DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 October 1989

Tuesday, 17 October 1989

Tuesday, 17 October 1989

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

PETITIONS

The Acting Clerk: The following petitions have been lodged for presentation, and copies will be referred to the appropriate Ministers:

Education

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 in the proposed budget of the Australian Capital Territory Government there are plans to cut millions of dollars from public education. These cuts will critically undermine the standard of public education in this Territory in a number of ways including:

cutting out reading recovery programs;
decreasing course options;
increasing class sizes;
eliminating professional support for preschools;
decreasing all counselling and support services;
cutting such vital programs as English as a second language.

Your petitioners therefore request the Assembly to:

Reject all budget proposals which cut funding to public education in the Australian Capital Territory.

by **Mr Whalan** (from 80 citizens).

Pornography

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory assembled:

> The petition of the undersigned citizens of Australia respectfully showeth that all State governments, States' Attorneys-General, women's organisations and the majority of men are totally opposed to the importation into Australia and the distribution within Australia of X-rated and excessively violent R-rated video and printed pornography.
>
> Your petitioners therefore request the members of the Legislative Assembly for the ACT to refuse to allow the distribution of X-rated and excessively violent R-rated videos within the ACT or from the ACT.
>
> And your petitioners, as in duty bound, will ever pray.

by **Mr Kaine** (from 132 citizens).

Petitions received.

QUESTIONS WITHOUT NOTICE

Extermination of Rats

MR MOORE: My question is directed to the Minister for Community Services and Health. I refer to Marion Frith's column in today's Canberra Times which says:

> Remember the rats in a certain street in Downer ... government health inspectors did finally turn up to investigate. Why? "Two reasons", a resident was told. "It got in the paper. And ... it's Rosemary Follett's street".

Can the Minister assure the assembled members that all the rats have been exterminated in this particular street?

MR BERRY: In answer to the last question, there could be no guarantee that all of the rats in that street that Mr Moore mentioned have been exterminated. I have to say that I reject any assertion that the Government would act on the matter only because it was the street where the Chief Minister lives.

Planning Legislation

MR JENSEN: My question is directed to the Chief Minister. I refer to her statement in the Assembly on 26 July 1989, in referring to a Residents Rally motion on the preparation of drafting instructions for planning legislation, that "I

am prepared to give an undertaking that I will have prepared, by the end of October this year, the draft legislation that is required". In view of her comments to the Estimates Committee on Thursday, 12 October, will she advise now whether that timetable can be met?

MS FOLLETT: I think this matter has been fully aired by the Estimates Committee. As I explained to Mr Jensen in that committee hearing, the Government has taken the course of action of releasing a discussion paper on the draft planning, environment and heritage legislation in order to obtain full public consultation on the matter. That consultation process on this very important new legislation will shortly be getting under way.

The decision to release the discussion paper in many ways was taken in advance of the original timetable which I announced on 26 July and to which Mr Jensen has referred. I think the point that Mr Jensen is trying to make here is that I used the words "draft legislation" when the words I should have used - this is your big moment, Mr Jensen, so I would listen if I were you - were "drafting instructions".

Nevertheless, I believe that the Government's intention with regard to new planning, environment and heritage legislation is quite clear. It is contained in that discussion paper and is available there for comment by Mr Jensen or indeed anybody else who is interested in reading the document and making comments upon it.

It is still my intention, Mr Speaker, to move ahead with the drafting of the legislation as quickly as that can be done because I think it is very important that there be a degree of certainty and a degree of streamlining in the arrangements for development and redevelopment in the ACT and that both developers and the people of Canberra can be assured that the rules are clear and that they have adequate recourse for inquiry and for appeal. That is what we have sought to do in the discussion paper that has been released, and we will be following that up with the legislation as quickly as possible.

MR JENSEN: I wish to ask a supplementary question, Mr Speaker. Is the Chief Minister prepared to give us an indication as to when that draft legislation might be on the table?

MS FOLLETT: It is very complex legislation, as is indicated by the discussion paper that has been released. Now that the paper is in the public arena it is my intention to undertake public consultation on it as it contains all of the elements of the legislation that will follow. I do not believe in hasty consultation. I do not believe in not waiting to get the views of people who are interested in these matters. As I am sure Mr Jensen is aware, just about everybody in Canberra has an opinion on the future of planning, environment protection and heritage matters in this Territory. I do not believe that it will

be a quick resolution of this very complex legislation - there are six Bills in all - but I would expect to have the legislation in this Assembly early next year and to have it passed at least in the first half of next year.

Community Consultation

MR KAINE: I would like to ask a question of the Chief Minister. With regard to the Government's commitment to community consultation, can she tell us how many meetings have taken place and where they have taken place since the first one - a very much touted one - on 21 June at the Northside Community Centre in Ainslie?

MS FOLLETT: I believe Mr Kaine is referring to a public meeting that was called by the Labor Party on the issue of community consultation. It was the first of a series, and the others will follow.

Remuneration Tribunal Submission

MR HUMPHRIES: My question is addressed to the Chief Minister. I refer to the comment she made on television after delivering her budget last month. She was referring on that occasion to submissions by parties in this Assembly to the Government on its submission, in turn, to the Remuneration Tribunal as it related to members' salaries. She said in part:

> Most of the parties -

meaning the parties in this place -

> did ask for a higher level of income than the Government had originally proposed, and I am looking for a compromise on those positions.

My question is this: given that "most of the parties" implies to me at least three parties in this place and given that the Liberal Party has consistently refrained from placing particular dollar values on members' remuneration in its submission to the Government, will the Chief Minister name the three parties she alleges asked for a higher level of income than the Government had originally proposed?

MS FOLLETT: Mr Speaker, I do not have the detail of that matter with me at the moment but, if I could speak from my recollection of the submissions made by other parties, it is my distinct recollection that the Liberal Party, while acknowledging the logic of the Government's initial discussion paper, made quite clear in its submission on that discussion paper that it believed that the leaders of parties other than the Government or the Opposition should

receive some financial recognition over and above what the Government had proposed.

Mr Humphries: Yes, but not over and above what you asked for.

MS FOLLETT: Over and above what the Government had proposed.

Mr Humphries: No, we did not ask that.

MR SPEAKER: Order! Address your question through the chair.

MS FOLLETT: Mr Speaker, that is my recollection of the Liberal Party's submission. The Residents Rally shared that view, and the No Self Government Party asked for a number of amendments to the Government's submission, the effect of which was to raise our initial submission.

Mr Humphries: We made no comment on dollar values.

MS FOLLETT: Mr Speaker, Mr Humphries interjects that the Liberal Party made no comment on dollar values, but it did, to the very best of my recollection, include in its submission on the Government's discussion paper a very firm indication that it sought financial recompense to the leaders of other parties in this Assembly.

Prison Sentencing

MR WOOD: I direct a question to the Minister for Community Services and Health. I notice that there have been changes to the sentencing laws in New South Wales and the introduction of a concept of truth in sentencing. Does this change have any impact on the ACT? If that is the case, would the Minister describe that impact.

MR BERRY: I thank Mr Wood for the question. The truth in sentencing laws which were introduced in New South Wales do, indeed, have an effect on prisoners from the ACT. The New South Wales Sentencing Act 1989, which gives statutory effect to the truth in sentencing policy introduced by the Greiner Government, commenced on 25 September 1989. The consequences for the ACT and ACT prisoners include the abolition of the granting of remissions from prisoners' terms of imprisonment, which was generally one-third of a prisoner's non-parole period. So that in itself is a fairly significant impact on sentencing. ACT judges and magistrates will retain the power to impose non-parole periods when sentencing, but ACT prisoners sentenced prior to 25 September 1989 will be granted, in effect, all the remissions they would ordinarily have expected to be given under the previous sentencing scheme. If there is no change to ACT sentencing practice or law, ACT prisoners sentenced after 25 September will serve approximately 50 per cent more time in gaol than was previously the case.

Water Fluoridation

MR STEVENSON: My question is directed to the Chief Minister. Would she please advise whether there have been any donations, services, gifts in kind or promises of the same made to the ALP or any ALP member of the Assembly from the Australian Dental Association, the Australian Medical Association, the confectionary or sugar industries or any industry that produces fluoride as a product, by-product or waste product.

MR SPEAKER: Order! I will make the point, Mr Stevenson, that that is a party matter and not the responsibility of the Chief Minister.

Customs and Excise Duty

MR MOORE: I address a question to the Treasurer. On Monday, 9 October, in the Estimates Committee hearing I asked a series of questions about duty payable to the Commonwealth. At that point I raised the possibility of an error, to the approximate value of $2m, in duty that we owe the Commonwealth. I can refer the Treasurer to page 153 of the transcript. Would she explain what are our responsibilities in paying duty and sales tax now that we are passing through the transitory phase from a Commonwealth department to a territorial government.

MS FOLLETT: I thank Mr Moore for the question. I assume that he is referring to the ACT Government's responsibility for paying customs and excise duty.

Mr Moore: Precisely.

MS FOLLETT: Mr Speaker, the answer is that, like the other States and the Northern Territory, the ACT Government will be required to pay the relevant customs and excise duties and that we propose to seek supplementation for this cost to the extent that the base level of funding transferred from the Commonwealth did not actually reflect that obligation. We need to seek that supplementation, and we will be doing so.

Multiple Sclerosis

MS MAHER: My question is directed to the Minister for Community Services and Health. The Multiple Sclerosis Society of the ACT Inc. has established a number of services for its ACT members who are suffering from multiple sclerosis and other disabilities. One of the services it provides is respite care for disabled people. The respite care home was completed in February 1989 but to date has not been open to members due to the lack of funding.

The community development fund grant of $21,000 does not adequately cover the running expenses of the society's services. It seems absurd that a respite care facility is available but cannot operate due to lack of funds.

My question is: what steps is the Government taking to provide the Multiple Sclerosis Society with some financial assistance so that this much-needed respite care house can be fully utilised by those who are disabled and in need of this type of care? Can the Minister give an indication as to whether or not funding will be made available to the society in the near future?

MR BERRY: I thank Ms Maher. Multiple sclerosis is a complaint of concern to the community, and the Government is sympathetic to providing services to members of the community who are so afflicted. In terms of the steps that we will take in relation to funding for the society, I am not familiar with any application that has been made by the society for funding. I think it would be best, Mr Speaker, if I made some inquiries about any applications for funding and indicated to the house the Government's position on the matter as soon as I have had a look into the matter. I will do that as quickly as possible.

Community Consultation

MR KAINE: Mr Speaker, I would like to give the Chief Minister an opportunity to correct an answer to an earlier question, in which she misled the house. I will restate the question, which was to do with a community consultative meeting which took place on 21 June. I refer the Chief Minister to a media release that she put out on 22 June, saying that this meeting had taken place and that it was her Government's first community consultative meeting. As she answered my earlier question by saying that it was a meeting organised by the Labor Party, would she care to clarify just which organisation did conduct that meeting.

MS FOLLETT: Just to clarify that point, that community consultative meeting was organised and all arrangements for the evening were paid for by the Labor Party.

Mr Kaine: Would you like to withdraw your media release then?

MS FOLLETT: But it was attended by members of the Labor Government who met there with members of the community to discuss government policies, issues which those people wished to take up - - -

Mr Kaine: This is your Government's first community consultative meeting - your Government's meeting.

MR SPEAKER: Order! Mr Kaine, if you would like to ask a supplementary question you will have the opportunity to do so.

Mr Kaine: I think my point was well made, Mr Speaker. The Chief Minister misled the house.

MR SPEAKER: Order, Mr Kaine!

MS FOLLETT: Do you want to hear him first?

MR SPEAKER: Chief Minister, have you finished?

MS FOLLETT: No, I have not.

MR SPEAKER: Please proceed.

MS FOLLETT: I find there is no inconsistency, Mr Speaker. The meeting was organised and paid for by the Labor Party. It was attended by members of the Labor Government to put forward government policies as a government and to hear the concerns expressed by the community. I deny that I have misled this Assembly, and I resent that implication.

MR KAINE: I wish to ask a supplementary question, Mr Speaker. How, then, can the Chief Minister claim in her press release that this was her Government's first community consultative meeting - not the Labor Party's community consultative meeting, but her Government's community consultative meeting, of which there are going to be some more? Are we going to have more media releases in the future claiming that Labor Party consultative processes are her Government's consultative processes? Are they one and the same?

MS FOLLETT: I repeat that the meeting was organised and paid for by my party, that it was a consultation with the Labor Government. Future such consultative meetings will be organised in much the same way because I do not think it is appropriate for the ACT public to bear the cost of those meetings.

Childers Street Theatre

DR KINLOCH: My question is directed to the Chief Minister in her role as Minister for the arts. This also relates to a media release, one I much enjoyed. It is noted in a letter of 13 October from Ross Cook, manager of the ACT Arts Bureau, that the Childers Street Theatre was recently handed back, as the release says, to the ACT Administration by the ANU. I make no comment on that; that sounds very interesting indeed. What I would welcome is some background to that decision in preparation for the meeting on Thursday at noon. Alas, we are sitting, or perhaps we will be finished by noon. Could we have some background to that decision in preparation for that meeting?

MS FOLLETT: I thank Dr Kinloch for the question. Mr Speaker, I will take that on notice. I do not have available to me the documents that Dr Kinloch has. I think I should get hold of them and give the Assembly a considered response.

Cosmetics Manufacturer

MR COLLAERY: My question is directed to the Minister for Industry, Employment and Education. Could he outline to the Assembly the nature of any negotiations or discussions he has had with a company known as Revlon Manufacturing Limited, Australia branch, with respect to the grant of a lease for 99 years at Hume and the nature of a deed of agreement entered into on 7 July 1989?

MR WHALAN: The position in relation to Revlon is that negotiations have taken place between representatives of Revlon and officers of my department. I do not have the full details of those negotiations here because I have not been involved in them, but I am quite happy to provide the full details, apart from ones that might be commercial-in-confidence. I am sure that Mr Collaery would appreciate that in negotiations of that sort there may be some matters which would be commercial-in-confidence. Apart from that qualification, I would be quite happy to provide those to the Assembly, if possible this afternoon; otherwise, when we sit tomorrow morning.

Water Fluoridation

MR STEVENSON: This question is similar to my last one. Would the Chief Minister please advise whether there have been any donations, services, gifts in kind or promises of the same made to any member of the Labor Government from the ADA, AMA, confectionary or sugar industries or any industry that produces fluoride as a product, by-product or waste product?

MS FOLLETT: No. The answer is no.

Church Leases

MR DUBY: My question is directed to the Minister for Industry, Employment and Education. Has the Government received any application from the Catholic Church or the Catholic Education Office to redevelop the property on which St Peter Chanel's school is located at Yarralumla? Will details of any such application be made available to the Standing Committee on Planning, Development and Infrastructure of this Assembly?

MR WHALAN: I thank Mr Duby for the question. There has been no formal approach made to the Government, either by the Catholic Education Office or by the Catholic Church, in relation to the property on which is located St Peter Chanel's school at Yarralumla. This is a lease which could be transferred to another church or educational organisation, thereby continuing the present usage for the site. However, before the site could be sold for any purpose other than an educational use, a change of the policy plan relevant to the site would be necessary. As all members would be aware, such a change would require a process of public consultation.

MR DUBY: I wish to ask a supplementary question, Mr Speaker. The Minister mentioned formal applications. Have there been any informal inquiries or applications in that regard?

Mr Collaery: Going to church.

MR WHALAN: It is pretty unlikely, Bernard. While there has been no formal approach, as often happens in these sorts of situations - it is quite a common practice - informal approaches, I understand, may have been made to the administration. Certainly no formal and, to the best of my knowledge, no informal approaches have been made to any other member of the Government or me, but there have been some informal approaches made. I would suggest that that is not an unusual approach. Often, when a range of possible courses of action is being considered, before a formal approach is made an informal approach is made to ascertain the appropriate courses of action or, indeed, what the likely attitude is.

Canberra Tourist Bureau

MRS NOLAN: My question is directed to the Minister for Industry, Employment and Education as Minister for tourism. Given that the Canberra Tourist Bureau currently has a number of temporary employees, why is there a proposal or a request in place to transfer out at least one permanent employee?

MR WHALAN: This is a matter of administration of a government department, and it involves in no way the role of the Minister.

Floriade

MR WOOD: I direct a question to the Minister for Housing and Urban Services concerning Floriade. In passing, I congratulate her and all those concerned with its fine presentation. Has there been any unseemliness at the

conclusion of Floriade? If reports I hear are correct, it seems people were picking flowers, believing they were freely available. It is claimed there has been widespread picking of flowers. I heard a report that the flowers have been ploughed in. Could the Minister tell us how Floriade finished on this occasion and what would be the most desirable way for it to finish in respect of the disposal of flowers?

MRS GRASSBY: May I say that Floriade did finish with a great burst of spring on Sunday, and on Monday we proceeded to pick the flowers. One radio station said they were being ploughed in; they were not. I took two baskets - one to Calvary Hospital and the other one to Morling Lodge - and presented them. The others were taken around. The unfortunate part about it was that people thought that they were free for all, and I understand they were rushing down with their buckets and yanking the bulbs out of the ground, which was a pity because apparently they are no good if you yank them out of the ground like that. Because all the bulbs do not belong to us and they have to be returned to certain people, it did make us very upset.

Not only that, but also we even had one of the bonsai trees, which is worth about $300, stolen from the inside nursery which was a great upset to us because we thought the people of Canberra would like to enjoy these sorts of things, not think they had the right to take them home. The only unseemliness, I think, was when people were trying to find their way out of the park the night I gave the cocktail party. I think that would be the only unseemliness there would have been.

Mowing Equipment

MR STEFANIAK: My question too is addressed to the Minister for Housing and Urban Services, but it has nothing to do with cocktail parties. During the Estimates Committee hearing, your department provided me with an answer in relation to five Hustler mowers being bought from Albury. I asked you a question in relation to why they were being bought when contractors could supply them more cheaply. Your reply was that the saving to the Government by owning a Hustler mower and not paying a contractor was between $1,500 and $2,700 per annum. My question to you is: how is that figure calculated? I would like a detailed answer, including all overheads.

MRS GRASSBY: Seeing you would like a detailed answer - and I would like to give you a detailed one because I would never like to disappoint you, Mr Stefaniak - you shall have that tomorrow.

Cosmetics Manufacturer

MR COLLAERY: My question is directed to the Chief Minister as Minister responsible for planning. Apart from hearing my question to the Minister for Industry, Employment and Education referring to a grant of a lease of 3.646 hectares at Hume to Revlon Manufacturing Limited, Australia branch, firstly, have you any knowledge of the matter; secondly, if so, were you consulted in relation to planning and/or environmental matters; and, thirdly, as Treasurer would you agree that commercial sites of that size are properly leased for 99 years, with a covenant for building not necessarily having to start for seven years from the date of commencement?

MS FOLLETT: Mr Speaker, as the Minister for Industry, Employment and Education has undertaken to give a detailed reply on that matter, I think it might be best if I take up the points that Mr Collaery has made and ensure that the reply that comes to this Assembly covers all of the points on which he has requested information.

Mr Collaery: Mr Speaker, there is a simple question to the Chief Minister. Has she heard of this before or not?

MR SPEAKER: Order! Mr Collaery, do you wish to ask a supplementary question?

MR COLLAERY: I will ask a supplementary question, certainly, Mr Speaker. Chief Minister, would you please answer the first part of my question: Apart from hearing my question asked a few moments ago, had you heard of the grant of a lease of 3.646 hectares at Hume, presumably for a perfume farm?

MS FOLLETT: Mr Speaker, I am aware, of course, in general terms that the Revlon company has been interested in setting up an operation in the ACT. I have been aware of that, as I say, and indeed it is something that I would welcome because it is obviously a way of diversifying the ACT employment base, for finding jobs for our young Canberra people. But particular leases and the arrangements for those leases are matters for the Minister for Industry, Employment and Education.

Preschool Education

MR MOORE: My question is directed to the Minister for Industry, Employment and Education. I refer him to page 549 of the transcript of the Estimates Committee hearing on Wednesday, 10 October, where he described how the consultation process would work with reference to the closure of preschools in central Canberra, Woden, Weston and south Belconnen. At that stage, he described the consultation with advisory committees, appropriate people in the community and the unions. Does the Canberra

Preschool Society - the peak preschool representative group - fit into his category of people in the community; if so, how is it going to fit into his version of the consultative process on preschool closures?

MR WHALAN: In reply to Mr Moore's question about the Canberra Preschool Society, certainly I would regard it as an appropriate body because it has been actively involved in the organisation of activities relating to preschools and the development of policies that relate to preschools for a considerable period.

The Preschool Society should, by now, have received notification that this issue is on the agenda for the next meeting of the Schools Advisory Committee and that it is being alerted to the fact that there will be a briefing on the background to these matters at that meeting, and there will be an opportunity for not only the Preschool Society but also the other constituent members of the Schools Advisory Committee, which include the parents and citizens organisation, the ACT Teachers Federation, the Public Sector Union and students. So, yes, I do acknowledge that it is an appropriate body. It has been notified that this will be discussed at the next meeting of the Schools Advisory Committee.

MR MOORE: I have a supplementary question. How can the consultation process be carried out adequately, since the preschools designated for closure need to be nominated by 1 November, according to officers of your department?

MR WHALAN: I will reiterate a point which was made, I think, before the Estimates Committee. I am confident that, before any actions are taken in that direction, there will be a satisfactory level of consultation. We are committed to that process, and we will ensure that it is fully developed.

Hospital Bed Costs

MR HUMPHRIES: My question is directed to the Minister for Community Services and Health. Is it a fact that, as from 1 August this year, the cost of a shared private room in a public hospital is $160 per day, except for persons making claims for compensable injuries - for example, workers compensation claimants - for whom the cost of the same bed for the same day is $450? As this cost is being borne by the employers of the Territory through higher insurance premiums, how does the Government justify asking those employers to bear the costs of the ACT hospital system above and beyond those imposed on other users of the hospital system?

MR BERRY: Thank you, Mr Humphries, for the question. The normal private bed charge is a subsidised charge which is levied against private health insurers. There is a

difference between that charge and the charge which is made for a bed for people who have a compensable reason for being in there, and it is charged out at cost. The Government justifies charging at that rate because that is the cost.

MR HUMPHRIES: I wish to ask a supplementary question, Mr Speaker. Do I take it from the Minister's answer that $450 a day is the real cost of providing a private hospital bed in a public hospital?

MR BERRY: I have taken advice on the matter. In relation to the sorts of bills to which you refer, that charge is made on the basis of cost.

Remuneration Tribunal Submission

MS FOLLETT: Mr Speaker, I would like to add some supplementary information to an answer that I gave to a question from Mr Humphries regarding various parties' attitudes to the Government's discussion paper on its Remuneration Tribunal submission. I would like to quote from a letter received from the Leader of the Opposition on 11 August, in which he said:

> ... on the question of percentage loadings for work value we believe that the Leader of the third party should receive such an increment which we suggest should be at the level of 25% of base ...

Further, I quote from a letter received on 15 August from Mr Collaery, in which he has stated:

> Accordingly, we propose that leaders of minority parties be provided with additional remuneration commensurate with their community responsibilities.

He has also stated, in that same letter, that the - - -

Mr Jensen: Which paragraph?

MS FOLLETT: It is on page 2, in the top paragraph. In paragraph 1 Mr Collaery states:

> My party supports the arguments regarding base salary, but suggest that the base should be set now at that for a SES Level 1 Officer ($52,720).

Mr Jensen: I don't believe there is a figure mentioned there.

MS FOLLETT: Mr Speaker, I heard a member say he did not believe that. If need be, I am prepared to table the documents.

Mr Jensen: Mr Speaker, I seek the tabling of the letter dated 14 August, in relation to this particular matter. We claim to have been misrepresented, Mr Speaker.

MR SPEAKER: Do you claim to have been misrepresented?

Mr Jensen: The Rally claims to have been misrepresented.

MR SPEAKER: Do you seek leave to make a statement?

MS FOLLETT: Mr Speaker, is it your wish that I table the documents?

MR SPEAKER: Yes, please, Chief Minister.

MS FOLLETT: I will do so.

Mr Jensen: We would like to have a look at that, Mr Speaker.

MS FOLLETT: Mr Speaker, I table the following documents:

Remuneration Tribunal Discussion Paper -
Letters to Chief Minister from -
Mr Collaery, dated 14 August 1989;
Mr Duby, dated 14 August 1989;
Mr Kaine (Leader of the Opposition), dated 11 August 1989;
Mr Stevenson, dated 14 August 1989.
Summary of Government proposal and responses from parties.

MR HUMPHRIES: I seek leave to make a personal statement in relation to the Chief Minister's comments.

Leave granted.

MR HUMPHRIES: Mr Speaker, I claim to have been misrepresented by the comments that the Chief Minister has just made. The Chief Minister has distorted the question I asked, or perhaps she was not paying sufficient attention when I asked it. I will quote to her again what I originally quoted in my question.

> Most of the parties did ask for a higher level of income than the Government had originally proposed...

The point of my question, Mr Speaker, was that the Liberal Party had asked for no particular level of income, as distinct, for example, from the position of the Residents Rally, which did ask for a particular dollar value - - -

Mr Jensen: No.

MR HUMPHRIES: On the claim it made for members, according to the words quoted by the Chief Minister. My friend Mr Jensen may have other comments to make on that. But if we

assume for one moment that was what the Residents Rally indeed did, clearly it was asking for a particular value; it was asking for a particular pay level for members. The Liberal Party was not doing that. The Chief Minister misrepresents my question and my party in saying that we did. If the Chief Minister were to set the level of remuneration for members at $40,000, for example, and then provide 25 per cent in addition for other party leaders, that would not result in a higher level of income than the Government had originally proposed.

Ms Follett: Only 25 per cent higher?

MR HUMPHRIES: The Chief Minister clearly cannot understand the question I have asked. I apologise for the complexity of the issue I raised, but the issue is still validly raised, and I would be happy to explain to the Chief Minister afterwards what I mean.

MR SPEAKER: Thank you, Mr Humphries. Please proceed, Chief Minister.

MS FOLLETT: Thank you, Mr Speaker. I have tabled the documents, but I think any fool can see that 25 per cent over a particular level of income is an increase in that level of income.

Cotter Reserve Playground

MRS GRASSBY: I have an answer to a question asked by Dr Kinloch about play equipment at Cotter Reserve. The policy is that all equipment in ACT parks and reserves is inspected regularly, and repairs are made to damaged and unsafe equipment. The Cotter Reserve is one of the oldest recreation reserves in the ACT and is currently being upgraded. As part of these works, play equipment is being modernised, with the emphasis on safety. The work on the play equipment will commence in March 1990, following the finalisation of planning and design.

Travel Agents

MR WHALAN: I have a brief answer to a question from Ms
Nolan on 26 September, in which she asked me whether there were still unregistered travel agents in the ACT. My response is that there is one unlicensed travel agent operating in the ACT, of which the Registrar of Agents is aware. The registrar is presently taking action against this person to prevent him from continuing to trade without a licence. Appropriate action will be taken by the registrar if other cases are brought to his attention.

WORKERS COMPENSATION
Ministerial Statement and Papers

MR WHALAN (Minister for Industry, Employment and Education), by leave: Mr Speaker, the question of prevention and management of work related injuries in the ACT is a matter of importance for this Government, as such injuries involve substantial costs, both in the human terms of the injured workers and in the resulting costs to ACT industry. The Australian Bureau of Statistics has estimated that the cost to ACT industry of workers compensation in 1987-88 was of the order of $529 per employee. When the indirect costs, including lost productivity, are added it can be seen that the costs to the ACT economy of occupational injuries are very high.

The Government's commitment to reducing these costs, both in money terms and in the human costs involved, is reflected in the fact that the first piece of legislation introduced into this Assembly was the Occupational Health and Safety Bill, aimed at creating a safer working environment in the ACT.

The Government believes, however, that this was just the first step. The Government is aware of widespread criticism of the current workers compensation scheme, from both industry groups and the trade union movement. It is not indisputable that, for whatever reasons, the ACT workers compensation scheme is the most expensive in Australia for employers. To underline this point, I now table a comparison of some selected ACT recommended premiums, compared with New South Wales premiums for the same industries.

In tabling the document, Mr Speaker, I draw attention to some of the rates, to demonstrate the sorts of comparisons. In the case of abattoirs, the New South Wales rate is 8.4 per cent; in the ACT it is 21.21 per cent. In relation to workers involved in the manufacture of asbestos sheet, it is 5.8 per cent compared with 29.7 per cent. In bakeries, the rate in New South Wales is 4 per cent compared with 16.45 per cent in the ACT. In the building industry, in New South Wales it is 8.4 per cent compared with 40 per cent in the ACT. In carrying and carting, it is 5.8 per cent in New South Wales; in the ACT, 19.92 per cent. In laundries, it is 4 per cent in New South Wales; 17.08 per cent in the ACT. In painting, it is 8.4 per cent in New South Wales; 22.75 in the ACT. In the poultry industry, the insurance rate is 8.4 per cent in New South Wales; 35.13 per cent in the ACT. So the comparisons go on. I seek leave to table that document and have it incorporated in Hansard.

Leave granted.

Document incorporated at appendix 1.

MR WHALAN: The ACT scheme has also been criticised by the trade union movement for delays and inequities. I shall return to these criticisms later. Furthermore, unlike other schemes now in operation throughout Australia, the present ACT scheme contains no legislative requirements for the rehabilitation of injured workers. This Government believes that any modern scheme should incorporate the dual arms of injury prevention and management, with the emphasis being on the prevention of workplace accidents through workplace occupational health and safety arrangements.

In the unfortunate event of those arrangements failing and accidents occurring, there must be provision for immediate and effective injury management through rehabilitation. This rehabilitation must be more than just piecemeal or token efforts at placement of injured workers on "light duties" but instead must involve serious efforts, where necessary, to retrain workers and redesign their work and workplaces. Concurrently, there must be provision for adequate workers compensation arrangements to safeguard the financial interests of injured workers and their families.

In the interests of ACT industry, such compensation must be delivered at the lowest possible cost to ACT industry. This Government believes that the current scheme is deficient in at least some of these respects and must be reviewed as a matter of urgency. There has been growing concern, Australia-wide, for a number of years with existing workers compensation arrangements. They have been perceived to be too costly to employers, to fail to deliver adequate assistance to injured workers when they need it, and to provide insufficient encouragement or assistance to a worker to be rehabilitated for a return to work.

Those concerns have resulted in the introduction of sweeping changes to arrangements in Victoria, New South Wales, South Australia, Tasmania and the Northern Territory. New arrangements in each of these jurisdictions resulted in reduced premiums and greater benefits to workers overall. We are, of course, mindful of reported problems being experienced in some States and will need to ensure that those problems are avoided in the ACT.

As I mentioned earlier, the opinion that the current ACT workers compensation scheme is deficient is not new, nor is it confined to this Government. To understand some of the problems with the current scheme it is necessary to look at the history of the scheme in the ACT and then to compare the situation here with the recent developments throughout the rest of the country, to which I have already referred.

Private industry workers compensation arrangements in the ACT are set out in the Workmen's Compensation Act, which was established in its current form in 1951. Some amendments have been made to the legislation since that time, but these changes amount to finetuning only, and the 1951 scheme is largely unchanged.

A working party was established in May 1983 to examine certain aspects of the Workmen's Compensation Act, following expressions of dissatisfaction with the ACT workers compensation system by a number of organisations and individuals. Its terms of reference did not encompass any major philosophical or policy changes but were directed more towards changing legislation to enable workers compensation arrangements to function more effectively.

The report from the working party in 1984 contained 37 recommendations, of which three have been implemented. Seventeen other recommendations are ready for consideration by the proposed industrial relations advisory committee when it is formed, and that will be prior to their introduction into this Assembly. The remaining 17 recommendations have been largely overtaken by events of the past five years and have been deferred for consideration in a full review of workers compensation legislation.

One of the working party's recommendations was that the Minister should appoint an expert body to hold an inquiry to review the whole philosophy of accident compensation in the ACT. In December 1986 a consultant actuary was commissioned to undertake such an inquiry. The actuary's report was received on 16 July 1987. It concluded that it is highly doubtful that the reduced premium rates introduced in Victoria and New South Wales are viable in the long term at the level of benefits currently in force; the premium and benefits structures introduced elsewhere may not be appropriate to the ACT industry structure; there is insufficient data available on ACT compensation experience to enable an accurate costing of major changes to the ACT arrangements; and current ACT premium rates appear to be excessive, and the ACT should seek the agreement of insurers to an immediate reduction of around 20 per cent.

The report recommended that the ACT move urgently to establish an adequate database for workers compensation premiums and costs; the ACT continue to develop its own premium and benefits structure, having due regard to benefits introduced in other jurisdictions and to the premium and costs structures which emerge from the ACT data; and major changes to ACT arrangements not be made before 1 July 1989, so that the present review of the Victorian WorkCare system can be assessed, changes to the New South Wales and Commonwealth schemes can be assessed, and adequate arrangements can be put in place to collect and analyse data, to deliver and monitor rehabilitation services and to develop and implement safer work practices.

The consultant's recommendations were considered realistic and were accepted in principle. Action was taken to establish a database system to obtain details of premiums and claims paid. This information would allow premium levels to be monitored more effectively. It has been clear for a long time, however, that in order to address a number

of recognised deficiencies, in addition to reducing costs, a full-scale review must be undertaken of ACT workers compensation arrangements.

Criticism of the current scheme continues to be received from a number of quarters. Building and construction industry employer groups, through the Housing Industry Association and the Master Builders Construction and Housing Association, have been highly critical of the high levels of premiums in their industry.

It is claimed also that high workers compensation payments encourage small employers either to understate wages on which premiums are based or to fail to take out a workers compensation policy, thus placing an additional impost on employers who fully comply with their legal requirements.

Both of the organisations mentioned have suggested that a workers compensation system based on a site value should replace a wages based system for their industry, so as to reduce premiums and to ensure that all employers pay into the workers compensation premium pool. A scheme of this type does not exist in any other jurisdiction, and details of how the scheme would operate are currently being considered by the industry groups mentioned. The fact that a scheme of this nature is even being suggested reflects the degree of concern that is felt by local industry over the current high levels of workers compensation insurance in the ACT.

The Trades and Labour Council has also expressed concern at deficiencies in the ACT workers compensation scheme, particularly as it does not provide for rehabilitation of injured workers. Concern has also been expressed that unacceptable delays can occur both in the payment of weekly compensation payments and over resolution of disputes over liability. Similar concerns have been expressed by welfare organisations like the Welfare Rights and Legal Centre. Such community organisations have pointed out that social justice issues arise from the complexities currently facing people with work related injuries seeking to obtain relief through the workers compensation and social security systems.

The Insurance Council of Australia and the Law Society of the ACT have also recognised that workers compensation legislation in the ACT needs redevelopment and have offered to assist in any review of current arrangements. Of course, individual employers have been critical of the high premium levels for a long time, in representations both to the former Department of Territories and to previous Ministers in the Commonwealth Government.

As I indicated earlier, over the past few years all other States and the Commonwealth have faced similar problems to those facing the ACT. They have substantially revised their schemes, with the aim of introducing the type of injury prevention and management programs to which I referred earlier. The Government believes that the ACT is now in a position to learn from the experiences of those other States and introduce a scheme that contains the best points of those other schemes, while avoiding their mistakes.

As well as being unique in having no formal rehabilitation arrangements, the ACT is unique in regard to the workers compensation scheme which operates here. All other States and the Commonwealth either have schemes totally run by the government or have a government insurance office which competes in the marketplace.

The ACT scheme has neither of these features, instead relying on an outdated Act which provides for workers compensation cover to be provided by a number of private insurers, with, as I mentioned earlier, no provision for formal rehabilitation and no encouragement for employers to introduce adequate prevention measures. Going into the 1990s, this is not good enough, either for workers or for the ACT economy.

It is necessary to consider the type of scheme most appropriate to the needs of all affected parties in the ACT. By that I mean primarily workers and employers. While there are obviously other interested parties - insurance companies, medical practitioners and the legal fraternity - the prime concern of government must be to provide the best possible scheme for workers at the lowest possible cost to industry.

Obviously the costs to industry are important, both to the individual companies and to the ACT economy. Companies which are in effect required to pay the equivalent of one worker's wages for every four workers actually employed, as happens in the building industry, face an unacceptable impost and in many cases must seriously consider the value of proceeding with a project or an investment. Where they must carry on operations in the ACT their options are limited, but it is a more serious problem for the ACT economy where industries can just as easily locate, for example, in Queanbeyan and pay a fraction of the workers compensation costs.

This cost disincentive has obvious ramifications for the ACT economy. I personally and officers of my department have had many representations from employers on this matter, and I am aware of employment that has been lost to the ACT as a direct result of this significant cost disparity. In the interests of the ACT economy it must be resolved.

Equally, though, it cannot be resolved at the expense of the benefits available to workers who are unfortunately injured in their employment. It will therefore be necessary to consider both the types of benefits which need to be delivered under a scheme and the type of scheme that can deliver those benefits at the lowest cost to the

employer. This may mean a close look both at the range of benefits available and at the possibility of a complete change in how those benefits are delivered and who delivers them.

Such questions as the coverage of part-time and casual workers are also important. This will require a major review into all aspects of benefits available, both in the ACT and in the other States. It will be necessary to look at the role of such factors as common law, redemptions, and statutory limits on benefits, as well as the level of weekly benefits. It is necessary to consider the role of these payments, both as reimbursements to injured workers and also in encouraging participation in a worthwhile rehabilitation program aimed at achieving an early return to meaningful work.

The role of rehabilitation in any new scheme is pivotal. All other States and the Commonwealth have placed primary emphasis on requiring early referral to rehabilitation once a need is recognised. It is essential that any worker likely to be off work for more than a month quickly undertakes a rehabilitation assessment, both to assist in his recovery and to achieve an early return to work. This is in the interests of both the injured worker and the employer.

Participation in a rehabilitation program must be an essential part of the injury management process, and it may be appropriate that participation in such a program may in some cases be a precondition to ongoing receipt of benefits, again in the interests of the injured party.

There are a number of different schemes which need to be considered before the scheme most appropriate to the needs of the ACT can be determined. I am sure there are many parties who will express in some cases quite conflicting views on the most efficient and effective scheme.

I have already indicated that a number of States and the Commonwealth run their own schemes. Other States rely on the presence of a government insurance office in the marketplace. Another option is to call for tenders from either one or a number of private insurers to run an ACT scheme, perhaps within preset maximum premium levels or on contract to the Government.

It may be decided that the current scheme provides the best delivery, perhaps with some modifications. I think there can be little doubt, however, that there is a role for much more government involvement in the industry, even if only in requiring provision of much more detailed statistical analysis of costs, claims control and rehabilitation, to enable more detailed scrutiny by government.

Whatever scheme is considered most relevant to the needs of the ACT, there can be little argument that, for whatever reason, the current scheme is simply not delivering low-cost, effective results.

I am therefore announcing a complete review of injury prevention and management in the ACT. This will, among other things, examine the value of exploiting the nexus between occupational health and safety, rehabilitation and workers compensation. The review will look at the range of benefits necessary and the best means of delivery.

This exercise will be managed by the Labour Division of the Office of Industry and Development, calling on whatever resources are necessary from within the ACT Government, including the ACT Treasury. Funds will be available from the budget to retain the necessary consultant services, and the views of interested parties will be welcomed. The review will include consideration of the role of government in the scheme and the structure of any bureaucratic support group necessary to service any arrangements eventually introduced.

The schemes recently introduced by the States will be examined, as will overseas experiences. As half of Canberra's work force and most of the Government's employees are covered by the recently reformed Commonwealth compensation and rehabilitation commission, COMCARE, the Commonwealth scheme and its administration by COMCARE will be given particular attention.

It will also be necessary to consider whether there is a need for a consultative forum to provide ongoing advice to government on the effective functioning of the scheme. The tripartite council proposed in the Occupational Health and Safety Bill, which is to advise on the functioning of that legislation, could well be appropriate for this task.

On the completion of the review, I expect that the outcome of the review will be considered by the proposed industrial relations advisory council prior to receiving final consideration by the Government. In the interim the Government will proceed with the proposed amendments to the current scheme, as foreshadowed earlier in this statement.

I believe that this is a most important matter for the ACT because of its effects on individuals and the economy generally. No doubt there will be conflicting interests, but I expect the consultative process to be wide-ranging and exhaustive. I also expect that the scheme which finally results from this review will most benefit those most widely affected - ACT workers and employers - and through them the ACT generally.

The proposed review of workers compensation and its relationship with rehabilitation and occupational health and safety not only offers substantial savings to the ACT community but also, more importantly, offers the opportunity to dramatically influence developments in social justice in the ACT. I present the following papers:

Workers compensation -
Comparison of some NSW and ACT premium rates.
Ministerial statement, 17 October 1989.

I move:

That the Assembly takes note of the papers.

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

YOUTH HOUSING MEASURES
Ministerial Statement and Paper

MRS GRASSBY (Minister for Housing and Urban Services), by leave: This is a ministerial statement concerning the youth housing measures I announced as a part of my statement on the housing policy review. I am pleased at the concern members have shown for those young people who are experiencing homelessness in the ACT. It is indeed a challenging problem for the Canberra community.

On 27 September 1989 I announced a carefully considered network of housing services to assist young people into long-term independent living. At that time the range of measures included in the review prevented me from providing all the details. I now wish to provide the Assembly with further information in the hope that this will contribute to an informed debate on youth housing.

In particular, I will expand on the singles share accommodation scheme, which is the principal means by which we will tackle the problem. The objects of the singles share accommodation scheme are firstly, to reduce the extent of homelessness and housing related poverty among single persons by providing long-term, independent public housing; secondly, to improve security and housing tenure for lower income or "at risk" single persons; and, thirdly, to provide appropriate and affordable group tenancy housing options for single persons unable to live independently and wishing to live with other single persons in small groups. Applicants will have to satisfy the normal ACT Housing Trust criteria to be eligible.

Mr Stefaniak has expressed concern that the scheme is restricted to people under 18. This is not correct. The scheme is open to any person over 16 years of age. There is no upper age limit. Applicants must be on low incomes, be eligible for Housing Trust rental accommodation and have lived in the ACT for six months.

They must be single to be part of this scheme. Groups of two to six single applicants will be able to register for the singles share accommodation scheme. Groups of two people may apply for a two-bedroom flat. Groups of three people may apply for a three-bedroom dwelling. Groups of four, five or six people may apply for a four-bedroom dwelling.

Two options for tenancy arrangements are proposed: firstly, head tenant arrangements where a community organisation assumes responsibility for the lease from the ACT Housing Trust and provides support to the residents; and, secondly, individual tenancies within the context of a group tenancy. The rental policy for the scheme will be based on that currently used by the Housing Trust. Each tenant will have individual responsibility to meet the conditions of the tenancy agreement and will have individual responsibility for his or her share of the total dwelling rent. The rent rebate formula used by the Housing Trust will apply. In effect, no individual will be required to pay more than 20 per cent of his or her gross income in rent.

The tenancy agreement will specify the conditions under which applicants will be granted tenancy of a dwelling. It will detail obligations in relation to payment of rent; authorised residents; use of the dwelling; vacation of rooms and dwelling; Housing Trust and tenant responsibility for care and maintenance of the dwelling and grounds; prohibited practices; tenants and landlord rights to access to the dwelling; and determination of lease by the tenants or landlord.

Each resident of a dwelling will have an individual rental account, except in cases of head tenancies. In cases where an individual persistently fails to meet rent obligations or otherwise breaches lease conditions, eviction action will proceed against the individual rather than all members of the household. The tenancy arrangements between head tenants and individuals should contain similar obligations and rights, which in turn should be similar in terms of security of tenure to standard ACT Housing Trust tenancy agreements.

I previously announced that we would allocate 50 dwellings for the scheme, but I did not detail the priorities. In the discussion paper which formed the basis for consultation with the youth sector we clearly said that the priority would be to establish up to 20 dwellings under the head tenancy arrangement. This would be the first step in starting the scheme.

I hope that some groups, especially young ones, may start off with support from a community organisation and end up being able to live quite independently. When this happens it will be a measure of the success of the program.

We are offering alternatives for young people which will suit their level of living skills, and we are acknowledging that all young people facing homelessness are not the same. Some require support and supervision while making the transition to being able to live independently, others require a permanent home. The second stage of the scheme will involve up to 30 dwellings to be allocated to groups which are more capable of living independently.

It should be clearly understood that the introduction of this scheme is not intended to provide fully supported accommodation. This is the role of the supported accommodation assistance program, which is the responsibility of my colleague Mr Berry. I am sure that the need to provide more medium- to long-term supported accommodation for young people will be considered in the development of priorities for that program in 1989-90.

There has been a suggestion that we are doing things in the wrong order. I can assure you that the ACT Government, our Government, is planning youth services very carefully. The Burdekin report highlighted the need for a network of services for young people. We recognise that homeless young people need differing amounts of support and assistance, and this is the network we are building.

Both my colleague Mr Berry and I are developing services to meet the needs of the full range of homeless young people. Briefly, I am aware that Mr Berry has recently funded further services designed to provide appropriate support. Just as an example, there are services like the two new medium- to long-term houses run by Southside Youth Accommodation Service and the housing outreach workers at Shortcuts to help young people learn to live successfully when they cannot live at home.

We are working closely with the Canberra community and businesses to assist our homeless young people. In particular, I draw your attention to the radio FM104.7 homeless youth initiative which I helped to get started in the last month. It will provide further supervised housing options. This project is drawing on the support of the radio station, Rotary and the Anglican Church, along with the ACT Council of Social Service and the Youth Accommodation Network to set up two supported houses for young people. These young people will be between 16 and 18, and most will be school students with little or no family support.

The Housing Trust has also made available a large house in Weston Creek which is providing longer-term boarding facilities under the supervision of a live-in housekeeper. Again, in a further initiative, a new house has been made available to CANA in the inner south area. Both these services provide supervision, which is so necessary for some young people. Our homeless youth housing efforts are therefore good and appropriate and are on the right track, not in the wrong order. They will provide the right balance of supported and independent housing.

The opposition has criticised this Government's initiatives based on the experience with Bowman House. Bowman House was closed down as long-term accommodation 18 months ago - before we were the Government, by the way. Part of its failure as housing for under-18s included its location.

Mr Kaine: It seems like 18 months since you have been the Government.

MRS GRASSBY: Behave yourself, Mr Kaine. Its original design was for large, extended families. Bowman House is now successfully operated by the Canberra College of Advanced Education as low-cost, boarding-style accommodation for young, low-income students. This confirms the Government's approach on youth housing, that a range of carefully planned measures is what is required to assist young people without homes.

Let me remind you of the response the Government's youth housing measures have received from the people working every day with Canberra's homeless youth. They have publicly applauded our initiatives as constructive, comprehensive and serious in addressing the needs of these young people.

The Government's initiatives have been taken in close consultation with the youth housing sector. They have urged us to continue our good work, and I am greatly encouraged about what we can continue to achieve in the future. I present the following paper:

Youth housing measures - Ministerial statement, 17 October 1989.

I move:

> That the Assembly takes note of the paper.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Alteration of Reporting Date

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

> That the resolution referring the redevelopment of the Canberra Times site to the Standing Committee on Planning, Development and Infrastructure for consideration and report be amended by omitting "17 October 1989" and substituting "2 November 1989".

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE
Inquiry

MR HUMPHRIES, by leave: As chairman of the Standing Committee on Conservation, Heritage and the Environment, I wish to advise the Assembly that on 29 September this year, the standing committee resolved to inquire into and report

on the environmental aspects and consequences of the stocking of the National Aquarium project. I shall inform the Assembly as to the outcome of that inquiry in due course.

POWERS OF ATTORNEY (AMENDMENT) BILL 1989

Debate resumed from 28 September 1989, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR COLLAERY (3.46): I rise to support this Bill on behalf of the Residents Rally and, I am sure, all other members of the house. The passage of this legislation has been quite lengthy. I recall the original suggestions came forward about 15 or 16 years ago from a report of the precursor of the current Law Reform Commission. Happily, in October 1987, the community law reform group for the Australian Capital Territory, in its third report entitled Enduring Powers of Attorney, brought forward the recommendations and largely the draft Bill which is before the house at present. I also speak, by way of introduction, as a law practitioner and someone who is, to an extent, conversant with the issues faced by this Bill.

Mr Speaker, the Bill approaches an issue which was last dealt with, so far as statutory provisions go, in the Lunacy Act of 1898 which we have borrowed from New South Wales, so to speak. The law relating to powers of attorney was brought up to date, as it were, in 1956 in the principal Act, as I will call it from now on, the Powers of Attorney Act 1956.

For some years many of us have been concerned about the position that people are in when they have a relative - often a dear relative - who gives a power of attorney, commonly in a situation of illness and relative incapacity, and when that party moves on into a comatose state and the like. In our community there are a number of such persons, and I can think of quite a number of situations like that which I have come across over the years, in which there is a comatose person whose affairs are being somewhat mistakenly managed under a subsisting power of attorney.

It is a very common misconception that your power of attorney looks after you when you have had a stroke and you cannot read or write or comprehend in other fashions, such as sign language, what is going on. I do not want to cause alarm in that respect, because on occasions I have personally taken wills and testamentary dispositions by simple hand pressure from the testator. That involves a lot of difficulties, of signalling instructions and attempting to put things in the positive or the negative and many complications of that nature. To keep a traditional power of attorney alive in that respect, when

the relatives in good faith attempt to get instructions, is very difficult, very taxing, and those situations are often very tragic indeed.

So, happily, the enduring Powers of Attorney (Amendment) Bill comes before the house. It is likely, as I said, Mr Speaker, to my knowledge, to receive the support of this Assembly. The recommendations of the Law Reform Commission are also recommendations against the social impact of the Bill. One impact, of course, very often is that the funds available for the care of persons who are comatose are often locked away and are difficult to access. Persons in that category, particularly aged migrants who do not have readily accessible family support, are sometimes put upon the public charge, and they find themselves in special homes and the like at charge.

This Bill may encourage more people who, in their senior years and approaching the frail stage of life, will see the sense in conserving their assets and ensuring that they make provision for their own comfort in the event that they become incapacitated. This provides a situation in which aged people may not altogether divest themselves of assets, often to their children who may leave the area or not respond to the calls of duty in respect of parents - and there are sadly instances of that these days - or lose the assets themselves.

Hopefully this Bill will receive adequate publicity and adequate recognition, particularly in terms of the Public Trustee's social role in this regard, and will ensure that to some extent, as the Law Reform Commission put it somewhat delicately, the privatisation of care for the aged is encouraged - that is, that they make provision for themselves and do not altogether divest themselves and rely on the state.

Mr Speaker, the legislation is likely to be amended in the detail stage, and I understand the Chief Minister has already foreseen that requirement. I indicate that largely the emphasis for the Bill is to provide the very excellent, honest and dedicated support by the Public Trustee, as referee, as it were - certainly as trustee and custodian - for these situations. All of us in practice have felt somewhat uneasy occasionally over the years with the manner in which a donee of a power has occasionally used a power for a frail aged person, often a relative. This received almost unanimous support throughout the legal and other community groups when the Law Reform Commission commenced its excellent consultative phase.

I expect that you will see an easing of the qualms that many of us have with respect to the old powers of attorney which linger in our legal safes at times or which are held at banks and which are used and called up, in the absence of the donee, many years after they are made. Some of us wonder exactly what the current capacity or understanding of the donee is.

Mr Speaker, the Act will be there as a safeguard, and I am not suggesting in any way that it is to overcome any current abuses; it will be a necessary safeguard in a society that has an increasingly ageing population. The one outstanding issue about the Bill, which I will indicate before I sit down, is that the draftsmen have gone for the wider interpretation of the test we should impose upon a person when that person creates a power in another to deal with his or her affairs - that is, that under proposed new section 3A the donor only has to be able to understand the nature and effect of the power. It was suggested, in New South Wales in a decision, also that the donee should know whom he or she was going to appoint to look after his or her affairs, understand who that would be and further understand the nature of the things that that donee would or could do.

Societal requirements change. It is only a matter of years since we established condominium retirement villages and aged persons unit housing arrangements. I am sure the law will change and evolve in that area. It is very difficult for people to predict how they would like a donee to exercise powers. The draftsmen are to be congratulated for accepting the recommendations of the Law Reform Commission, taking on board a less stringent test and not repeating the problems which have arisen in the United Kingdom in this area. Mr Speaker, the Act should be followed, in the Rally's opinion, by a proper community education system, starting with the lawyers and then travelling to community groups - in particular, the homes for the aged, the hospices and the other places where powers of attorney are likely to come up.

There is also a pressing need to inform the travel industry of the need to ensure at times that persons who are travelling, sometimes on lengthy trips abroad, have considered the need to give a power of attorney to some other party before they leave. I am only speaking in general to the Bill. This is an excellent piece of legislation, and the Rally congratulates the commissioner who conducted the community law reform process, Nicholas Seddon, with the very able assistance he received from many parties, including Robin Creyke. I commend the Bill to the house.

MR STEFANIAK (3.57): Very briefly - I will not go over ground which Mr Collaery has ably covered - this Bill is a very timely and useful piece of legislation. It has been drafted substantially in accordance with the Law Reform Commission's recommendations. It provides in its schedule a detailed, comprehensive and effective enduring power of attorney. The only slight problem which we had with it was the initial addition in proposed new section 17(2) of the words "or a trustee company nominated by the Public Trustee".

I note the Government has passed around an amendment - and that is certainly satisfactory to the Liberal Party - which covers any possible problems that might have arisen there. It is a timely, sensible piece of legislation and I, on behalf of my party, commend it to the house.

MS MAHER (3.58): Mr Speaker, I rise to support the Powers of Attorney (Amendment) Bill. About three per cent of the population have intellectual disabilities - close to 8,000 people in the ACT alone. Most of these people have relatively mild disabilities which, in some cases, do not prevent them from participating in the community, but they are more likely to be isolated, lonely, unemployed and open to exploitation than are other members of our community.

These people also have a right to make decisions about their lives, their finances and their property, and at present they are assisted usually by relatives or friends who do not have legal power to make decisions on their behalf. For some years now there have been a number of discussions on the introduction of new legislation to deal with guardianship and management of property and affairs in relation to people who have intellectual or other disabilities.

It is now time to pull ourselves in line with other States and territories. They already have adequate provision. In particular, Victoria has had this type of legislation since 1986, which deals with most needs and which is working very successfully. In its present form the ACT legislation does not provide for protection of people with disabilities and, as I mentioned before, these people can be subject to a range of problems - for example, physical, emotional and/or financial exploitation.

The whole procedure for declaring a person incapable of managing his or her own affairs under the Lunacy Act of 1898 can cost anywhere between $2,000 and $4,000. Apart from this expensive venture, families have to put up with the embarrassment of taking a relative to court because there is no provision for making enduring powers of attorney. The existing legislation is somewhat archaic, and the need for review is long overdue. It is unfortunate that it has taken this long to have the Act amended. Nevertheless, I am glad that this sector of the community will not be disadvantaged and treated as second-class citizens.

The matter was finally referred to the Law Reform Commission earlier this year for an inquiry into the need for legislation and procedures in relation to management of the affairs and property of intellectually disabled people. I am pleased to see that the Government has taken the necessary steps to implement the recommendations made by the Law Reform Commission to amend the Powers of Attorney Act. However, I note that proposed new section 17(2) differs from the Law Reform Commission's recommendations in that it allows the Public Trustee to nominate a trustee

company to act as attorney as well as the guardian of the donor.

I have my reservations about this particular aspect. Accordingly, Mr Speaker, our party will be supporting the amendment which is to be proposed by the Chief Minister. I believe that a public advocate would seem to be a more appropriate agency to exercise any guardianship powers. Therefore, I would strongly recommend that the Government take steps to establish a public advocate agency in the ACT so that the question of guardianship can be dealt with more appropriately.

Proposed new section 17(2) does not allow the court to appoint a public trustee company to act as a guardian to a donor but instead vests the authority with the public trustee alone. The provision, of course, will apply only until such time as the Government takes the necessary steps to introduce legislation establishing the office of a public advocate. But, in the meantime, I do not think it is appropriate that these powers should be handed to a trustee company alone. As things stand, a court may order that this occur, and the Public Trustee can then wash his hands of the matter. I am sure that members of the Assembly will agree.

But on the whole this Bill is a worthwhile and long-awaited amendment to the Powers of Attorney Act, and I welcome it because it recognises the fact that disabled people should be allowed to exercise whatever capacities they have before they become completely and totally mentally incapacitated. Also, they can give careful consideration to their future and choose whoever they believe is going to act in their best interests before this sad occurrence eventuates.

Incapacitated or not, these individuals also have rights and they have the right to be respected for their human worth and dignity. They also have the same rights as every other Australian to an acceptable quality of life, and should not be disadvantaged because of their disability.

I am very happy to see that these people will be able to appoint an attorney to manage their affairs, including financial matters, and medical and personal decisions that need to be made when the time arises, and will not be subjected to costly procedures, hardship and embarrassment. I must stress, however, that close monitoring of the legislation should prevail, and I am sure that the legislation, if amended as the Chief Minister proposes, will initiate the appropriate steps to ensure that the donors' interests are looked after adequately and equitably. I commend the Bill to this Assembly.

DR KINLOCH (4.05): Mr Speaker, it is a great pleasure to endorse Ms Maher's comments and those also of other colleagues from both the Liberal Party and the Residents Rally. Might I say very briefly on behalf of the members of the Standing Committee on Social Policy, and I am sure

Mr Wood would agree with me, that the various organisations to which we have been talking, including the Voluntary Euthanasia Society of New South Wales and the Council on the Ageing, would be very pleased indeed to see this Bill with whatever emendations may be added to it or extracted from it. I also wish to endorse it with pleasure.

MR HUMPHRIES (4.06): I, as my colleague has indicated, share with my party the sense of pleasure that this Bill has been introduced in the Assembly. We see it as a positive and constructive measure, and we welcome it. It provides mechanisms for assisting incapacitated people before they reach their incapacity, either through their fear of what may occur or through their good sense to plan in advance what things may happen to them, to provide for the creation of an enduring power of attorney of a kind which is not presently available. This, as my colleague Mr Collaery has indicated, will be of assistance both to people who are injured and also to the aged.

I think it is astonishing, Mr Speaker, that so often in this country and elsewhere the law follows changes in social behaviour rather than leads them. I am reminded that it was only, I think, at the beginning of the last century that trial by combat was abolished as a formal part of the English statute law.

Mr Duby: What a shame!

MR HUMPHRIES: "What a shame!", says Mr Duby. Perhaps he imagines it still exists in one form or another. But that is an example, I think - and not, unfortunately, an isolated example - of how the law is much too far behind the social realities of the society in which it operates. We occasionally see - more often these days, I will concede - pieces of legislation which are designed to change social behaviour and to lead people into a better way of doing things in terms of what arrangements might have been made in the past. I am pleased to see that this particular Bill falls in that category.

Some people in the past, as lawyers will know, have sought to cover the situation provided for in this Bill, but until now that position has not been available. I am hopeful that with the passage of this Bill it will be possible for ordinary people, who fear that they may incur some problem in the future or who are simply getting old, to take steps to provide effectively for the management of their affairs and, indeed, their own bodies when that eventuality befalls them.

I am also very pleased to see the "plain English" nature of this power of attorney. Any of us who have had to deal in the past with powers of attorney will recall the four- to six-page documents of closely written legalese which was almost indecipherable. I would be surprised if anybody has read that document in many years, but it is still widely used by lawyers in creating powers of attorney. This

document in its simplicity is not only a hallmark but also a reflection on how unnecessarily complex the other document really is.

I want to comment on one last thing, Mr Speaker, and that is part C of the enduring power of attorney. It refers in particular in clause 14 to authority to consent to medical donation. That particular clause, if not struck out by the donor, authorises his attorney to consent on his behalf to the lawful donation of parts of his body, blood or tissue to any person while he is incapacitated.

I have no doubt that ordinary people looking at that clause would perhaps blanch a little at the idea of their bodies being mutilated while they are lying in hospital beds, but that, of course, is not the case. It is a very important clause to include in the power of attorney, and I very much welcome the emphasis which the existence of that clause places on the need for greater awareness, on the desirability, of having the power to donate organs of the body.

Members will be aware that there are many problems in our society at present, with people being insufficiently aware of the ability to make and the desirability of making organ donations. All too often people in this country are injured or die because, simply, there are not organs legally available within a short time. That is not because the organs are not physically available - they certainly are - but they are simply not legally available because the necessary legal paperwork has not been or cannot be done in time. I am extremely glad to see this emphasis in this power of attorney on creating the environment in which this can occur. I hope that more citizens will notice this and take the opportunity of executing their own organ donor cards to carry in their wallets or purses and that this will enhance the practice of making organ donations during life in coming years.

MS FOLLETT (Attorney-General) (4.11) in reply: May I thank the speakers on this Bill and other members of the Assembly for their apparent support for the Bill. It is indeed an important matter, and I think it is fair to say that some of the most anguished calls that I have had from constituents have been from people who have relatives who are no longer in full control of their mental and physical capabilities, particularly from elderly people whose partners are suffering from Alzheimer's disease. The prospect of having to take one's lifelong partner through the lunacy courts is one that causes grief to older people; it is something which they cannot cope with, nor should they have to.

The Bill that we have before us to create an enduring power of attorney redresses that situation. The Government has been concerned that ACT citizens have not been able to make proper arrangements for their financial and personal affairs in the event that they become mentally incapable.

Under the current ACT legislation it is possible to create an enduring power of attorney, but it has a maximum duration of only two years, or it could be for a longer period where the maker of the power pays the attorney consideration for agreeing to perform the functions of an attorney.

The amendments that are being proposed to the Powers of Attorney Act 1956 will now allow ACT citizens to create a power of attorney that will continue to be effective even after the person who created the power becomes mentally incapable. So they will be able to appoint an attorney to manage their property and money and may also authorise their attorney to make personal decisions and give consent to medical treatment and medical donations on their behalf.

The proposed new provisions mean that people can plan for the future. They can choose who will manage their affairs and avoid the indignity of having to be declared incapable by a court by enabling the court to appoint a guardian for them.

The Government does propose to make available an explanatory pamphlet which will explain in simple terms the purposes of and the responsibilities under an enduring power. I expect that the pamphlet will be available from the Public Trustee, the Government Law Office and relevant community organisations.

I have taken particular note, Mr Speaker, of the comments that Ms Maher made in regard to the use of the Public Trustee or trustee companies in these sorts of situations. I believe that Ms Maher is referring to the Law Reform Commission's forthcoming report on the question of guardianship. That report has not yet been made public, but I believe it will be in the near future. I believe also that it does make some comments about the matters which Ms Maher raised.

In order to meet the concerns that Ms Maher has expressed, I will at the appropriate time be moving an amendment which has been circulated and which I think overcomes the difficulty to which Ms Maher referred in her comments. Again, Mr Speaker, I thank members of the Assembly for their support for the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5 (Addition)

MS FOLLETT (Attorney-General) (4.15): I move:

> Page 4, lines 30-33, omit all words after "Trustee" (first occurring), substitute "the Court may, by order, appoint -
> (a) the Public Trustee to be the guardian of the donor; or
> (b) the Public Trustee or a trustee company nominated by the Public Trustee, but not both, to be the manager of the donor's property;
> for a specified time and with specified powers.".

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

PAYROLL TAX (AMENDMENT) BILL 1989

Consideration resumed from 28 September 1989, on motion by **Ms Follett**:

> That this Bill be agreed to in principle.

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

CONFERENCES OF PLANNING AND HERITAGE MINISTERS, JUNE 1989
Ministerial Statement and Paper

Debate resumed from 4 July 1989, on motion by **Ms Follett**:

> That the Assembly takes note of the following paper:
>
> > Conferences of Planning and Heritage Ministers, June 1989 - Ministerial statement, 4 July 1989.

MR HUMPHRIES (4.17): I do not wish to speak for very long on this paper. It has, like a number of other papers before the Assembly, been on our notice paper for quite some time - since 4 July. I am not sure that the Assembly should not be accelerating the process by which it considers these papers and other documents. I understand and appreciate that Bills as a rule should have higher priority because they affect the legal realities at force in our Territory. Nonetheless, the absence of a speedy dealing with these particular papers makes it difficult to make sensible and relevant comments some months perhaps after they are originally made.

Nonetheless, with respect to this paper, members will recall that the Chief Minister attended a two-day conference in Perth in July, at which on the first day planning Ministers met and discussed issues common to them and on the second day heritage Ministers similarly met and similarly discussed matters of interest to them. It goes without saying that this Government faces a fairly major test in both these areas.

Since this paper was produced in this place the Government has released a major document setting out proposals of its own for coordinating a planning and heritage policy for the ACT. The timeliness of that is welcomed, even though the details at this stage may not be. I hope the Government takes advantage of opportunities presented by this conference to incorporate the experience of other States in ensuring that a sensible policy is put in place. I know that already the Standing Committee on Conservation, Heritage and Environment has been asked to comment on that paper, as indeed have other committees of the Assembly. We have made a fairly general set of comments on those, which I understand the Chief Minister will receive shortly, if she has not already received it.

I repeat simply one aspect of this debate in the heritage area which I think is important to bear in mind. It is vitally important that the Government allays as quickly as possible the concerns of people about the situation with heritage assets in the Territory. There are some who still fear the consequences of changes in this area, be they people who own potential heritage assets but who do not wish to be included in the heritage register or people who are concerned that certain assets in the Territory may not be included in the register and might be lost to developers or by other changes in planning rules.

I hope the Government does follow up the steps it has already taken to ensure that these issues are addressed quickly. The Chief Minister, in her statement on 4 July said:

> It is a priority of the ACT Government to establish a heritage action program, and the views of the relevant Legislative Assembly committees will be sought on these matters.

I assume that is what she did when she wrote to the Assembly members and the chairmen of committees. She also said:

> I intend to monitor, with considerable interest, actions elsewhere in Australia to nominate places to the World Heritage List.

That debate is boiling up in a very active sense in places like Tasmania at the moment. She went on to say:

> I have asked to be kept informed of the progress of a proposed pilot program between the Commonwealth and South Australia to devise and implement an integrated heritage listing process.

It is my hope and the hope of my party, Mr Speaker, that we can develop in the ACT a sensible system which balances the needs of good planning, in which our Territory has a unique inheritance, of heritage and of environmental considerations. I am confident that the approach to which the Government has alluded is at least the beginnings of the right one, and I hope that it can be developed in a correct fashion to a sensible policy. My party will be watching that with interest and ensuring that it reaches the desired effect - that is, a well integrated, easily understood, properly appealable system incorporating all those features for the ACT.

MR JENSEN (4.21): I think it is appropriate to mention once again that this matter has been on the notice paper for some time. My colleague Mr Humphries has already referred to that. I support his comments in relation to the need to work out some way by which these matters can be brought on promptly and efficiently as part of business. Generally, members do not have a great deal to say about a particular paper or statement that the Minister has to make, and it is probably appropriate that these sorts of discussions be brought on as quickly as possible. I understand that the Government has taken this matter on notice, following some discussions we had with it before the last sitting.

But, Mr Speaker, before I comment on some of the planning matters which arise from the paper, I think it is pertinent to note that the people of the ACT are now being represented at such conferences at last - I mean fully and properly represented. Many issues important to the future of the ACT are discussed at such gatherings, and it has been obvious for many years that the interests of the ACT have not been properly represented, particularly as only one or maybe two Ministers have sought to represent the petitions of the ACT people in those forums, often with some major loss in interest for the people of the ACT.

However, I would suggest that self-government has now changed this. It is one of the benefits that was identified by the task force report on self-government or the Craig report, as it has come to be known, in 1984. On page 33 it says that the terms "Chief Minister" and "Minister" were appropriate to ensure that we have representation at ministerial level at these sorts of forums. I think it is important to recognise that, and I am sure that not only members of this Assembly but also the people of the ACT will look with interest at the future representation by our Ministers, whoever they may be, at these various forums.

Mr Speaker, I would like to commend the Chief Minister for calling upon the Commonwealth to release land at the Belconnen naval station, the Bonshaw site and the Gungahlin CSIRO land holdings. However, I trust that this matter has not been left to the Commonwealth Government alone to consider at its leisure but is being vigorously pursued by the Government as a matter of extreme importance as it will have a major impact on future planning decisions for the ACT. Members will no doubt remember the environmental issues raised at the time by my colleague Mr Collaery. I am sure we have not heard the last of those matters.

One other aspect in relation to this, which was briefly touched upon in the Chief Minister's statement, was increasing aircraft noise in our growing city. It is one which, I suggest, despite some problems at the moment with the pilots strike, we will have to watch increasingly in the future. I understand that there may be some potential problems for the development of Gungahlin, as southbound aircraft have a turning circle over that area. I understand that this matter was looked at by a standing committee in that other place on the hill. I understand that there were some potential problems in that area which the NCDC at the time looked at very briefly and discarded as not being major. I do not think there is any major reference to it in the statements, particularly the environmental impact statement, in relation to the development of Gungahlin.

Mr Speaker, we have to give some thought to the long-term possibilities of an international airport for this region. I know my colleague Mrs Nolan has raised this matter in the past, and it is something that I think the people of the ACT would seek to encourage, provided, of course, that appropriate environmental aspects of this problem for our region are considered appropriately.

We have already mentioned - and the Residents Rally supports - the very fast train project, with the same sorts of caveats in mind in relation to the needs of the environment. I notice that the ACT Government will be participating in some joint projects in relation to that matter. There are a number of planning decisions and major environmental issues that have yet to be resolved before that project starts to operate effectively and efficiently. I do not think there is any need to indicate the implications of such a project on future tourism development; they are self-evident.

That leads me, Mr Speaker, to comment on tourism. I think it is appropriate at this stage to recognise the contribution of the industry, particularly the small and often family-run businesses that operate in this field, to the economy of the ACT. I am not wanting to downgrade the not insubstantial contribution by the major operators in this area, but they are generally more able to handle any downturn in the industry. Some of the smaller operators are not quite so fortunate. To this end, Mr Speaker, I

encourage the Canberra Tourist Bureau staff to ensure that when they are responding to requests for information on tourism establishments from visitors to the ACT they do not forget the smaller operators in this business and that they ensure that they get a fair shake in any responses to indications of the need for accommodation or the use of other services in the tourism industry in the ACT. The Rally is committed to raising any concerns that some of these smaller operators may have in this area.

I also note with interest the promotion by the Tourist Bureau to remind non-Canberra residents that we are easily reached by car or bus. Despite some problems for the convention industry because of the pilots strike, our tourist industry seems to have coped reasonably well. The Rally will be watching with interest the figures on this matter when they are produced.

Before I leave the subject of tourism I think it is appropriate that I raise the important issue of assessment of the dollars that we spend on promotion. I am sure that the Tourist Bureau will carefully monitor expenditure in this area. It is not much good pouring dollars down the drain unless we can be assured that those dollars are hitting the mark and that we are getting the maximum benefit for our area. The expenditure of $1.9m, Mr Speaker, on a promotional budget is quite small, and it is appropriate that we look at that.

But now I return to planning issues. The Rally strongly supports the move to establish links within our region. I note the Chief Minister's recent announcement on the signing of formal agreements between the ACT and the New South Wales governments which identify a number of areas in which close cooperation between neighbours is required. The Rally looks forward to the development of this process, and my colleague Mr Collaery will ably represent us in the meetings mentioned in this forum.

However, before leaving this matter, I must state some concerns about the recent decision to remove cross-border representation from the ACT Bush Fire Council. Unfortunately, as we in this dry country all know so well, particularly those of us who have lived in the country areas, fires do not stop at State boundaries. I trust that Minister Grassby will reconsider this decision as we move into a time of possible threat.

Some people who are currently living on the land and also members of our ACT Parks and Conservation Service to whom I have spoken recently, particularly those at the lower level, are concerned about the potential for problems at this time of the year because of the good growing season that we had and the rains at the beginning of the year. It is in this context of our responsibility to our neighbours that I raise this concern. I trust, Mr Speaker, that Minister Grassby will reconsider her decisions in this area.

In closing my remarks on the statement by the Chief Minister I take this opportunity to refer to the need for the ACT Government, whoever that might be, to get the best possible deal from the Commonwealth. Anything less is an abrogation of our responsibilities to the people of the ACT. It is time, Mr Speaker, I would suggest, for the ACT Government, and particularly the Chief Minister, to start flexing the muscles of the ACT and learning from some of the States in the negotiating process and to start making a few demands.

The time for going cap in hand to the Commonwealth, I suggest, is long past. By way of example, I would suggest that, in relation to the $67m that the Commonwealth is seeking from us for land previously developed by the Commonwealth, the time has come for us to decide how much we reckon that block of land is worth; that we give it the cheque, and it can take it from there. The time for hard bargaining, Mr Speaker, has arrived, and it is time for the people and the Government of the ACT to ensure that in those forums we provide for the residents and taxpayers of the ACT the best possible deal from the Commonwealth. The Rally will certainly be seeking to do that.

Question resolved in the affirmative.

DRUGS IN SPORT - GOVERNMENT POLICY
Ministerial Statement and Paper

Debate resumed from 27 September, on motion by **Mr Whalan**:

That the Assembly takes note of the following paper:
Drugs in Sport - Government policy - Ministerial statement, 27 September 1989.

MR STEFANIAK (4.32): I read with interest the statement made on the last occasion by the Minister for sport. There is much in it which is commendable. Indeed the practice which has developed - probably to an extent it has always been in sport, but it seems to have developed to a much greater degree in recent years - of enhancing one's performance through the taking of drugs is quite reprehensible and goes against the very ethos of what sport of any variety is all about.

We have had instances - and I think one was referred to in the paper - such as that of drugs being taken by Ben Johnson in the 100 metres race. He won a great victory for himself and for his country, Canada, only to have the humiliation of the medal being taken away because he was doped to make himself go better. I think that brought that sport and the Olympic Games generally into disrepute.

There have been instances, even in Canberra, in which allegations have been made in relation to a few sports, that drugs were taken to illegally enhance one's performance, and indeed that does bring it very close to home. It is not something that does not happen in the ACT; there have been allegations that it has occurred, even in this fairly provincial area. So it is something that concerns us when we look at sport.

I note it appears to be the Government's policy that it wants drug-free sport and it wishes, according to the Minister, to establish programs for elite and developing athletes in the ACT Academy of Sport, including formal policies on the use of prohibited doping practices in the ACT. It opposes, as I am sure we all do, drugs in sport. Indeed, the statement lists encouragements and the desirability of encouraging drug-free sports.

It talks about an anti-drugs register being established for the ACT, for ACT athletes to publicly declare that they oppose the use of banned substances in sport and that they will not use any prohibited doping practices. This is all very commendable. I note the Federal Government has announced similar incentives, and that is to be applauded.

I just draw the Assembly's attention - and I note the Minister is not here but no doubt he can read about it, and I am happy to supply him with further details if he does not have them already - to one particular group which recently approached me and which is very concerned about drugs in sport - - -

Mr Berry: Look out behind you, Bill.

MR STEFANIAK: Sorry, Wayne, I did not hear that.

Mr Berry: Look out behind you.

Mrs Nolan: He is behind you.

MR STEFANIAK: Good. That is the Canberra Amateur Drug Free Powerlifting Association. This is a group which specifically, in its constitution, renounces drugs in sport. It is particularly concerned with the rather bad reputation that powerlifting has internationally and nationally. It has a declaration which its athletes have to sign, firstly, that they have not taken any chemical or pharmaceutical substances listed on the banned substance schedules of the International Olympic Committee during 24 calendar months immediately prior to making the declaration; secondly, that they adhere to the concept of drug-free sport and will undertake no action which might bring either the concept of drug-free sport or the Australian Drug Free Powerlifting Federation or the Canberra Amateur Drug Free Powerlifting Association into disrepute; thirdly, that they authorise the Australian Drug Free Powerlifting Federation and the Canberra affiliate to conduct drug testing of themselves at any time or any place

while they remain members of that body, while they seek to enter any contest sanctioned, organised or otherwise by either body; and that they finally declare that they have received a full copy of the local organisation's constitution, and they agree to further abide by the provisions of that constitution and amendments made. It is a declaration of drug-free status in a body that should be encouraged.

I commend to the Minister for sport, who is now talking to my friend Mr Collaery, that this is an organisation that could be assisted. It has a problem in that its members used to be able to use the Australian Institute of Sport facility for their training. Its elite athletes compete in a number of competitions locally, nationally and internationally, and initially they had 10 passes to work out at the Institute of Sport. These were taken away on the basis that it was too busy there. The officials of this organisation dispute that, and indeed indicated to me that you could fire a shotgun there at five o'clock in the afternoon and not hit anyone. They are somewhat concerned that their athletes are suffering in the lead-up to State titles, national titles, and international titles in Paris in May of next year.

This is an organisation which represents athletes who suffer from various disabilities, several of whom suffer from partial blindness. It has an athlete who is going to compete in the world blind powerlifting championships in Canada in the near future. These persons have lost their 10 passes to use the Institute of Sport facilities, and it would seem that there might well be something our local Government and the Commonwealth Government can do. I have already written to Senator Richardson on behalf of these athletes, and it may well be that if the Minister for sport has not been approached by them - I believe he probably has - I could supply him with details to assist these people. I think this is directly in line with what the Minister is purporting to assist and encourage, and that is drug-free sports.

These people have taken the lead, as it were, and set up a drug-free body, with a constitution, and I think they are deserving of encouragement which they have not really been given to date. I wonder whether there are other similar types of bodies which could be given further encouragement to advance this commendable initiative and policy which was enunciated by the Deputy Chief Minister on 27 September. I will provide him with further details in relation to this body if he does not have them already. I certainly think - and indeed the Liberal Party believes - there is no place for any illegal drugs in sport in the ACT, and every encouragement should be given to ensure that any athletes in any sports in Canberra participate drug-free.

MR WOOD (4.39): Mr Speaker, I join with all my colleagues in this unanimous condemnation of the use of drugs in sport. We all agree that they are incompatible. However,

I want to extend the use of the term "drugs" beyond that which has been encompassed in the Minister's statement, and I want to refer to a drug which does no good, for the most part, and which is no good. It is quite incompatible with sport, yet it is a drug that is totally identified with sport, and that is alcohol.

We do not have sport today without it. We will celebrate the Fosters Melbourne Cup in a couple of weeks and I think it is the Fosters Grand Prix. Other beer companies either sponsor sporting events or use sporting stars in the promotion of their products. I want to dispute the view that alcohol and sport need to go together.

I first became concerned about this many years ago when I, as a member of parliament in another place, would attend sporting fixtures and then go back to the clubhouse with the rugby league footballers, in this case. I was dismayed to see these otherwise fit young people happily, as part of the culture, wipe themselves off with alcohol. It seemed to me a strange inconsistency that they would spend some time during the week training and then damage their system to the extent that they did with alcohol after a match.

I am not particularly a wowser, I suppose, if that is the term to be used - I drink alcohol - but I think the abuse of it by many of our young people, promoted by the big beer companies in particular, is something that is to be greatly avoided and resisted. I rise to my feet because I have not seen in recent times any resistance to its abuse.

If you follow sporting people around you will find there is often alcohol with them. If you see our sporting stars interviewed on television they may have a T-shirt or a cap promoting some brand or other. This is our alcohol culture, and it is so much part of our total culture that no longer do we question it. I think that the claimed good that is seen by promoting alcohol and sport together should be questioned.

It is not something that we should allow to be indulged any longer. I remind you of the damage that alcohol can do to the individual. As sports people, it does not enhance their ability when it is taken in the levels that seem to be accepted these days. Of course it is no good when it is consumed to excess generally and creates enormous damage throughout our country, no matter whether it is on our roads, in our businesses, our offices and our industries or in our homes as a promoter of domestic violence.

There is too much emphasis given to alcohol and the so-called benefits that it brings. I hope that, in due course, we can halt this excessiveness of advertising, of publicity, of promotion of alcohol. Let us enjoy it, by all means, because it can be enjoyed - and I enjoy it - but let its use not be excessive. I believe that not too far away we will be looking at alcohol and promotion of sport in the same way as we are now viewing tobacco and the promotion of sport.

MS MAHER (4.44): Mr Speaker, I congratulate the Government for its initiative and recognition that it has a responsibility to participate in the elimination of the use of drugs and doping practices which are prohibited by all sporting organisations. The problem of drugs in the sport sector has been with us for quite a long time and, as mentioned in the report and by my other colleagues, the events that occurred at the Seoul Olympics in 1988 have clearly shown the extent of this problem.

Sport generally refers to the physical activity that diverts or amuses, and it also refers to organised competition between trained athletes. Sport is an important aspect of our lives, especially the lives of our children. Australia is well known for producing great athletes in sports such as tennis, cricket, swimming, athletics, football and many others.

Performances by our athletes at recent Olympic Games have put more pressure on athletes to perform well and compete to win. This pressure is created by many factors - for example, the athletes' desire to achieve their goals, to get to the top. The community has a high expectation of our competitors, which is undoubtedly enhanced by media coverage. The coaches, administrators and sponsors are also under enormous pressure. We thrive on winners, and we tend to forget quickly those who are less fortunate. In fact, they get very little recognition for their efforts. Athletes who come home from international events and who have been unsuccessful get little praise from the Australians who love to see winners.

All of these factors and high expectations have led to an increase in the abuse of performance enhancing drugs, particularly in the last few years. In order to improve their performance, athletes are tempted to use and experiment with drugs. I might add that the majority of these athletes are not fully aware of the dangerous short- and long-term side effects these substances can have. Drugs like anabolic steroids, diuretics, beta-blockers and narcotic analgesics are all health hazards, and their use ultimately results in many acute and chronic disorders.

There is no doubt that the use of anabolic steroids does improve performance. It is sad to think many athletes believe that without these drugs they would not have a very good chance in competing against those who regularly use them. The report of the Senate committee of inquiry into drugs in sport sparked a great deal of concern and recommended the establishment of an independent Australian sports drug agency. I think it is the responsibility of every government to help this agency achieve its goals and combat the problem of drugs.

I must stress that education programs are extremely important and should be targeted at the young and aspiring athletes. More importantly, we should endeavour to

encourage the establishment of these programs. Furthermore, these programs must be monitored carefully so that an effective result is achieved and the weak areas are improved. Random testing is an effective way of determining drug users, and the Government should work closely with the Australian sports drug agency to develop ways of carrying out random testing procedures in the ACT. Close liaison with sporting organisations will ensure that random testing is performed in such a manner that it avoids the risk of non-effective testing. I am certain that many ACT athletes will enter their names in the anti-drug register. This will not only be an incentive to steer away from the temptation to use drugs but will also encourage others to follow the same path.

Sport is an important factor in our lives, and our aim should be to produce drug-free athletes who will not only achieve great results but most likely become national and international champions. By having an effective system to discourage the use of performance enhancing drugs, our future athletes have a greater chance of achieving their ideals and goals in a true sportsmanlike manner.

MR HUMPHRIES (4.49): I want to add a few comments to those already made by other members of the house. First of all, I agree with the previous speaker when she referred to the importance of education programs. I do not believe it is possible to overestimate the importance of that. I suspect that money spent on sports education in the area of drugs could not be better spent than, for example, on random testing of athletes or things of that kind. It seems to me that education is by far the most important avenue.

I want to raise a couple of matters which we should consider before we are overcome by the warm inner glow which this subject brings to us when we talk about waging the good fight against drugs. Of course, it is an important battle to fight, but it does carry some consequences which we ought to consider. I think the extent to which organisations in Australia and overseas have found problems in dealing effectively with this matter indicates very clearly how very entrenched this problem is.

Drugs in sport are not, I regret to say, from my point of view, a fringe problem. They are not a random and isolated feature of sports internationally or in this country. They are, unfortunately, very deeply entrenched in some aspects of sport in this country. We cannot for one moment pretend that any easy solutions can be found to the problems that drugs in sport present.

Mr Speaker, I want to refer to two things. The Minister made it clear that he would be attending drugs in sport conferences in his capacity as ACT sports Minister and meshing in with the activities of our Federal and other State colleagues. He, however, did not refer to a problem that was alluded to by the Federal Minister, Senator Richardson, when he spoke on this subject on ABC radio on

15 June. The interviewer on that occasion raised with the Minister the problem of exactly which drugs were illegal and which ones were not in the context of this debate. In response to raising that problem the Minister said the following:

> Well, many of the substances to which you refer are not actually illicit in the sense of being illegal in some States. In a discussion I had with State sports Ministers some months ago, all States are going to prepare legislation to ban them, and once that has been done then obviously it will be a matter for the police in each State to make sure that their use is stamped out.

This underpins the importance of defining precisely which drugs, in this State or anywhere else, are considered illegal for the purposes of this campaign. I take it from the absence of any discussion in this paper on that question that the Government has that issue firmly under control. I would like to know whether it is. Perhaps the Minister, when he makes his speech in reply, could allude to this issue. If legislation is required to make it clear which drugs are illegal, which drugs are not acceptable as part of this drugs in sport program, we ought to see that very soon, because the advent of such a program before definitions have been clearly worked out would clearly be a mistake.

The second problem to which I want to allude is simply the problem of Australian sportsmen and women competing in an environment overseas, or in this country even, where the same sturdy attitude against drugs in sport has not been taken. I hope I am not defaming any countries when I say that there are some nations which have yet to take the bull by the horns and which indeed may be less than willing to take the bull by the horns. Allegations have been made that countries in Eastern Europe are less than interested in stamping out drug use since, in those countries, the performance and the achievement of their sportsmen and women are extremely important. Mr Wood made reference to the fact that in this country we tend to put a high price on success and we tend to be contemptuous and intolerant of failure in sportsmen and women. But, if that is true of this country, it is certainly even more so of some Eastern European countries. I suspect that that is partly the reason - and I say this only taking hearsay evidence on the matter - that in those countries the same emphasis on stamping out drugs in sport has not really been seen.

I hope that we are not, therefore, going to provide that our sportsmen and women are going to be competing in arenas where testing has been imposed to such an extent that it is stamped out in this country and among our athletes but not to the same extent with our competitors. Clearly, that would put our athletes at a distinct disadvantage.

Finally, Mr Speaker, I want to raise the question of who does the hit-and-run testing to which the Government has alluded. It is, of course, part of this national program that random testing of athletes should occur. The Minister, in his statement, says that the ACT would like to see random dope testing at championships, competitions and during training. I know that kind of breadth is very welcome. However, he does not make it clear in the statement whether the ACT or a Federal agency of some kind should be conducting the testing or whether it is going to be done purely by national and other sporting associations. This makes some difference, of course.

Again, I quote Senator Richardson, the Federal Minister in this area. He said in the Age of 12 May, in referring to internal testing programs run by sports bodies, that those programs would be superseded by a new agency that the Federal Government hoped to establish. He said:

> If it is going to work, you have to have one body responsible for the lot. Where you allow any sport to do its own testing, that testing is immediately suspect.

How that meshes in with what the Minister says here, when he says he supports moves by national and other sporting associations for random dope testing, I do not know. Perhaps the Minister, if he is around somewhere, can refer to that fact also when he makes his reply in this debate. I would certainly be interested in knowing what is going to happen in this area and, indeed, whether legislation is intended to be introduced by this Government to define further or more clearly which drugs specifically are to be banned as part of this drugs in sport program.

MR WHALAN (Minister for Industry, Employment and Education) (4.56), in reply: Mr Speaker, in relation to the points which have been raised during the debate, I will make some specific comments, but what I would like to say is that the Government is particularly grateful for the unanimous support of the Assembly for the thrust of this policy and the universal recognition that performance enhancing drugs are used only by cheats. The use of drugs is cheating; it can be seen only in that way. It has no merit whatsoever.

I think that we should acknowledge that the ACT is the first State or territory to take the position that has been taken, and we have been guided in that by the assistance of the commitment of the Commonwealth Government to its policies in relation to the use of drugs in sport.

I will refer to the two specific issues. The list of drugs related to this policy will, of course, include quite a number of legal drugs and drugs that are legally available across the counter, but they are placed in the category that would ban them in these cases because they can affect performance. So the blood pressure tablets based on beta-blockers fall into that particular category; some cough

medicines even, and medicines used by asthmatics will fall into this category.

We will not be introducing legislation at this stage, because we do not regard it as necessary to define, because the list which will be used by the ACT in relation to drugs will be provided by the adoption of the international Olympic code which includes a list of substances which are categorised by the International Olympic Committee for its purposes. We will adopt that list which is available, and we can make it available to all members of the Assembly and brief them on that accordingly.

The other point which related to testing is that we have already negotiated that, as part of the Commonwealth Government's commitment to the elimination of performance enhancing drugs in sport, we will be using the Federal agency as the testing agency. It is important to note that it will be done at the cost of the Federal Government. So that is part of the Federal Government's commitment. On those points, Mr Speaker, I would conclude. I thank members of the Assembly for their support on this matter.

Question resolved in the affirmative.

Assembly adjourned at 5.01 pm

ANSWERS TO QUESTIONS

The following answers to questions were provided:

Services for Intellectually Disabled
(Question No. 24)

Mr Moore asked the Minister for Community Services and Health, upon notice, on 23 August 1989:

1. What data collection is to be undertaken to determine (a) the number of people with intellectual disabilities, (b) the nature of those disabilities and (c) the distribution patterns in the ACT.

2. What (a) planning by ACT and (b) coordination with Commonwealth departments takes place to coordinate service delivery in the areas of accommodation, employment, respite, independent living skills training and transport.

3. What services are to be provided for children with intellectual disabilities who, on graduating from special education schools, are not able to be employed by employment services in the ACT because of the severity of their disability or the inability of employment services to provide positive outcomes for the person.

4. How many new services providing accommodation, employment, respite, training or recreation are to open in 1990.

5. How many clients are to be serviced by these services.

6. How are these services to be funded.

7. What is the per capita contribution from ACT funds for the provision of services, in the non-government and government sector, for people with intellectual disabilities.

8. How will the funding be affected by the implementation of the Disability Services Act 1986.

Mr Berry: The answer to Mr Moore's question is as follows:

1. DATA COLLECTION

   (a), (b) and (c) At present there are no comprehensive data available in the ACT or in other States on the numbers of people with intellectual disabilities, the nature of those disabilities, or distribution patterns. However, the Commonwealth and ACT governments will shortly set up a joint advisory body, the ACT

Disability Services Advisory Committee, and this committee will be asked to consider a number of priority issues, including means of obtaining data necessary for planning purposes.

My department's intellectual disability services area currently collects manual data on the numbers of clients with intellectual disabilities. Work is proceeding this financial year to develop a more comprehensive automated data collection on clients of this service.

2. PLANNING BY ACT AND COORDINATION WITH COMMONWEALTH

(a) Last financial year, my department's intellectual disability services area established an Intellectual Disability Advisory Committee, the members of which include representatives of the Commonwealth Government and the non-government sector, to advise on service planning in the ACT for people with intellectual disabilities.

(b) As noted above, an ACT Disability Services Advisory Committee is soon to be established, with functions centred on planning and optimising service provision for all people with disabilities in the ACT. It is expected that these two committees will work in close cooperation.

3. SERVICES FOR GRADUATES FROM SPECIAL EDUCATION SCHOOLS

The Commonwealth Government, through the Disability Services Act 1986, is the major funding body for employment and day activity programs/services for people with disabilities.

However, there are additional ACT programs funded jointly by my department and the Commonwealth, including "Sharing Places", a day program for school leavers with severe and profound disabilities.

4. NEW SERVICES TO OPEN IN 1990

Disability services priorities and other priorities in the health and welfare areas were announced in the recent ACT budget. This Government consulted the community before taking final decisions. A major new initiative in the disability area was the establishment of a group house at North Lyneham.

Commonwealth initiatives, and joint Commonwealth-ACT initiatives, through the home and community care (HACC) program, have also been announced. These include "Sharing Places" as mentioned above and the community options program.

Community options is an exciting new service, funded under the Commonwealth's HACC unmatched money program,

which provides eligible HACC clients with a case manager who can coordinate the client's services and purchase additional services where necessary.

5. NUMBERS OF CLIENTS SERVICED

The North Lyneham group house will be home for four persons with intellectual disability. The number of clients to be serviced by other initiatives will be hard to specify, but within the limits of available resources, the needs of as many clients as possible will be met.

6. FUNDING OF SERVICES

The North Lyneham group house will be fully funded by this Government. Other services funding may either come from the ACT Government, for instance through intellectual disability services programs, community development fund grants, et cetera; be jointly funded by the Commonwealth and ACT governments, for example the HACC program; or Commonwealth funded, for instance as a Disability Services Act initiative.

7. PER CAPITA CONTRIBUTION FROM ACT FUNDS

ACT Government spending on services for people with intellectual disability was in the vicinity of $8m in 1988-89. This money was allocated to government and non-government programs for a range of relevant services, including my department's intellectual disability service, Birralee respite care service, therapy centre early intervention service, Hartley Street Centre, and non-government organisations such as Koomarri and those funded by the community development fund or through HACC.

Since there are no reliable data on the numbers of people with an intellectual disability in the ACT, I am unable to provide information on the per capita contribution.

8. EFFECTS OF IMPLEMENTATION OF DISABILITY SERVICES ACT

ACT Government funding levels are not expected to be affected by Commonwealth funding under the Disability Services Act 1986. However, emphasis in the ACT service delivery is shifting towards the principles and objectives of the Act. I shall be asking officers of my department and members of the Disability Services Advisory Committee to monitor the effects of implementation of the Act on service provision in the ACT, and to keep me informed.

West Belconnen Leases
(Question No. 26)

Mr Kaine asked the Minister for Industry, Employment and Education, upon notice, on 23 August 1989:

(1) How many (a) commercial and (b) retail premises in West Belconnen are leased to private enterprise.

(2) Are deposits required upon application for such leases; if so, how are the deposits administered.

(3) Are deposits ever retained; if so, under what circumstances.

(4) What are the maximum terms of these leases.

(5) Are leases transferable.

(6) How often are rentals increased.

(7) When was the last rental increase.

(8) What was the percentage increase of the last rise.

(9) By what means are rentals determined.

(10) When are the next rental increases due.

Mr Whalan: My responses to the respective questions are as follows:

(1) From a total of 101 leased blocks -

(a) Eighty-three are used for storage purposes and

(b) Eighteen are used for storage in conjunction with some limited degree of retailing (six lessees actually hold these blocks).

It is not uncommon for one lessee to have leases over several contiguous blocks forming a consolidated business unit.

(2) Yes, application fees (as notified in the approved fees and charges schedules) are required with applications for a lease. These are credited to a miscellaneous account and upon accepting a site this amount is deducted from the first year's rent through transfer to the lessee's land rent account. If an application is withdrawn or offer of lease rejected these fees are credited to a fees account.

(3) Yes, under the approved fees and charges policy application fees are retained if an offer of a site has been declined or the application withdrawn within six months.

(4) The maximum lease term in West Belconnen is one year, with ongoing quarterly extensions as appropriate thereafter quarterly.

(5) No, leases are not transferable. These are temporary estates subject to regular removal and relocation and it has never been policy to create long-term tenure in the land as part of a lessee's estate.

(6) Rentals are reviewed biennially and the revised rentals are based on valuation advice from the Australian Valuation Office.

(7) Not all rent reviews occur at once. The last major review covering about 75 per cent of leases took effect from 1 January 1989. About 10 to 15 per cent took effect from 1 July 1989 and the remainder at the appropriate quarter each two years.

(8) The percentage increase in rentals was an average of 50 per cent though in isolation the figures are misleading. It is important to remember the very low cost base against which the increases were recorded. For example, a storage-only site in West Belconnen, if it is larger than 2,500 square metres, rose from 75c per square metre per annum to $1.15, demonstrating a 50 per cent rental increase.

(9) The rental advice is based on established criteria formulated by the Australian Valuation Office. Consideration is given to the size of the block and the purpose uses permitted.

(10) Reviews are biennial and, as indicated from my response to question (7), reviews will be undertaken and consequently effective from January 1991 onwards.

Canberra Nature Park

Ms Follett: On 24 August 1989 **Mr Collaery** asked whether I was aware of the intended launch of the community participation phase in developing a draft management plan for the Canberra Nature Park, and whether the matter was first discussed between the responsible planning authorities and the National Capital Planning Authority. In a supplementary question he asked whether I would undertake to ascertain whether this is not an appropriate issue to refer to the Assembly standing committee before the Parks and Conservation Service launches the draft management plan.

My answer is that I am aware that a management plan for the Canberra Nature Park is to be developed and that the draft of the plan would be based on extensive community participation.

Previously, representatives of the NCDC have been extensively briefed on the management planning process for the Canberra Nature Park. Officers of the ACT government service have also held recent discussions on this matter with relevant officials of the NCPA. These discussions focused on the process and not on boundary issues as there are yet no firm boundaries for the Canberra Nature Park.

Any management plan developed as a result of this process will take account of the designated areas under the national capital plan. It is likely that the designated areas will be finalised well before the management plan. The management plan would satisfy any requirements under designation.

I am not sure which standing committee of the Assembly Mr Collaery was referring to in his question. However, I believe it would be inappropriate for the matter to be considered by the Assembly until we have some definite proposals for management and reservation. Any management proposals under the Nature Conservation Act will be submitted to the Assembly as required by the Act.

Tuggeranong Community Centre

Ms Follett: On 28 September 1989, in a question without notice, **Mr Jensen** said that budget paper No. 5, on page 22, refers to $2m for construction of the Tuggeranong Community Centre. He asked whether I could advise when work on the proposed Tuggeranong Community Centre would commence, and what effects there would be as a result of the delays.

The answer to Mr Jensen's question is as follows: I am aware that there have been delays in the commencement of this project. I understand, however, that the community based Tuggeranong Community Centre steering committee made an informed decision in March 1989 to postpone commencement so that it could re-brief the architects concerned in an attempt to gain the best possible facility for the funds available.

The steering committee is currently considering four options that can be achieved within budget and I invite it to consult with the Minister for Community Services and Health to assist in reaching a decision.

The original commencement date was 20 June 1990 and the revised date will be around March 1991 if an agreed brief is submitted to the architect within the next few weeks.

The cost in space of this postponement will be about 120 square metres and will result in a loss of $142,000 which equates to 3.4 per cent of the total budget.

Note that the $2m referred to in the budget papers does not relate to the Tuggeranong Community Centre but refers to visual arts facilities.

Sports Sponsorship

Mr Kaine asked the Chief Minister, without notice, on 28 September 1989:

> ... on 7 September it was reported in the media that "a Federal Government committee has questioned the ACT Assembly's decision to ban tobacco company sponsorship of sports". Could you tell me when, if ever, that matter came up before this chamber and, if there is such a ban intended, who made the decision.

Ms Follett: The answer to Mr Kaine's question is as follows: The media report referred to appears to relate to an inquiry by the House of Representatives Standing Committee on Finance and Public Administration into sports funding and administration. That committee has been examining sponsorship of sport by the tobacco and brewing industries and took evidence from officers of the ACT Administration on 7 September 1989.

That evidence covered, among other matters, the long-established ACT policy banning the display of tobacco products and signage at grounds leased from the ACT Government, and the likely impact that the establishment of a health promotion fund, proposed by the Government in the interim statement on the budget on 25 July 1989 could have in the area of sports sponsorship. While legislative controls were discussed to some extent, at no stage was it stated that the ACT Assembly had made a decision of the nature referred to in Mr Kaine's question.

In the 1989-90 ACT budget the Government has confirmed that it will establish a health promotion fund in the ACT funded from an increase in the tobacco licence fees. This will be used to support health promotion companies, to buy out existing tobacco company sponsorship of sports and to actively promote healthier lifestyles.

Gaming

Ms Follett: On 27 September 1989, **Dr Kinloch** asked whether I could advise the Assembly of the results of my inquiries concerning alleged TAB credit betting at the Molonglo Tavern subagency. Dr Kinloch's question arises from an earlier answer of mine to a question without notice which appeared in the Legislative Assembly Hansard of 6 July 1989 in which I undertook to provide further information on this matter.

My answer is that I am advised that the ACT Gaming and Liquor Authority has commenced legal action against both the proprietors of the Molonglo Tavern and the punter alleged to have made the bets, seeking to recover the amount owing. Neither defendant has paid any money to the authority in relation to its claim.

The authority's solicitors have received defences from both defendants and will shortly be filing a certificate of readiness at the Supreme Court registry. The matter is expected to be allocated a date for hearing sometime next year.

The chief executive of the authority has advised that changes to its computer system to provide more stringent checks relating to the acceptance of cash bets have been in place since 10 July 1989 and are functioning satisfactorily. No further instances of credit betting have been detected.

As the specific matter is now before the court, it would be inappropriate for me to comment further.

High-Technology Industry

Mr Whalan: On 28 September 1989 **Mr Jensen** asked me the following question:

> I refer the Minister to his media release of 18 August this year when he welcomed the undertaking by Blohm and Voss, designers of the new frigate project, that Canberra high-tech industry will benefit from the project. Can the Minister inform the house whether he has taken any steps to ensure that this commitment is carried out.

My response is that my department has had a number of meetings with Blohm and Voss to discuss issues related to the frigate project. In addition, through my department, Blohm and Voss has had discussions with the Canberra Development Board, the Canberra Association for Regional Development, a wide range of Canberra business groups, ACT firms in the high-technology industry who might be interested in subcontract work for Blohm and Voss and I understand that a number of these firms have submitted tenders. I also understand that local computer software firms have had discussions with Blohm and Voss about marketing the project with a focus on ACT operations.

I will also be meeting with Blohm and Voss to discuss a number of issues related to the frigate project. One of the issues I will be discussing with the company is its large offsets obligation and how it can discharge it to the ACT. The Federal offsets policy requires overseas suppliers to governments to undertake high-technology export-oriented activities in Australian industry. Offsets obligations are incurred when the duty-free price of a single purchase or accumulated purchases over a financial year exceeds $A2.5m and the imported content is greater than 30 per cent of the purchase price. These offset obligations can be discharged in a number of ways, but generally overseas companies enter into deeds of agreement with the Commonwealth Government to discharge their obligations. My department has had discussions with Blohm

and Voss about the content of the deed of agreement and how it can discharge offsets obligations in the ACT.

Blohm and Voss recognises the strategic importance of a Canberra location for access and proximity to decision makers, but unlike other companies who have maintained offices in the ACT until they have secured a contract, Blohm and Voss will make Canberra the design centre for the $3.5 billion program.

The project is expected to bring about $100m worth of work to Blohm and Voss and $100m to other high-technology software companies based in Canberra such as Scientific Management Associates, C3 and Computer Services Australia.

As Blohm and Voss and other local companies expand to meet the requirements of the frigate project, they will also be in a position to seek out other contracts. This will lead to further growth in Canberra's high-technology sector with consequent economic and employment benefits.

My department is also maintaining contact with Blohm and Voss to assist it to further establish links with local firms. Discussions have also commenced on how Blohm and Voss could maximise the opportunities to market and represent ACT interests world-wide and to link ACT interests with overseas technology and capital.