Wood's Education Department? Is it going to be the entire organisation or only one small part of it, as this is only one small part of the Chief Minister's entire area of responsibility?

It is those questions that flow from this that are rather more important than the report itself. I would hope that, before this debate is concluded, somebody on the Government side might answer those questions, so that at least we can be satisfied that something good is flowing from all of this. Rather than just looking at the adverse comment that is made in it - and there is some - let us see where it is going to lead and how it is going to improve the performance of the public service. If the Chief Minister or somebody else over there can convince me that there is something positive flowing from it, I would to some degree abstain from Mr Stevenson's criticism of the Chief Minister as a manager and perhaps also the higher management of this organisation. I think the survey has to pay off, and that means that management has to do something positive as a result of it.

MR LAMONT (4.51): Madam Speaker, I am somewhat bemused by the methodology of the attack this afternoon, by virtue of both the misinformation and the outright slanderous attack on unnamed servants of this administration by Mr Stevenson and Mr De Domenico. If we are going to talk about the selective use of statistics, Mr Stevenson should bear in mind that 89 per cent of the population of the Australian Capital Territory disapprove of him and do not want him to sit in this chamber. Mr Stevenson seems to ignore that simple position. We have 89 per cent of the population, if we want to use that sort of analogy, that say that he is not doing his job appropriately or well enough.

If we were to conduct a Stevo poll or a survey on Mr Stevenson and his managerial style, his presentation and his acceptability to the Canberra community, we would find that the level of acceptance and endorsement of his actions and activities by the ACT community would be even more miserable now than it was some 18 months ago. Mr Stevenson has a right to stand up here this afternoon and say, "Look what Lamont has done. He has turned around and attacked me personally about this particular issue". Mr Stevenson, when I do that to you in this Assembly, you have the right of reply.

Mr Stevenson: Not now, I don't.

MR LAMONT: You have the right of reply in a range of forms in this Assembly. But every manager and every staff member of the Chief Minister's Department does not have that right.

Mr Stevenson: Staff do not need a right of reply.

MR LAMONT: Staff do not need the right of reply?

Mr Stevenson: I was talking about management.

MR LAMONT: But management are staff. There is a simple, new, modern technique. It may be something that was not in vogue when you were waxing legs and in the Army and in the New South Wales police force and those other jobs that you had, or that you say that you have had. Maybe, Mr Stevenson, in those days and at those times these new management techniques were not in vogue. There is something called industrial democracy where managers try to include their staff in the breadth of the operation for which they have responsibility.

When you are talking about staff and management, you are talking about all of the staff and all of the management in the Chief Minister's Department. This afternoon you have stood up here and you have slagged every single one of them, without their having the right of reply, without any of them having the right of reply. Mr De Domenico, you may not like that, but you have done the same thing. I regard it as absolutely outrageous, but consistent with your actions. It was not so long ago that you stood up in this Assembly and attacked the collector of revenue in the ACT.

Mr De Domenico: I attacked the collector of revenue?

MR LAMONT: Yes, you did. We find that, to score a cheap political point, you have taken an attitude of slagging people who do not have the right to defend themselves. You have misrepresented - - -

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Mr Stevenson: Typical union tactics.

MR LAMONT: If it were typical union tactics, one could possibly ascribe to me this thing about attacking the bosses. That is often what you would describe union activities as being. That is not the case in relation to the point I make here this afternoon. Indeed, the only points worth taking into account in this entire debate by other than the Chief Minister have been made by Mr Kaine. At least I give him some credibility in relation to his ability and his experience in managing large numbers of people, being responsible for the cooperative approach, the new style of management that is imbuing our own administration. I certainly do not regard as experts in that field either Mr Stevenson or Mr De Domenico.

I believe that it sullies this chamber to have had on this day an MPI in these terms against 300 people - a substantial number - who work for this administration. Mr Stevenson, when somebody goes outside this chamber, goes outside this administration, and says, "I work for the Chief Minister's Department", the person in the street is not going to say, "Are you a manager or are you a worker?". Automatically, everybody in the Chief Minister's Department is slagged by the innuendo, the vitriol and the misrepresentation that you and Mr De Domenico have entered into this afternoon.

Very simply, Mr Stevenson, you talked earlier on about putting up and shutting up. I would suggest that what you need to do is to participate in a few of the organs of this Assembly, get on some of the committees that investigate how the administration works, instead of sitting up in your office dreaming up MPIs such as this. Come along to the Estimates Committee, not have to be dragged along, as you were last year. Mr De Domenico, I am pleased that you have finally recognised that the Chair is up that end of the chamber.

What you need to do, Mr Stevenson, is come along and participate in the processes of this Assembly. You would have the opportunity in the Estimates Committee, as we did last year, to investigate, in a quite substantial amount of detail, the question of performance criteria and performance indicators. You could participate and add some net worth to the time for which we have to put up with you in the Assembly. We may, as a community, get something out of your participation here, other than the vitriol and nonsense that you have gone on with this afternoon, if you at least participate in the Assembly, participate in the Estimates Committee process, participate in questioning.

Mr Stevenson: On a point of order, Madam Speaker: Mr Lamont continues to make these outrageous claims, knowing full well that the Labor Party blocked me from appearing on three committees.

MADAM SPEAKER: Mr Stevenson, I am sure that Mr Lamont heard that interjection on your part at least three times. I am sure that he has heard it now.

MR LAMONT: It was as irrelevant when he first said it, Madam Speaker, as it was when he stood up. The simple fact is that what he wanted to do was to set himself up a lovely little sinecure to swan around - where is this place in Queensland he goes to? - to Chinchilla with the horse. That was not your horse in Marlborough, by the way?

Mr Stevenson: It is Joe Bryant's horse.

MR LAMONT: Joe Bryant's horse. I withdraw that accusation that the horse at Marlborough was Mr Stevenson's; it was one of his friends'. The simple fact is that Mr Stevenson has refused point blank to participate particularly and specifically in the one Assembly in this committee where he could have asked every one of those questions he asked this afternoon.

Mr Stevenson: Which Assembly was that? Make up your mind. What are we talking about - the Assembly or committees?

MR LAMONT: The one committee of this Assembly. Not only would he have had the Chief Minister up before the Estimates Committee; he also would have had the head of the Chief Minister's Department and he would have had other senior managers of the Chief Minister's Department also there.

Mr Stevenson: Which one was that?

MR LAMONT: He has singularly failed to do so and, from that, any matter that he raises this day he should be condemned for.

Mr Stevenson: Which committee was that?

MADAM SPEAKER: Order! Mr Stevenson, I remind you that standing order 61 does ask you not to interrupt members. You will now remember that one.

Mr Stevenson: I was going to apologise, Madam Speaker.

PUBLIC ACCOUNTS - STANDING COMMITTEE **Report on Review of Auditor-General's Report No. 6 of 1992**

MS ELLIS (4.59): Madam Speaker, I present report No. 2 of the Standing Committee on Public Accounts entitled "Review of the Auditor-General's Report No. 6, 1992", together with the minutes of proceedings. I ask for leave to move a motion authorising the publication of the report.

Leave granted.

MS ELLIS: I move:

That the Assembly authorises the publication of report No. 2 of the Standing Committee on Public Accounts on its inquiry into the review of Auditor-General's Report No. 6, 1992.

Question resolved in the affirmative.

MS ELLIS: I move:

That the report be noted.

On 17 December 1992 the Auditor-General's report No. 6 of 1992 was presented to the Assembly. The report, titled "Financial Audits With Years Ending to 30 June 1992", is based mainly on the audits of agencies' financial statements for the year ended 30 June 1992, together with an update on matters raised in previous reports. The Auditor-General also includes comment on matters relating to compliance and efficiency that came to notice during the financial audits.

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Madam Speaker, as a result of a resolution passed in this place on 17 December also, in relation to the Public Accounts Committee's consideration of this report, I, as deputy presiding member of the committee, became acting presiding member for the purposes of this inquiry. As outlined in the introduction to our report, the committee sought submissions from members of the Executive and the Speaker on matters raised by the Auditor-General. The committee also held private discussions with the Auditor-General and the Assistant Auditor-General. On 14 May the committee held a public hearing and received evidence from a number of officials representing the Chief Minister's Department, the Treasury, the Legislative Assembly Secretariat, the Department of the Environment, Land and Planning, the Canberra Institute of Technology and the Department of Urban Services. ACT Health, the Attorney-General's Department, the Department of Education and Training and the Housing and Community Services Bureau were not requested to appear at the public hearings.

Madam Speaker, in addressing the findings of the committee I would point out, as outlined in paragraph 1.9 on page 2 of the report, that:

The Committee has made a number of comments and findings throughout the body of the report and has not separately highlighted particular recommendations. The Committee believes that when addressing the matters contained in this report all issues need to be considered.

Whilst recommending that the report be read fully, I would like to draw attention to a number of major issues considered by the committee. The question of financial management and accountability is addressed by the Auditor-General in detail in chapter 2. He comments specifically on the accuracy and reliability of the financial statements, the timeliness of financial statements, and the functionality and shortcomings of the Fiscal system, which is the main accounting system used generally in the ACT Government Service. The Auditor-General's comments and concerns, where applicable, are carefully outlined in our report. Madam Speaker, the committee is encouraged by the acknowledgment of significant improvement in the accuracy, reliability and timeliness of audited financial statements. However, we have noted that there is still need for some improvement. The committee also agrees with the Auditor-General's comments in relation to the Fiscal accounting system.

Madam Speaker, the question of the recording and management of assets was a constant theme throughout various portfolio areas in the comments made by the Auditor-General. Whilst sharing the concerns of the Auditor-General, we have noted the real concerns of some agencies in both defining and valuing assets. We also note that, until uniform procedures to control and record the assets are in place and operating, these difficulties will continue in some areas.

The question of salaries of staff of members of the Legislative Assembly is addressed in chapter 4 of our report. In our inquiries into this matter, in fact, two issues became evident. I will address them individually, as we have done in the report. Madam Speaker, the Auditor-General's comments on pages 28 and 30 of his report, relating to severance pay to one staff member, were examined very carefully by the committee. The committee went to some length to ensure full

understanding of the circumstances of advice given to the people concerned, the adequacy of that advice, and the question of the legality of the actions subsequently taken by those concerned. The committee was satisfied that adequate and comprehensive advice was provided, and that, whilst the severance payment in question was in accordance with the Act, it was not considered an appropriate method by which to cease employment. Madam Speaker, it is unfortunate for this Assembly that the Auditor-General found it necessary to comment adversely on a question such as this. Given that this issue relates to two of our peers, I believe that it was a difficult section of the Auditor-General's report for the committee to consider.

The second question raised in this part of our report refers to comments made by several witnesses at public hearings. It relates to problems which sometimes can arise in the day-to-day administration of the Legislative Assembly (Members' Staff) Act, commonly known as the LA(MS) Act, given that three separate agencies have a role to play. Madam Speaker, the committee agrees with the proposition put by the representative of the Chief Minister's Department, that they coordinate a review of this so-called tripartite administration with a view to removing any difficulties. Chapter 5 of our report refers to employee allowances, and the Auditor-General's comments in relation to the incorrect claiming of allowances in some sections of the Government Service. The committee supports the government-wide review being coordinated by the Chief Minister's Department, as was outlined to the committee. We do, however, note that a timeframe has not been determined within which to conduct and complete that review. We strongly urge that a timeframe be determined, and that, at the completion of the review, the Assembly be advised of the outcome.

The final major comment is contained in chapter 6, relating to fraud control. The Auditor-General comments critically on the need to have fraud controls in place. The committee, whilst concerned at the length of time that has elapsed since the issue of fraud control plans and risk assessments was first raised by the Auditor-General, notes the officials' comments regarding the progress that has occurred, and we expect that future comment by the Auditor-General will and must be more positive. Madam Speaker, a number of more minor issues and comments are contained in the final chapter of our report.

Despite some of the difficulties faced in the consideration of the Auditor-General's report No. 6 of 1992, I have enjoyed the role of acting presiding member. I appreciate the manner in which my colleagues on the committee - Mrs Carnell, Mr Moore and Mrs Grassby - approached this inquiry, and their assistance in reaching a unanimous report. Thanks also go to the officials who spent some time in submission preparation and in appearing before the committee. I would also like to record my thanks and the thanks of the committee to the committee secretary, Ms Karin Malmberg. Given the requirement for a meeting and report schedule additional to our usual PAC commitments, the assistance of Ms Malmberg is very much appreciated.

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MRS CARNELL (Leader of the Opposition) (5.07): Madam Speaker, Auditor-General's reports for the last couple of years, and particularly this one, No. 6 of 1992, have contained serious criticism of financial systems and procedures, and it really is time that we saw some progress. Certainly, a number of the people who appeared before the committee - - -

Mr Berry: What sort of progress would you like to see?

MRS CARNELL: I think the Auditor-General has made it quite clear, Mr Berry. Obviously, the Auditor-General has made it clear that the time has come when progress desperately needs to be made. It is totally unacceptable for audited financial statements not to be completed before 31 December of the following financial year. For the 1991-92 financial year only 11 of the 31 agencies achieved the proposed legislative reporting requirement of 30 September. It is certainly true that a number of the agencies suggested that this year it would be better, and it certainly has improved over the last couple of years; but obviously a lot of improvement is still to be achieved.

The lack of Fiscal functionality for credit cards was of great interest to the committee. We were somewhat bemused to find that the officials who appeared before us seemed to have no knowledge of actually how many credit cards were out in the system. The reasons for that were many. I think it is important that we do blame Fiscal for a lot of those problems. Certainly, the widening use of personal computers to overcome perceived and actual deficiencies in Fiscal is a cause for great concern. Another issue that the Public Accounts Committee is looking at is the area of information technology. The fact that agencies will be required to report supplementary information on assets and liabilities which will be audited from 1991 to 1992 will further potentially delay the tabling of financial statements. If the Treasury guidelines for the definition and valuation of assets are not available until the end of the 1992-93 financial year, it is difficult not to see delays in the tabling of financial statements, given the nature of some of the assets of these agencies. I think Ms Ellis already spoke about the real difficulties that the committee faced, or that the people appearing before the committee faced, in terms of assets and assets registers.

It is clear from the Auditor-General's report that quite serious deficiencies in management and financial control have occurred and this, at the end of the day, must reflect upon the Government. For instance, the audit dealing with ACTEW, relating to the payments of allowances to employees, indicated overpayments of some magnitude. I think Ms Ellis did go over this quite well; but still, when the Auditor-General has said that potential savings of some \$250,000 per annum and up to possibly \$300,000 per annum could have been achieved, obviously something has to be done. I know that the committee was very interested in ACTEW's comments in the Auditor-General's report. ACTEW said that the practice was relatively common within the authority and that it also occurs in other areas of the ACT Government Service, such as the Department of Urban Services and the Department of the Environment, Land and Planning. The committee was very clear in its view that this sort of approach is just not good enough. The Auditor-General then went on to say:

It appears that management from both ACTEW and the ACT Government have been aware of this situation for a substantial period of time and have not promptly taken effective remedial action.

It is an indictment of management and the Government not to have put into place appropriate priority for reviewing the payment of allowances within the ACT Government Service. This is something that Mr De Domenico has brought forward on many occasions. Given the financial pressures likely to be inflicted upon the ACT Government as a result of the Grants Commission, and, of course, the Federal Labor Government's problems with its own budget, any savings of this magnitude must be acted upon, and must be acted upon quickly. Again, Mr De Domenico has made those comments on many occasions.

The Auditor-General has indicated delays in implementing fraud control policies. If all agencies have plans in place by 31 December, as it is claimed they will, a full two years will have passed since the deadline by the Auditor-General for these guidelines. Fraud control policies and practices are things that have been very much part of government at all sorts of levels - at State and Federal level - for a long time. The ACT really is lagging behind, particularly behind our Federal Government counterparts, in this area, and I certainly hope that we will see these control practices in place by 31 December this year.

The claimed savings from the ACTNET system, despite assurances from the Department of Urban Services, will, I note, be the subject of a further audit. It is a pity that only this sort of independent report is capable of providing a really accurate picture of the actual state of savings, management and financial control. The Auditor-General, in his audit of the Building and Construction Industry Long Service Leave Board, noted that the fund had surplus funds and could have its contribution rate reduced from 2.25 per cent to 1.5 per cent - a change that would help the building industry and therefore produce employment. It has taken the Government three years to enact these changes and we still have not seen them. Possibly later on this evening we will see some action in this area.

Ms Ellis spoke about the area of concern in terms of Assembly members' salaries. I think Ms Ellis covered this area very well. Initially it was of great concern, but at the end of the day the committee was sure and was confident in its own mind that no laws had been broken; that in this situation the Act had been appropriately carried out and that the advice that had been given to the members involved had been taken. We were concerned that advice seems to be different when it comes from different areas. I do urge the Government to act on that particular recommendation of the committee. The overall management and financial accountability of ACT agencies has been shown to be deficient in a number of ways in this report, and I certainly urge the Government - - -

Mr Berry: Go back to page 13. I would like to hear you talk about that.

MRS CARNELL: I did. I certainly urge the Government to act upon the recommendations of this committee.

MRS GRASSBY (5.15): Madam Speaker, as a member of the committee, I thought I would add a few comments on the Auditor-General's report No. 6, particularly in relation to salaries of staff of members of the Legislative Assembly. The Auditor-General's report points to a situation where Mr Greg Cornwell, a staff member of the former Leader of the Opposition, used provisions of the Legislative Assembly (Members' Staff) Act to obtain severance pay in the week before the 1992 ACT election. I must say that it was indeed unfortunate that there was some scope for confusion in interpreting appropriate sections of the LA(MS) Act, particularly the use of severance pay conditions.

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The Auditor-General found that no law had been broken in the use of the severance pay provisions. In fact Mr Cornwell had asserted that he was not aware that he would be entitled to a considerable severance payment. However, the Auditor-General found that "some doubt arose as to the appropriateness of the severance payment". The Public Accounts Committee did accept the explanation of Mr Cornwell and his former employer, but did so with regret. I also note the fact that Mr Cornwell has made arrangements regarding the repayment of the \$6,400, and that is still occurring.

Madam Speaker, I might say from both a philosophical and an historical perspective that trade unions have fought hard to win severance pay conditions. Severance pay never has been a perk or a benefit for many ordinary men and women who happened to lose their jobs through no fault of their own. Severance pay is there to alleviate the misery of an individual tragically losing their job through no fault of their own. It helps them somewhat to carry on in the short term with their financial commitments, such as mortgage repayments, food, energy costs and clothing. We would all do well to remember this. In fact, Madam Speaker, severance pay and other moneys owing to employees for work performed or for longevity of service are such an important aspect of their ability to support themselves that both the ACT and the Federal governments have recognised this by amending laws recently, so that the Taxation Office or other creditors do not receive higher priority in the case of company failure.

I would hope that in the future, if an incorrect payment or overpayment by the Government occurs, members of both parties will not use it to score cheap political points. I believe that this is even more the case when, say, an ACTEW worker - I hope that you are listening to this - a bus driver or an ambulance officer is paid an allowance which had incorrectly been determined by a senior level officer in a personnel section.

Mrs Carnell: Yes, you listen, about ambulance officers.

MRS GRASSBY: Yes. I just hope that you realise this. Madam Speaker, I believe that the review proposed by the Chief Minister's Department of the day-to-day administration of the LA(MS) Act is appropriate in these circumstances.

Madam Speaker, report No. 2 of the Standing Committee on Public Accounts also deals with other significant matters. Some of these are applicable across all agencies. In the area of financial management, I would like to draw attention to the recognition by the committee of the improved accuracy and reliability of the financial statements. The Government has invested considerable sums in improved financial management systems over the past few years and the benefits are now starting to pay off. The committee noted that even during the last two financial years, that is 1990-91 and 1991-92, there had been a considerable improvement in the timeliness of the financial statements and audited financial statements. Importantly, all but two agencies out of 24 achieved a 31 December reporting date for 1991-92, compared to eight in 1990-91. Furthermore, 11 agencies had achieved the target of the 30 September reporting date in 1991-92, compared to only four in 1990-91. Madam Speaker, the Auditor-General concluded in his report that there had indeed been a major improvement over recent times in financial management within the ACT Government Service and pointed to a need to vigorously pursue the training and systems currently under way.

I believe that the Government is properly and responsibly addressing the concerns of the Auditor-General. For example, the Chief Minister, in last year's budget statement, provided \$4.8m over two years for a new human resource management system. A financial management committee chaired by the Treasury has overseen development of a comprehensive program of financial training which commenced in March this year, and training in the Fiscal financial system has been improved and courses are now provided, tailored to individual agencies' needs. The committee's report raises questions about the functionality and perceived shortcomings of the Fiscal system. As the Auditor-General points out, these concerns were identified by Treasury through an internal audit review - that is, the problem was identified in house and not by the Auditor-General.

Madam Speaker, I am confident that Treasury, more than anyone else, are aware of the system's shortcomings and are best placed to identify the solutions. From what I can see, Treasury have corrected most of the shortcomings identified, or proposed solutions are in the pipeline. These achievements to date include a program of modifications to Fiscal reporting in response to concerns raised by users; the establishment of a working party with a part-time senior project officer to develop a model chart of accounts for use by agencies; a series of workshops on budgeting which explained and demonstrated the way Fiscal can be used for budget formulation and monitoring; and the commencement of projects to assist agencies to utilise down-loaded data for developing management reports on personal computers.

The Auditor-General also took up the question raised in the internal Treasury review of the functionality of Fiscal to process credit card purchases and statements. Treasury advised the committee that there is greater scope for the automation by Fiscal of credit card transactions and that this is being investigated. I would like to inform the Assembly that Treasury have also taken four initiatives recently to minimise the effect of these commitments being omitted from systems. These are the drafting and circulation of a financial data dictionary which contains a widely accepted classification of formal and informal commitment; improved training in the Fiscal financial system, with courses now being provided tailored to individual agency needs; and the issuing of Treasury direction 27 in early July 1992 containing instructions on credit card usage. A plain English guide on the use of credit cards is also being devised by Treasury and an investigation has been initiated into the scope for greater automation by Fiscal of credit card transactions.

Madam Speaker, I commend this report to the Assembly. I thank the members who sat on this PAC Committee - Ms Ellis, who chaired the committee, Mr Moore, and Mrs Carnell from the Liberal Party. It was very interesting and I think we learnt a lot. One of the things I think we did learn from it is that people can make mistakes. They are not genuinely done. Consideration should be given to everybody in the field when it comes to severance or an overpayment to somebody who does not realise at the time that they are not entitled to it. I think the other side of the house would do well to remember that when it comes to people such as bus drivers, ACTEW workers and ambulance drivers. Not always does the person who receives the extra pay understand that they have no right to it. As the Auditor-General said in the case of Mr Cornwell, it was not known; the law was not explained properly. I think we should remember that.

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MR MOORE (5.25): Madam Speaker, I thought I would continue on from Mrs Grassby. The issue of allowances is raised in paragraph 5.8 of the committee's report. It states:

Two situations were identified, the payment of allowances where no allowances were included in the award, and secondly, the payment of allowances that are in the award but the employee has not undertaken the duties for which the allowance is payable. It was recognised that the review and enterprise bargaining process would resolve the first situation but the second was a management issue. The officials indicated that the process would not be completed quickly.

Madam Speaker, the committee was not able to get even an indication of how long it will be before that situation is resolved. I feel that that is inadequate, Madam Speaker. It is a situation that really does need to be addressed appropriately and quickly.

Madam Speaker, the other comments that I had intended to make have been made eloquently by the other members of the committee and I see no value in repeating them. I certainly have appreciated being part of this review and part of the Public Accounts Committee for not only this report, Madam Speaker, but also the one that was tabled yesterday. It is refreshing to see two reports of the Standing Committee on Public Accounts in the last two days. No doubt we will be seeing more very shortly.

MR CORNWELL (5.27): Madam Speaker, I feel that I should rise, as I have been mentioned by at least one member of the committee. I would like to thank the committee for their consideration of this report. I am not at all surprised at the conclusions that were reached, because, in fact, one takes advice on these things and one presumes that the advice is correct. That was certainly the case as far as I am concerned. I note that the Auditor-General referred to the payment of this money relating to me as being inappropriate. That certainly has proven to be the case. I certainly support the views of the committee at paragraph 4.17, which reads:

Given the many years of government, management and accounting experience of both the Member and the staff member in question, the Committee reaches these conclusions with regret.

I share that regret. I do, indeed. I am pleased to say that they have recommended at paragraph 14.19 that this obvious confusion that involves three different areas in relation to the LA(MS) Act should be speedily resolved. I thank the committee for the report. I thank them for their comments. I understand that steps have been taken already to correct this anomaly and I certainly hope that we will not have that problem again.

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

COMMISSIONER FOR THE ENVIRONMENT BILL 1993

[COGNATE BILL:

OMBUDSMAN (AMENDMENT) BILL 1993]

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

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Ombudsman (Amendment) Bill 1993? 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 order of day No. 2.

MR WESTENDE (5.30): Madam Speaker, the Liberal Party supports the Commissioner for the Environment Bill 1993. Whilst, initially, we had some concern, as we had assumed that the commissioner had been appointed before the Assembly had had a chance to speak, that matter has since been rectified. We have been advised that it was an interim appointment.

Without question, environmental issues will become more and more prominent as we seek to find the balance between maximising our economic opportunities and safeguarding our environment. Thus the term "sustainability" - to integrate our social, economic and environmental goals. The appointment of the Commissioner for the Environment in many ways translates this theory, this desire, into practical terms, even if only in part. I have no doubt that the commissioner's office will promote greater accountability for environmental outcomes. It will provide a catalyst for developing a more focused and informed view, and, hopefully, an independent view, of environmental issues. By "independent" I mean that the commissioner should be apolitical. I note that the Minister has indicated that this will be the case.

I do have some reservations, however, and these relate more to a general aversion to the creation of further bureaucracy. The beginning of a new office can be like sowing a small seed without really knowing the nature of the plant or how big it will grow. There is always a tendency or a temptation for a small office to grow, sometimes simply out of the desire to survive or for self-justification. Sometimes a new office will invariably discover other things to do to enhance what it started out with, and this can result in organisational expansion. If the Commissioner for the Environment is to be effective, he or she should not be surrounded by a web of bureaucratic humbug.

This position should demonstrate flexibility to move with questions pertaining to economic sustainability, the priorities for which will continually shift. In other words, while it is important for the commissioner to play a kind of watchdog role, there must be an appreciation of the importance of expediency in decision making for the viability of business. I would therefore hope that the Commissioner for the Environment will not be too interventionist, to the point where unnecessary obstacles are put in the way of developers. As I have been saying, we must strike the balance. We do have to consider that unemployment is still our No. 1 problem. I believe that the role of the commissioner will have to be clearly communicated to the public, as I could imagine some confusion with the role of pollution control. This confusion could result in the commissioner's office being inundated with complaints about smoke, noise and so on.

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Madam Speaker, we support the Ombudsman (Amendment) Bill likewise, as it brings into line the consequential amendments arising from the Commissioner for the Environment Bill 1993. We wish to restate, Madam Speaker, that we hope that the commissioner is, and will remain, completely independent of the bureaucracy and of the Government. The Liberal Party supports both Bills.

MR MOORE (5.33): Madam Speaker, I think it is important, in the initial instance, to acknowledge Mr Wood's initiative. This, I am given to understand, is an idea that he had, and he has pursued it. It is a very positive idea and I welcome it coming to fruition in this Bill. It seems to me, Madam Speaker, that one of the most important parts of this Bill for the establishment of a Commissioner for the Environment is that the Government itself can be held accountable in environmental terms. Indeed, other people within the community and who are concerned with the environment can also be held more accountable by this position.

Madam Speaker, I would also like to take this opportunity to acknowledge the expertise of Mr Baker, who has been designated as Commissioner for the Environment. His scientific background is impeccable; but it is also important that he be seen to be independent of the Government, as, indeed, the Bill provides. He really has to play a role that is quite fearless - the role that we have seen a number of exceptional ombudsmen play - in protecting the environment. It is a role that sometimes will be critical of government. I think that in establishing this position the Minister is aware that, to a certain extent, he is preparing a rod for his own back, something that will keep him on his toes. As far as that goes, it is an unusual political move because it was done without pressure from elsewhere. It is an appropriately motivated piece of legislation. Mr Wood has decided that the most important thing here is the environment, and he has moved to protect it.

One of the most interesting things coming out of the Bill will be the annual state of the environment report. I think that that will allow the Commissioner for the Environment to take a positive role in terms of the environment. One of the fears I have is that it is easy for someone in a fearless and independent position to always work on the negatives; to say, "No, this is wrong, this is wrong, and this is wrong". Having an annual report on the state of the environment provides an opportunity to set some goals and to look for a positive approach. That is something that I would encourage the first commissioner, Mr Baker, to take on. It seems to me that the goal that the commissioner will be looking for is sustainability; sustainability not just in population terms - that has to be in Australian terms and not just ACT terms - but sustainability in terms of production and a series of other factors. I think that is a more important issue than the issue raised by Mr Westende, who talked about balance.

In looking for sustainability, first of all we have to correct the imbalance that has been part of the way the environment has been dealt with over the last century and a half, or nearly two centuries. That really has been the challenge that has been taken up in the last decade and a half by people who are concerned for the environment and, indeed, by most members who sit in this chamber. There will be some difference in opinion, I think, within this chamber as to where that balance lies, and that is also part of the challenge for our Commissioner for the Environment. I take this opportunity, Madam Speaker, to unreservedly congratulate the Minister. It will be with great pleasure that I will support this Bill.

MRS CARNELL (Leader of the Opposition) (5.38): I agree with my colleague Mr Westende and Mr Moore, and I support this Bill in its entirety; but I do have some problems with its implementation. The Minister introduced this Bill into the Assembly on 13 May and on 27 May he announced that the Commissioner for the Environment in the ACT would be Mr Joe Baker. I do not know whether anybody else here thinks that there is anything wrong with that, but I certainly do. The appointment was made and the Bill has not even been passed by this Assembly. I certainly have no problem with the choice of the commissioner - Mr Baker is well qualified for the position - but I do have a problem with this Assembly being used as a rubber stamp. I appreciate that Mr Baker's position is officially titled "Commissioner Designate", but to all intents and purposes he has moved to Canberra already and an office is being established for him. I suggest that this action is really a bit premature, given the status of the Bill before this Assembly.

Say, for example, that this Assembly passed an amendment today that said that the Commissioner for the Environment had to be a woman, or that the position had to be full-time, or that the commissioner had to be a specialist in environmental waste, or blue-green algae, or something like that. What would the Government have done then? Certainly, they would have looked very silly.

Mr Connolly: Retrained.

MRS CARNELL: Retrain Mr Baker. Mr Baker would have had every reason to be just a little bit annoyed, having just made quite substantial changes in his life to move here. This is not a trivial matter. In fact, it is a quite serious situation. This Government has used the Assembly. Why bother putting a Bill through the Assembly at all if the Government has already made a decision?

Mr Connolly: So you do not want us to consult on these appointments?

MRS CARNELL: I am not criticising the choice of the commissioner. The point I am raising actually has nothing to do with the Commissioner for the Environment. The point I am making is a matter of principle and it has everything to do with the right and proper use of this Assembly. I do appreciate the Minister talking to our party about the appointment - I believe that his action needs to be praised - but I really do take exception to the public announcement of the commissioner before the Bill has been passed in this place. I strongly urge members of the Assembly, and most especially the Government, to take note of what I have said. This Assembly should not be used in this way. I am sure that everybody who knows anything about parliamentary procedure would agree with me.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.41), in reply: Madam Speaker, I thank members for their endorsement of the proposal and the comments they have made. It is certainly the case, as demonstrated by this Bill, that the Labor Government regards the environment as of paramount importance. We are continuing to take a whole range of measures to ensure that the environment receives the treatment that it deserves. Tomorrow, for example, I will be bringing down very significant amendments to the Nature Conservation Act in order to take further steps to see that endangered species and communities within our boundaries are protected. So, once again, we are demonstrating our very strong commitment to the environment.

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I probably disagree with Mr Westende a little in one of the remarks he made - that perhaps the process should not be too interventionist for the commissioner. His starting point is protection of the environment. That is his brief. If he sees that as being interventionist, so be it; he will be interventionist. That is what it is about. I take Mr Moore's point; I think that enough damage has happened in the last 200 years, or perhaps less than that in the ACT, and we need to redress the balance. I think that he will certainly see his job that way. I agree with Mr Westende when he says that we do need greater accountability, and we do need to be informed. I again give the assurance that the commissioner will be independent. I said, in a media conference when I announced who the person was to be, that I expect that we will get a hard time, and I am quite happy to live with that. I think that we are doing everything to protect the environment. I think our measures are excellent. But we want to be at the very limit of what can be done.

Mrs Carnell had some concerns about the announcement being made before the Bill had been passed. I note that and I think that what she said was accurate. I have no dispute with it. May I say, however, that I had touted the name around and I did take that step in the confidence that this legislation would be widely supported. But I note that caution is needed and I think it would relate to the circumstances of the time if that was to be done on any other occasion. Mrs Carnell, it was simply that we were very eager to move. We think this is an excellent proposal and we wanted to move and not to waste any time. With that in mind, I will wrap up this stage of the proceedings. We will get on to the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.45): Madam Speaker, an amendment to clause 15 has been circulated and an explanatory memorandum has also been circulated. I move:

Page 10, subclause 15(11), lines 13 to 16, omit the subclause.

This is in response to a request from Ms Szuty, who saw this subclause being interpreted so as to be able to exercise a power of veto. In order to remove any doubt about that - there was no intention that that should be the case - we can simply remove the subclause. That is the effect of the amendment.

MADAM SPEAKER: Mr Wood, do you wish to table the supplementary explanatory memorandum?

MR WOOD: I will formally table it. It has been circulated.

MS SZUTY (5.46): Madam Speaker, I would like to state that I raised the issue of the import of subclause 15(11) during a departmental briefing on the Commissioner for the Environment Bill. I understood that the stated intention of the subclause was to allow the Minister to consult with the commissioner before the commissioner formed a final opinion on matters under investigation, and I have no doubt that that intention was real. However, my reading of the Bill was that the Minister could request that the commissioner consult with him before forming a final opinion on matters contained in subclauses 17(1) and (2), which deal with power to obtain information and documents.

To me, this indicated that the Minister could become involved in the process of investigation by the commissioner far earlier than the Minister can become involved in investigations by the ombudsman. In fact this Bill is modelled fairly closely on the Ombudsman Act. Under that Act the Minister can request that the ombudsman consult with him before forming a final opinion, but - and here is the difference as I saw it - this related to the division concerned with reports after the investigation stage had been completed. Although there was an opinion expressed to me that the intent of similar provisions in the Commissioner for the Environment Bill would mean that the two would work in the same fashion, I found it difficult to reconcile the differences. I was not, however, prepared to delay the passage of this important piece of legislation and possibly would have looked at further refinements in the future.

The Government has now decided that the Bill will be able to function well without this subclause and, on balance, I think this is a good result. The commissioner already has the power to discuss any matter in relation to the investigation with a Minister concerned with the matter under subclause 15(10), the preceding subclause, and I feel that this places the emphasis in the correct light. The commissioner should be able to approach the Minister for any information or to discuss an issue he feels is relevant. I see no need for further powers to allow the Minister to compel consultation from the commissioner at any stage of the process. I am sure that any request by the Minister for discussion of the issues the commissioner is investigating will be treated with due courtesy, and I am sure that a cooperative approach would be the norm. Madam Speaker, I am pleased to support this amendment to the Commissioner for the Environment Bill, and to support the Bill totally, as it will create such a positive and progressive office. The ACT is renowned for the high quality of its environment, and the office of Commissioner for the Environment, with its powers to investigate government agency actions which could damage that good record, will ensure that future generations of Canberrans and visitors to the national capital will enjoy a clean and enjoyable environment.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.49): I thank Ms Szuty for her comments. I think this is such an important Bill that I have to express a disappointment. We should debate this for two or three more hours to indicate fully how important it all is. I do not think the brevity of the debate should be seen as anything but the willingness of the Assembly rapidly to get this up and running.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

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OMBUDSMAN (AMENDMENT) BILL 1993

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LEAVE OF ABSENCE TO MEMBER

MR STEVENSON (5.51): I move:

That leave of absence from 18 June to 17 July 1993 inclusive be given to Mr Stevenson.

Ms Follett: Is that all?

Mr Connolly: Can we amend that to 1994?

MR STEVENSON: I think those comments should be included in *Hansard*.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.52 pm

ANSWERS TO QUESTIONS

**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 516**

ACT Health - Management Structure Review

Mrs Carnell - asked the Minister for Health:

- (1) What did the Ernst & Young review of top management structure in ACT Health recommend?
- (2) Were all the recommendations implemented? If no, why not?
- (3) Which recommendations were implemented and which were not?
- (4) What savings were made as a result of this review?

What did the review cost?

Mr Berry - the answer to Mrs Carnells question is:

The Ernst & Young review of top management structure was an initiative under the previous Government. I have never seen it and I therefore cannot comment on the recommendations.

However, I can say that under the leadership of the former Board of Health a management structure that clearly identifies areas of management responsibility was established. Recruitment of those positions has to all intents and proposes been completed.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 530**

School Dental Service

Mr Humphries - asked the Minister for Health:

- (1) How many (a) Dentists; (b) Dental Therapists; (c) other Dental staff and (d) Administrative staff, are employed.
- (2) What was the total cost, including salaries, in 1992.
- (3) How many primary school children were seen in 1992. - -
- (4) How often does the service visit schools.
- (5) What was the total number of children seen at each school, by name, in 1992.
- (6) Where are children under school age seen by the service.
- (7) How many children under school age were seen in 1992.
- (8) What is the scope of work carried out in the School Dental Therapy Clinics.
- (9) How are visits to the School Dental Therapy Clinics organised.

Mr Berry - the answer to Mr Humphries question is:

- (1) The number of full time equivalent staff employed are:
 - (a) 3.4 Dentists
 - (b) 16.6 Dental Therapists
 - (c) 17 Dental Assistants
 - (d) 5 Administrative staff for both School and Adult Services.
- (2) Salaries and operating costs for the financial year 1991/92 in the ACT School

Dental Service was \$1,676,000

1964

- (3) 19,191 primary school children were examined in 1992. (See Attachment A)
- (4) The School Dental Service no longer visit individual schools. 13 Cluster Clinics meet the needs of given catchment areas. (See Attachment A).
- (5) Total number of children seen were 19, 191 generating 43, 384 occasions of service.
(See Attachment A for the total number of children examined at each School).
- (6) Children under school age are seen at School Dental Therapy Clinics.
- (7) The occasions of service for under school age children in 1992 was 948.
- (8) The work carried out in School Dental Therapy Clinics is by Dental Therapists and Dentists. Dental procedures include oral examinations, fillings in temporary and permanent teeth, extraction, application of preventive materials, radiographs, orthodontic assessment, cleaning and scaling and dental health education.
- (9) Visits are organised by issuing either an introductory or recall letter to each child through the schools. Parents are expected to make an appointment for examination and treatment. If there is no response attempts will be made to contact parents by telephone.

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Attachment A

NAME OF TOTAL TOTAL NAME OF TOTAL TOTAL
PRIMARY SCHOOL ROLL EXAMINED PRIMARY SCHOOL ROLL EXAMINED
Weetangera Clinic Civic Clinic

Weetangera 257 205 Ainslie 336 209
Cook 111 60 Campbell 219 203
Macquarie 203 114 St. Thomas Moore 146 110
Hawker 258 129 Northside Inf 76 19
Higgins 223 205 Hartley Street 92 17
Southern Cross 319 153 Co-op 57 26
St. Vincents 357 113 Turner 334 183
Aranda 383 174 St. Josephs 224 122
TOTAL PRIMARY 2111 1153 TOTAL PRIMARY 1484 889
Florey Clinic Soence Clinic
St. Matthews 332 209 Evatt 415 307
Florey 488 432 St. Monicas 645 404
St. Johns 632 386 Miles-Franklin 392 237
Macgregor 392 263 Spence 247 181
Holt 377 210 Melba 219 130
Latham 320 182 Fraser 370 180
St.Thomas Aquinas 352 107
Charnwood 167 40
TOTAL PRIMARY 2541 1682 TOTAL PRIMARY 2807 1586
Lyneham Clinic Kaleen Clinic
Lyneham 467 414 Giralang 372 234
OConnor Christian 166 123 Maribymong 253 179
North Ainslie 365 160 Hall 151 59
Nth.Ainslie IEC 100 38 Kaleen 424 348
Daramalan 200 41 St. Michaels 418 292
Majura 429 218 AICS 50 25
Rosary 312 154
TOTAL PRIMARY 2039 1148 TOTAL PRIMARY 1668 1137
Farrer Clinic Weston Clinic
Marist 408 191 Rivett 212 136
Mawson 251 138 Chapman 337 274
Sacred Heart 389 231 Uriarra 17 17
7th Day Adventist 63 29 Arawang 424 250
Melrose 226 119 St John Vianney 431 273
Torrens 374 237 St Judes 295 145
Farrer 369 324 Duffy 286 176
Orana 152 71
A.M.E. 112 58
Weston 340 189
TOTAL PRIMARY 2080 1269 TOTAL PRIMARY 2606 1589

1966

Attachment A

Gowrie Clinic Calwell Clinic
Holy Family 763 648 St Francis 500 451
Fadden 555 467 Bonython 250 162
Gilmore 564 525 Isabella 543 424
Monash 515 214 Calwell 490 436

Chisholm 444 under tment Theodore 357 200
Richardson 350 Tharwa 32 13
Gowrie 424

TOTAL PRIMARY 3615 1854 TOTAL PRIMARY 2172 1686

Wanniassa Clinic Mt Neighbour Clinic
Wanniassa 581 518 Mt Neighbour 335 311
Trinity Christian 411 184 St Thomas Apostle 563 498

Wanniassa Hills . 486 221 Urambi 418 368
St Anthony 577 514 Village Creek 352 281
Taylor 306 244

TOTAL PRIMARY 2055 1437 TOTAL PRIMARY 1974 1702

Ngraundah Clinic Curtin Clinic _ .
Fdaeg 367 95 Cumin 364 311
Gmm Boys 281 25 Holy Trinity 229 184
Gram Girls 457 18 Lyons 102 52
Griffllth 178 109 St Peter & Paul 365 200
Narrabundah 160 113 Hughes 279 95
Red Hill 464 81 LE.C. Hughes 134 50

St Bedes 180 under tment Yarralumla 189 63

St BDicts 149 71 Garran 390 344
St Edmunds 266 95
Telopea 398 104

TOTAL PRIMARY 2900 711 TOTAL PRIMARY 2052 1299

1967

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 671**

Woden Valley Hospital - Rehabilitation Unit

Mrs Carnell - asked the Minister for Health:

In relation to Woden Valley Hospital:

- (1) When was the rehabilitation unit established.
- (2) How many clients (annually) has it provided service for.
- (3) What was the size of the original unit with regard to (a) provision of service and
(b) storage space.
- (4) Where within the Woden complex was the unit located.
- (5) How many times has the unit been relocated.
- (6) To where in the Woden complex has relocation(s) been.

What is the size of relocated units) with regard to (a) provision of service and (b) storage space.

- (8) What future relocation(s) of the unit is/are planned.

Mr Berry - the answer to Mrs Carnells question is:

- (1) The Rehabilitation Unit at Woden Valley Hospital was established in 1974.
- (2) Based on an average of the past three years, the Rehabilitation Unit has provided services to 5100 clients per annum.
- (3) The Rehabilitation Ward was established with 32 beds. Files containing information on other services and storage space provided are no longer available.
- (4) The Unit was located in Building 3 on the Woden Valley Hospital campus and included in its responsibilities the Independent Living Centre, then located at the Macquarie Primary School building.

The Unit has always been housed in Building 3 at Woden Valley Hospital.

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- (6) The Unit has not been relocated.
- (7) The Unit has not been relocated.
- (8) The Government has announced that a range of non acute health care facilities will be established on the Acton site. These include a rehabilitation unit.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION ON NOTICE NO. 676

Health - Briefings for Shadow Minister

Mrs Carnell - asked the Minister for Health in relation to the usual practice of a Minister to allow a Shadow Minister to receive a departmental briefing by departmental officers, on matters generally relating to the Department and the various portfolio programs.

1) Will the Minister arrange a general portfolio briefing for the shadow Minister for Health, provided by departmental officers from the ACT Department of Health before the 1993-94 Budget is handed down, if not, why not? .

2) Why does the Minister not allow the Shadow Minister for Health to receive departmental briefings relating to health legislation introduced into the Assembly.

Mr Berry - the answer to the Members question is:

1) No. The contents of the Budget are Cabinet in Confidence until the Budget is brought down. It would therefore be improper to provide a briefing prior the delivery of the budget.

2) ACT Health in the past has provided briefings to the Shadow Minister on health legislation. One such example is the recently introduced Health Bill 1993. Requests for briefings should be forwarded to ray office.

1970

**MINISTER FOR HOUSING AND COQ SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 687**

Housing Trust Properties - Sale Policies

MR CORNWELL: To ask the Minister for Housing and Community Services In relation to the Ministers comment (2CN, lam, 5 April 1993) that "The Liberal Party, of course, has got a longstanding argument that we should be flogging off all these inner city properties to the private sector so flash townhouses can be built and ACT Housing Trust people should be marginalised in dwellings built on the fringes of Canberra."

- (1) What is the source of the Ministers information regarding, "flogging off all these inner city properties".
- (2) To what sections of Canberra does the Minister specifically refer when he uses the term "marginalise" as used in the above comment.
- (3) To which specific sections of Canberra has the Minister referred when, on several previous occasions, he has used the term boondocks" (usually in relation to Tuggeranong).

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

- (1) The purpose of my comment was, of course, to highlight the difference in philosophy towards public housing between the Labor Party and the Liberal Party. .

Historically successive Liberal Governments have had a strong focus on selling government housing in the ACT. It is notable, for example, that over 3,300 houses were sold in the financial years 1975/76 to 1982/83, leaving a stock of about 9,900 dwellings at February 1983, including some 6,500 houses, to cater for the needs of public housing clients.

By contrast, following the 1983 election, the Federal Labor Government committed itself to the task of building up ACT public housing stock through substantial construction programs and the suspension of sales. Even when sales were re-introduced in April 1991 it was only on a restricted basis. As a result, the public housing stock now stands at over 12,300 dwellings including some 8,200 houses.

I note that, in 1990, two inquiries (Priorities Review Board and the Committee of Inquiry into the Assets and Public Debt of the ACT) established by the Alliance Government advocated the large scale sale of ACT public housing; that is, dwellings occupied by tenants paying non rebated rents.

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The difference in housing strategies between the Labor and Liberal Parties was highlighted most recently in the Federal Election campaign. The "Fightback" package proposed the wholesale surrender of public ownership of government housing nationally through sale to the private sector, and substantial reduction in capital funding of state housing authorities, which would have had a significant impact on public housing within the ACT.

(2)

(3) The Government believes that public tenants should have a broad choice in the location of their housing. This enables them to be close to their place of employment and existing support networks, including family and friends, whether in Tuggeranong, Belconnen, inner Canberra or other locations. The Government is therefore committed to the objective of preserving the distribution of public housing throughout Canberra. Unfettered sale of public housing would jeopardise the ongoing achievement of this objective.

1972

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 690**

Housing Trust - Waiting Lists

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

- (1) Is it a fact that people registered upon interstate public housing waiting lists can transfer to the ACT public housing waiting list without loss of waiting time.
- (2) Given that at 8 December 1992 the waiting time for a three bedroom ACT Housing Trust property was 33 months (answer to question on notice No 469) does portability mean an applicant who already had been waitlisted for 33 months interstate only needs to fulfil a six months ACT residency requirement before being accommodated.
- (3) If the reply to (2) is affirmative, does this not discriminate against ACT applicants who could be pushed further and further back on the waiting list by interstate applicants with longer waiting time pedigrees.
- (4) Are there any restrictions placed upon interstate applicants apart from the six months residency requirement, eg having a definite job offer.
- (5) If no restrictions are placed has any study been carried out to establish the cost to local ACT social services, both public and private, of this portability.
- (6) How many applicants transferred from interstate public housing waiting lists to ACT public waiting lists in (a) 1991-92 and (b) 1 July 1992 to 31 March 1993.
- (7) How does the waiting time in the ACT for public accommodation in (a) 3 bedroom house, (b) 4 bedroom house, (c) one bedroom unit and (d) bedsitter compare with the following States (i). NSW, (ii) Victoria, (iii) Queensland, (iv) South Australia, (v) Western Australia and (vi) Tasmania.
- (8) Do the interstate portability arrangements also delay the transfer of Trust tenants in temporary accommodation from being moved due to interstate applicants having better waiting list pedigrees than local tenants.

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

- (1) No. There are no reciprocal arrangements in place. While the Commonwealth State Housing Agreement promotes the concept of portability of waiting times between State and Territories, where this is practicable, no agreement has been reached between States.
- (2) Not Applicable. See (1).
- (3) Not applicable.
- (4) In order to be registered for housing, interstate applicants must comply with the normal eligibility criteria. There are no additional restrictions.
- (5) Not applicable.
- (6) (a) and (b). Nil.
- (7) Comprehensive details are only available for three states, New South Wales, South Australia and Queensland and is not recorded in the format requested. The information does not identify dwellings by size and is preliminary indicative information only. The available information on average waiting times in months is set out in the table below.

Houses Flats Other
Dwellings

NSW

Capital City 17-61 * 4 6 - 84 _
Rest of State 12-71* 39-71
Capital City 13 - 2 4 16 18
Rest of State 18 - 2 8 17 24

SA

Capital City 3 5 - 3 9 2 8 _
Rest of State 11-21 2 6

Footnote * Data is for 3 bedroom houses only

- (8) Not applicable.

1974

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NQ. 691**

Housing Trust - Single Mother Tenants

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to the Ministers reference to the publication of the fears and views of the three single mothers (The Canberra Times 4 April 1993) as a "media beat-up" and "a bit of an exaggeration": -

- (1) Is the Minister saying that those young women and their children are not in any form of danger.
- (2) Is the Minister denying that the problem that they describe - such as harassment by persons hanging about and drinking on stairways and in laundry areas, noise all throughout the night, fighting, drunkenness and drugs - are real and occur in these flats.
- (3) Is the Minister saying that they have exaggerated their fears and they are not in danger should they go outside their flats at night.
- (4) What steps is the ACT Housing Trust taking to ensure that these young women and their children are transferred out of the Bega Flats as soon as possible into more appropriate housing.
- (5) How many single mothers and children are housed in the Bega Flats.
- (6) How many of those single mothers with children currently housed in the Bega Flats are on the transfer list and have requested accommodation out of the inner city.

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

- (1) to (6) The ACT Housing Trust regularly consults with clients and community groups about issues concerning the social and physical environment at its flat complexes. It also encourages tenant participation to give the clients the opportunity to participate in discussions which affect their environment.

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The great majority of tenants who are housed in accordance with their full entitlement, view their flat as their permanent home. For these occupants the flat complexes provide a convenient living environment particularly in relation to location and proximity to facilities. Many clients enjoy living in a communal environment and are eager to create a sense of community spirit.

Some Housing Trust clients accept flat accommodation as a temporary measure until accommodation that better meets their needs becomes available.

The ACT Housing Trust is aware, however, that there are problems at some of its flat complexes from time to time and it is addressing them in a positive manner. For example:

- (a) Australian Federal Police carry out random car and foot patrols at specific complexes. Security patrols are also being carried out at selected complexes on a regular basis by the Australian Protective Service.
- (b) there is regularly liaison with the police and they are invited to meetings with community groups to discuss the management and policing of its flat complexes.
- (c) security screen doors are progressively being fitted to all flats. Tenants who have a particular need can request urgent installation of a screen door.
- (d) vandal resistant and light sensitive lighting has now been installed at most complexes. Security is now a major feature in the design of ACT Housing Trust, complexes.

1976

**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 705**

Woden Valley Hospital - Kiosk-Shop Facility

Mrs Carnell - asked the Minister for Health:

- (1) Is a kiosk/shop to be included in the new Woden Valley Hospital.
- (2) If yes, (a) who will run such an operation; (b) where will the kiosk/shop be situated; (c) what size/floor space will the kiosk/shop occupy; (d) what rental will be charged for the use of this space; (e) what services will the kiosk/shop provide; (f) what hours will the kiosk/shop operate; (g) how many people will the kiosk/shop employ; and (h) when will the "new kiosk/shop" commence operation.

Mr Berry - the answer to Mrs Carnells question is:

- (1) A kiosk/shop facility is to be included in the Woden Valley Hospital Entry

Precinct Building.

- (2) (a) The kiosk/shop will be run by the Hospital Auxiliary.
- (b) The kiosk/shop will be located in the new entry -lobby of the Hospital which is currently under construction between Buildings 1 and 3.
- (c) Space allocated for this facility is 180 square metres.
- (d) As the shop will be operated by the Hospital Auxiliary, no rental will be charged.

.3

- (e) The following services will be provided from the Auxiliary Shop

- snack food and drinks;
- newspapers and magazines; and
- gifts and cards.

- (f) The current hours of operation of the facility are:

Monday - Friday 8.30 am - 8.30 pm

Saturday 9.30 am - 4.30 pm

Sunday 10 am - 4 pm.

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(g) The Hospital Auxiliary currently employs the following staff to run the

shop:

1 x Fff Manager

1 x P/T Shop Assistant

7 x Casual Shop Assistants on a rotational roster requirement.

A significant number of volunteers also work to provide services for patients, public and staff.

(h) It is anticipated that the new facility will commence operations in

November 1993.

1978

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 712**

**Supported Accommodation Assistance Program -
Funding and Accommodation for Men**

MR. CORNWELL - asked the Minister for Housing and Community Services - In relation to the ACT Supported Accommodation Assistance Program (SAAP) funding for accommodation for men -

- (1) Has such funding declined from 39.1% in 1984 to only 14.6% in 1991-92, as a percentage against funding specifically for women or for youth.
- (2) In 1991-92, what was the ACT capacity, in bed nights per year, of SAAP funded accommodation for men.
- (3) In 1991-92, did the demand for accommodation for men exceed the capacity in (2) and, if so, by how many bed nights.
- (4) What crisis accommodation is provided for men aged over 24 years of age.
- (5) In 1991-92 what was the demand for crisis accommodation for men over 24 years of age.
- (6) What steps is the Government taking to correct the apparent bias against SAAP funding for males.

MR. CONNOLLY - The answer to the Members questions are as follows:

- (1) The comparison of 1984 figures with 1991-92 figures is not valid. Changes to SAAP since 1984 have meant that funding is no longer identified across three sectors (men, women and youth) but has been expanded to cover five target groups.
- (2) Figures are unavailable. Services for men cover a range of models and mixed service types. There are five services in the ACT which can accommodate men and these provide up to three hundred beds. However some of these services also cater for women and families.

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- (3) Information is not available. Some of the major services do not at this stage provide data on turnaways. However anecdotal evidence from SAAP services suggests that demand for accommodation exceeds available capacity for the majority of SAAP services across all target groups.
- (4) While Ainslie Village, with up to 240 beds, is the main service funded for single men, Cura Casa with a maximum of 14 beds and Cura Casa Annexe with up to 10 beds, can also provide accommodation for this target group. In the ACT, data is not collected on the demand for accommodation for men over 24 years of age.
- (5) The information is not available as such data is not collected.
- (6) The crisis accommodation needs of men is reflected in the Territorys SAAP/CAP Plan for 1993-94. There is no bias against SAAP funding for services for men.

1980

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 714**

Housing Trust Properties - Water Rates

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

In relation to your reply to question on notice No. 605-

- (1) How much excess water costs is outstanding from (a)1990/91 and (b) 1991/92.
- (2) Do arrangements exist for tenants to pay off these costs and, if so, what are the arrangements.

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

- (1) The total amount of excess water rates outstanding as at 21 May 1993 was \$230,655.65. The components relating to the 1990/91 and the 1991/92 excess water billings cannot be readily identified.
- (2) Yes. Tenants experiencing financial difficulties are able to pay by instalment. .

1981

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 721**

Housing Trust Properties - Phillip

MR CORNWELL: Asked the Minister for Housing and Community Services

- (1) Why have the eight new town houses and twelve flats built for the ACT Housing Trust in Port Jackson Crescent, Phillip taken six weeks to be occupied from date of completion.
- (2) Why, despite the handing over of keys to these properties by the Minister on 5 May 1993, will tenants have to wait another week before moving in.

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

- (1) Four of the eight town houses were handed over to the Housing Trust in late December 1992, with the remaining town houses handed over in mid February 1993. In both cases, the incoming tenants commenced occupancy of the townhouses within four weeks of hand over.

The twelve flats were completed and handed over to the Housing Trust on 4 May 1993, and allocation commenced one week after this hand over date. No flat has taken six weeks to allocate, although there may be some delay in tenants occupying dwellings since they have to terminate existing housing arrangements.

- (2) Following hand over of the flats to the Housing Trust on 4 May 1993, the usual procedures to allocate such properties were initiated. These procedures include exchanging construction locks and keys, for individual locks and keys for each flat, arranging for electricity connection for public areas, and contacting incoming tenants to arrange allocation of the properties and the signing of the tenancy agreement. After allocation the tenant is responsible for arrangements such as electricity and gas connections prior to occupation of a property.

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