DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

15 August 1991

Thursday, 15 August 1991

Answers to questions:

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MR SPEAKER (Mr Prowse) took the chair at 10.30 am and read the prayer.

MAGISTRATES COURT (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.31): Mr Speaker, I present the Magistrates Court (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

This Bill amends the Magistrates Court Act 1930 and, with the Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1991 and the Small Claims (Amendment) Bill (No. 2) 1991, makes amendments in relation to fees and charges under legislation regulating the Magistrates Court.

This Bill will allow a fee to be made per charge in a summons issued and require agencies other than the police and Director of Public Prosecutions to pay court fees. The Bill will extend the requirement that, on conviction, the defendant pay an amount equal to the amount of a fee that would have been paid by an officer of the police or the Director of Public Prosecutions to cover the case where a fee has been waived due to the informant being the recipient of legal aid, or where payment of the fee would have caused hardship. These amendments will put the Magistrates Court on a more realistic fee for service basis.

The Bill will provide for the exemption from payment of a fee in relation to a matter under Part X of the Act. Part X deals with restraining orders, so the amendment will complement existing domestic violence legislation. It would obviously be inappropriate for fees in relation to restraining orders under the DVO legislation. In future, fees under the Act will be set by ministerial determination. This approach brings the Act into line with Territory drafting practice and will allow for greater flexibility in the movement of fees, although, of course, such fees would be disallowable by this Assembly. I present the explanatory memorandum for the Bill.

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

MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.33): Mr Speaker, I present the Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

This Bill, which is the second of the three Bills which make amendments in relation to fees and charges under legislation regulating the Magistrates Court, amends the Magistrates Court (Civil Jurisdiction) Act 1982. A provision is inserted into the Act which requires that, where a fee has not been paid by reason of the waiver available under section 245A of the Act, which provides that where a person is receiving legal aid or where payment would cause hardship the Clerk may waive the fee, an amount equal to the unpaid fee shall be included in any award of costs made by the court. It is intended that this sum be paid to the court, allowing the court to recoup the amount of the remitted fee.

A provision is inserted into the Act which will specify a fee for a written application to the court for a special licence or for the restoration of the right to hold a drivers licence. No fee is currently charged for such an application. Section 292 is amended to provide that, where payment of a fee has been waived because the applicant is legally aided, or payment would cause hardship, as is provided for in subsection 292(4), an amount equal to the remitted fee shall be included as costs in any award of costs made by the court in the matter. This amount also is to be paid to the court so that the court recoups the sum of the remitted fee.

The Bill repeals the Magistrates Court (Civil Jurisdiction) (Fees) Regulations which prescribe fees for the purpose of the Act, and provides that fees may be set by ministerial determination. As a consequence of this repeal, certain technical amendments are made to the Act. Again, the fees as set by ministerial determination are, of course, disallowable by this Assembly. I present the explanatory memorandum for the Bill.

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

SMALL CLAIMS (AMENDMENT) BILL (NO. 2) 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.36): Mr Speaker, I present the Small Claims (Amendment) Bill (No. 2) 1991. I move:

That this Bill be agreed to in principle.

This Bill amends the Small Claims Act 1930. It is the third of the three Bills which amend the legislation regulating the Magistrates Court in relation to fees and charges. The Bill provides for the filing fees under the Act to be set by ministerial determination and makes consequential technical amendments. The Small Claims Regulations, which prescribed the fees, are repealed by the Bill. Ministerial determination of the fees brings the Act into line with Territory drafting practice and, as in the other two cases, the fees remain subject to the will of this Assembly. I present the explanatory memorandum to the Bill.

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

BUILDING (AMENDMENT) BILL (NO. 2) 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.37): Mr Speaker, I present the Building (Amendment) Bill (No. 2) 1991. I move:

That this Bill be agreed to in principle.

This Bill seeks to adopt the Building Code of Australia and the ACT Appendix as the standard for building work in this Territory. The Building Code of Australia was developed by the Australian Uniform Building Regulations Co-ordinating Council, known as AUBRCC - which sounds like a creature in a science fiction movie - an association of State and Territory building control authorities.

The Building Code of Australia was first published by the council in December 1988 as a national standard for building work. It was at the 1987 Local Government Ministers Conference that support for the adoption of the Building Code of Australia was agreed in principle as a first step towards a national standard. So far Victoria, Western Australia, South Australia and the Northern Territory have formally adopted the Building Code of Australia, with other States, including New South Wales, moving towards it.

As the Building Code of Australia contains technical requirements and standards agreed to at a national level, an Australian Capital Territory Appendix has been drawn up which incorporates supplementary functional requirements specific to the ACT. This allows different States and Territories to have local minor amendments to the general uniform standard.

In August 1989, the first Follett Labor Government announced that the Building Controller would, using existing powers under the Building Act, accept and approve plans for new building projects that comply with the Building Code of Australia and the ACT Appendix. This was widely publicised and ACT builders have taken advantage of this initiative. The ACT Building Controller has actively encouraged builders to submit plans in accordance with the Building Code of Australia.

Let me now detail the new arrangements to be introduced by the Bill. The Bill will provide that the Building Code of Australia and the ACT Appendix together constitute the building code which is to replace the existing building manual. Plans for new building projects must comply with the regulations set out in the building code. Changes to the ACT Appendix may be made by determination by the responsible Minister.

The Bill requires that the ACT Government and its agencies comply with the building code. Should an agency not wish to meet the building code standards in respect of a particular project, the agency must obtain an exemption from compliance by way of an instrument which will be disallowable by the Legislative Assembly. So the Assembly, again, would have control of any action by the Government which sought to exempt the Government from the requirements of the building code.

In this way, the Government is expecting no more of the private sector than it is prepared to do in its own buildings. Because of its particular importance in Canberra, the Government is seeking the Commonwealth's agreement that the Commonwealth be bound by the requirements of the building code. The Building Standards Committee is to be formally abolished. Advice in the future on proposals to amend the ACT Appendix, the application of the building code, or other building matters will be provided by a new non-statutory Building Regulation Advisory Committee.

The Building Regulation Advisory Committee will consist of representatives from my department and industry organisations including the Royal Australian Institute of Architects, the Institution of Engineers of Australia, the Australian Institute of Building, the Housing Industry Association, the Master Builders Construction and Housing Industry Association of the ACT, the Australian Federation of Construction Contractors, the Building Owners and Managers Association and the ACT Fire Brigade. Other

interested organisations, community based groups and building unions which are affected by building regulations may be called to represent their point of view when matters of concern to them are being considered.

As far as the ACT private sector and consumers are concerned, the building code allows for greater flexibility in design and construction. In many ways, the ACT rules will be brought into line with State regulations and costs should therefore generally be lower. In line with government policy, the building code also encompasses technical requirements relating to fire protection, structural safety, health and amenity, designed to protect the consumer at a national level. The provisions of this Bill have been the subject of extensive consultation with many ACT industry organisations, including the Housing Industry Association and the Master Builders Association. It is evident that the industry will welcome confirmation of adoption of the new code.

I believe that this Bill is an important piece of legislation which will contribute to the cutting of red tape hampering the building industry and will be warmly welcomed in the ACT. It represents a step towards national uniformity which seems to be the hallmark of public policy in the early 1990s. I now present the explanatory memorandum for the Bill.

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

ASSOCIATIONS INCORPORATION BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.41): Mr Speaker, I present the Associations Incorporation Bill 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill will replace the Associations Incorporation Act 1953 which presently provides for the incorporation of non-profit-making organisations in the ACT. Legislation to reform the law in this area has been under consideration for some time. The Bill was developed under the previous Government, but has been reviewed and endorsed by this Government for introduction into the Assembly.

The current Act was made in 1953 and has not since been altered to keep up with the changes in the variety of purposes for which associations are now being formed, or with changes in general company law. This Act will bring the law on incorporated associations up to date. Rather than set limitations on the range of purposes for which an

association may be formed before being eligible for incorporation, this Bill provides for associations to be incorporated if they are formed for a lawful purpose and are non-profit-making.

This Bill will enable associations to be incorporated in a more convenient and less expensive way than by forming a company. As a result of incorporation the association gains a separate legal identity and the powers of a natural person, while the liability of members remains limited. This Bill contains provisions more in accordance with current company law than those in the 1953 Act. There are more detailed accounting and audit provisions. More guidance is given as to the duties and responsibilities of officers and members of incorporated associations. There are additional provisions which allow for the amalgamation of incorporated associations and for voluntary winding-up.

Under this Bill, administration will remain with the Registrar of Incorporated Associations. This Bill contains requirements that the registrar be kept informed, through the lodgment of appropriate forms and annual returns, of details of the management and financial circumstances of each association. That information will then be available to the public, including members of the association, by way of a search at the office of the registrar, in much the same way that such information is obtainable about companies.

Public comment was sought in November last year on this Bill while it was still in draft form. The comments received were very useful and were taken into consideration by the Law Office in bringing this Bill to its final form. An underlying theme of a number of the comments was that some of the requirements were too onerous for small organisations. We must bear in mind that the majority of associations incorporated under this legislation are very small sporting clubs, social clubs and the like, whose office bearers are all volunteers. In particular, the lodgment of documents with the registrar within short time limits and the size of penalties for infringement were of concern.

As the intention was to provide a framework for proper regulation of incorporated associations and some protection for members, but not to make incorporation an unattractive option for these groups, nor to discourage people from accepting positions as committee members, the Government responded to those comments by reducing penalties and allowing longer periods for lodgment of notifications. Another suggestion was that associations be given the option of having a registered office as an address for service of notices, and this has been adopted. Clearly, this will be of more benefit to those larger clubs which have staffed premises, rather than the small local cat club or stamp collecting club that operates out of committee members' front rooms.

As there were a number of comments that to redraft the rules of existing incorporated associations and have them adopted would take longer than the six months allowed in the draft, that period has now been extended to 15 months. This will allow existing associations and clubs to get their rules into order over that longer timeframe. A number of comments indicated that provisions in the exposure draft for compulsory transfer of an association to a company limited by guarantee under the Commonwealth corporations law were unnecessarily draconian. Those provisions have therefore not been included in this Bill.

In response to a number of comments from professionals working in this area, the audit and accounting provisions were slightly modified and brought more into line with similar requirements for companies. That allows persons familiar with the national companies law to easily prepare books and accounts for associations. The Bill avoids, however, some of the formality in appointment and remuneration of auditors and liquidators which is a characteristic of company law.

The public response to the exposure draft of this legislation made me aware that the provisions of this Bill must be sufficient to protect the interests of members, particularly of the very large clubs, while remaining practical for the operation of much smaller organisations. In my view, this Bill achieves that objective by striking a balance between the interest of members and the larger and smaller clubs. I now present the explanatory memorandum for the Bill.

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

FILM CLASSIFICATION (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.46): Mr Speaker, I present the Film Classification (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

The purpose of this Bill is to allow some cultural films with a limited audience to be shown in the ACT without having been classified by the Commonwealth. The films in question are cultural and film society films with a small audience, usually screened by such non-profit groups as the Goethe Institute. The times, dates and locations of screening are approved by the Commonwealth Office of Film and Literature Classification, and the audience numbers are prescribed.

Prior to self-government, the Commonwealth utilised a system of so-called "corresponding law" certificates. Under this system, films which were exempted from classification in New South Wales were also exempt in the ACT. Following self-government, the corresponding law system was inappropriate under ACT law and there was no means of exempting films from the requirements of classification. This Bill will allow the ACT Attorney-General or the Commonwealth Chief Censor to grant exemptions to films which have already been exempted from classification under the New South Wales Film and Video Classification Act 1984. It merely reinstates the practice which existed before self-government. I now present the explanatory memorandum for this Bill.

Debate (on motion by **Dr Kinloch**) adjourned.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.49): Mr Speaker, I present the Registration of Births, Deaths and Marriages (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill was developed under the previous Government and has now been revised and endorsed by the present Government for introduction. The Registration of Births, Deaths and Marriages (Amendment) Bill 1991 arises from a joint review of both the Coroners Act 1956 and the Registration of Births, Deaths and Marriages Act 1963 conducted by the ACT Coroner and the Registrar of Births, Deaths and Marriages. Amendments to the Coroners Act were made by the Commonwealth prior to responsibility for that Act transferring to the ACT Government. The amendments to the Registration of Births, Deaths and Marriages Act now before the Assembly are consequential upon the Coroners Act amendments and it is intended that they will commence on a common date with the Coroners Act amendments.

The Coroners Act amendments, among other things, extended the circumstances in which a medical practitioner must report a death to the coroner, thereby enabling the coroner to hold an inquest into a wider range of deaths than previously. Generally, the further circumstances in which an inquest may be held relate to deaths occurring during a medical or diagnostic procedure, or within 72 hours of such procedure, or where a person dies beyond that time as a result of the procedure or operation.

The Bill enhances the amendments to the Coroners Act by ensuring that, where a death is reported to the registrar and that death is one in respect of which the coroner may hold an inquest, the death must also be reported to the coroner. I present the explanatory memorandum for the Bill.

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

WATER SUPPLY (CHEMICAL TREATMENT) (REPEAL) BILL 1991

Debate resumed from 7 August 1991, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR HUMPHRIES (10.51): Mr Speaker, the debate on this matter substantially occurred yesterday and the day before. There is not a great deal more to say. I addressed comments to both the Water Supply (Chemical Treatment) (Repeal) Bill and the Social Policy Committee report on water fluoridation on previous occasions. I hope to have much more to say. The water supply Bill, of course, repeals the three Acts of the last three years which suspended the operation of the Electricity and Water (Amendment) Act, which in turn had removed fluoride from the water supply permanently. Given the legislation that was carried in this Assembly yesterday, it is, of course, appropriate for these other Acts to be repealed.

I am not sure whether those Acts already contain sunset clauses. I suspect that they do. I am not sure, therefore, why we necessarily have to repeal these Acts; but, for the sake of completeness and to fill up the notice paper for the Government, I am quite prepared to oblige and proceed with this legislation and support it.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SOCIAL POLICY - STANDING COMMITTEE
Report on Water Fluoridation

Debate resumed from 12 February 1991, on motion by **Mr Wood**:

That the Assembly takes note of the report.

MR HUMPHRIES (10.52): Ditto, Mr Speaker.

Question resolved in the affirmative.

CO-OPERATIVE SOCIETIES (AMENDMENT) BILL 1991

Debate resumed from 8 August 1991, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR DUBY (10.53): Mr Speaker, this particular piece of legislation is something which I do not think will exact much excitement amongst the members, because I am sure that it will be agreed to by all members of this Assembly. It is a bit of workaday business that has been long overdue. As Ms Follett acknowledged in her presentation speech, this Co-operative Societies (Amendment) Bill was prepared during the term of the previous Alliance Government after consultation with many people within the industry. The Labor Government has subsequently reviewed that legislation and, of course, has now brought it forward for passing by the Assembly.

This Bill updates the principal Act basically by requiring that the various cooperative societies prepare their financial statements in accordance with prescribed requirements which will be set by regulation. Over the years, the role of cooperative societies, in particular that of credit unions and building societies, has certainly increased dramatically.

The requirement for correct and accurate reporting of a number of matters, I think, is something that has been long overdue. There has been a concern in the community at large over the failure of some of those societies to provide accurate reports detailing a number of issues which members of those societies like to know about. I refer to such things as, for example, the amount of remuneration paid to their directors, et cetera. This is a piece of legislation which is long overdue, and I believe that it should have the unanimous support of the Assembly.

MR COLLAERY (10.55): Unlike my colleague Mr Duby, I think this piece of legislation is in fact worthy of some considerable note. This Bill closes a shameful chapter in part of the history of corporate dealings in the Australian Capital Territory. I think it is worth noting the background to this piece of legislation.

Mr Moore: Hear, hear!

MR COLLAERY: Mr Moore says, "Hear, hear". Many of us know how intertwined this issue is with other events in this capital city. I cannot think of another Western democracy that ever sold off one of its main avenues to a developer, as this city did prior to self-government. Those members who recall standing at the Canberra Theatre site and on City Hill and looking down Ainslie Avenue and seeing the rocks at the foot of Mount Ainslie, and Mount Ainslie, will

understand what Burley Griffin set out to do. But what happened? An avenue of this fair city was sold off to developers under a complacent Federal Labor government. To that extent I exclude from my criticisms those good Labor supporters who ranged from feeling uneasy about it to publicly opposing it, like John Langmore did.

There was a time in this city when power had aggregated to the very few. This Bill is a reminder to all of us of those years. Under public pressure, former Minister for Territories Gary Punch said, on 18 August 1988, that he would provide a proper takeover code within the cooperative societies arena. That promise was repeated and affirmed again by Clyde Holding, the responsible Minister at the time, on 1 December 1988. But it was not done. It was never done. When the self-government Act was drafted and passed, we were precluded, under section 23 paragraph (1)(h) of the Act, from having power to make laws as a sovereign legislative body with respect to a number of matters, including companies, close corporations, foreign companies, the acquisition of shares in bodies corporate and, significantly, the regulation of the securities industry and the futures industry.

That was done because our excellent legal minds across the lake already knew that there would possibly be a High Court challenge to the constitutionality of the Commonwealth's other intentions. Mr Connolly nods. I bet he could tell us a little bit of oral history too. So, this was a backup, and it turned out to be a great piece of legal foresight, because, of course, as members well know, the High Court did knock out significant aspects of the Federal Corporations Legislation Amendment Act. To overcome that legal difficulty, the Commonwealth decided to use its powers to pass legislation within the Territory that would become State supplied by the other States.

In a heads of agreement document, concluded in Alice Springs on 29 June 1990 - whilst I waited outside the door, having been excluded from the meeting - all sovereign governments in this country agreed to a national scheme of corporate regulation. That left unresolved an overlap with the regulation of building societies, cooperatives and associations associated in that arena. It was left to another meeting in Sydney at a later date to decide on the question of what to do with the regulation of cooperative societies, particularly in the context of the Pyramid Society collapse in Geelong in Victoria at the time.

Of course, the ACT had very relevant and direct experience in attempting to regulate cooperative societies. I will come back to that issue in a moment. All I want to say on that meeting is that there was not unanimity within the nation on the wisdom of excluding cooperative societies

from the uniform companies law that had been developed. It is still my strong view that we have created a monster here. We have partly regulated the market and we have left some of the most strong, active and buoyant cooperative and credit union scenes outside the regulation of the Australian Securities Commission.

We as a nation will regret that, as the skills of the cooperative societies emerge. Of course, one has emerged in this Territory, and it is quite proper for me to note the market strength of the St George Building Society, ACT, and its announcement of results on 17 July 1991. I draw members' attention to the fact that St George's total assets in the ACT grew by a further 37 per cent to total $346.62m. And this is from a society that entered this market only in recent years.

Mr Speaker, I need to declare at this stage, under the self-government Act, that I have acted as a solicitor on occasion for that society. I simply state that. I do not believe that I am influenced in any way; and I have acted in that context only in relation to residential loans. So, I am familiar with the society and its entry to this market. It was a good event, because it added competition to a scene which had developed, in my view, not to the benefit of, particularly, the first home buyers. The St George portfolio of, on my calculation, $303m in residential loans suggests, on a quick calculation, that that society holds the deeds to probably 3,000 homes in this Territory. That society is a cooperative society. It will continue to be regulated under the cooperative societies legislation that we are debating today, and that is a happy event.

So that I can convince members of the need for us to agree to what is before us today, the background to this legislation is a situation that was, to our great shame as a Territory, described in the head financial article in the *Sydney Morning Herald* of Thursday, 21 June 1990, under the heading, "Skimming off the Cream in Canberra". It went like this:

> The Attorney-General, Michael Duffy, hopes to lead Australia into a brave new world of honest directors and full corporate disclosure, but one of the most blatant examples of disregard for accepted levels of disclosure is going on under his nose in Canberra.

Referring to the takeover of the Canberra Building Society by the Advance Bank, the article said:

> The bank appears to be taking the cream and leaving shareholders with the dud investments. Shareholders have to figure this out for themselves because it is difficult to tell from the morsels thrown at them by a contemptuous building society board.

I was Attorney during those times and I think it is appropriate that comment be passed upon the need for further reforms and the need for the Federal Government to rethink the decision to leave cooperative societies outside the Australian Securities Commission's purview I will give you an example why. Anomalies abound. Our Registrar of Titles registers bills of sale, liens over crops and wool and liens that result from various commercial dealings. Bills of sale, for the information of members, are more often lodged by motor car dealers in chattel sales.

It seems fairly clear to me that those documents are securities and that they come within the scope of the securities industry code which has been adopted as model legislation from the Securities Industry Act 1980 of this Territory, a Commonwealth Act at the time. I believe that some of the work being done in our Registry of Titles in fact should be under the supervision of the Australian Securities Commission. I am sustained in that view by looking at the definitions of securities, and I am worried by the preclusion in our self-government Act of "the regulation of securities" issues.

I think we have some work to do to rectify the mess that the Federal Government has left in the Territory, particularly through not looking through to the implications of this Territory being left with supervision of security dealings of that nature that are clearly swept up, in my view, in the modern legislation, and with the difficulty we are going to have in fully administering the Co-operative Societies Amendment Bill 1991.

Thank God the Canberra Building Society board has gone off the scene, but the fact remains that, although we do not have any issue of urgency at this stage in the Territory, those sorts of events and situations of that kind may require the type of investigative skills and follow-up capacity that the Australian Securities Commission, under the effective leadership of Tony Hartnell, has. We do not have it. We have to duplicate those skills somehow, through our Registrar of Cooperative Societies, to check on such dealings and the rest.

My experience as Attorney with the Corporate Affairs Commission of the day in this Territory was totally unsatisfactory. Due to a secrecy provision in the then National Securities and Companies Commission Act, I could not be told, as Attorney, about the nature of the inquiry that was in fact conducted, effectively behind closed doors, into issues affecting shareholding and dealings in the Canberra Building Society. I want to put some of those matters on the record so that we know fully why this legislation today is necessary.

In June of last year, to my recollection, I provided advice to the Acting Corporate Affairs Commissioner in the ACT, a Commonwealth official, resulting from a search of records maintained of shareholders, directors and the rest. I wrote to him in these words:

> I have no way of assessing the significance of this information or the claimed direct or indirect association. However, in my view, the events which led to the reserves of the society passing substantially into the hands of the above-mentioned shareholders and others, is clearly relevant to the current proposal before Canberra Building Society shareholders. In my view, the events of August 1988 or thereabouts should engage your Commission in terms of the Securities Industry Act.

The commission did hold an inquiry into the CBS takeover under section 36 subsection (1) of the National Companies and Securities Commission Act. It was held pursuant to section 13 of the Securities Industry Code, which provides that, where the commission has reason to suspect that an offence under a provision of a relevant code or against any other law with respect to dealings in securities, or an offence relating to securities that involves fraud or dishonesty, may have been committed, the commission may make such an investigation as the commission thinks expedient for the due administration of a relevant code.

I then found out that no offence was found to be disclosed. I was not told anything else as Attorney; there was a secrecy provision, of the type that I referred to yesterday in another debate. We never quite found out what happened and how those permanent shares went into the hands of those few directors and persons indirectly associated with them. In my view, there should have been an open public inquiry at the time, preceded by effective investigations of the type that have been used for other corporate concerns, particularly in Western Australia in recent years.

The fact is, as many dissatisfied residents of this Territory know, that the door has just about closed on that affair, and it is going to be very hard to revisit it, if it can ever be done. That went on under our own noses; it went on because we have this duplicated situation that leaves this Territory, with its limited investigative resources at high finance board level, to keep the cooperative societies under review. *(Extension of time granted)*

I would encourage the Chief Minister and the Attorney not to let the present situation lie. I would encourage the Attorney to get in touch with Mr Hartnell of the Australian Securities Commission to determine just how far we are operating within the current laws in terms of bills of sale, liens and other matters, and just what the Attorney

and the Chief Minister propose to do about share dealings and the rest that come within the definition of "securities" and are swept up into a close nexus with the ASC outside effective remedy for us, given the exclusivity of Federal investigations into these matters.

Just to put that into simple words: Were there to be an investigation like this again, it would again go outside the Territory to be handled and you would rely upon the good graces of those handling it for information. Yet we have the sovereign responsibility for law, order and good government in the Territory, and our courts and our judicial officers are left to run the prosecutions - incidentally, at our cost - whilst we have none of the benefits of the national scheme, except for some set-off payments through the Grants Commission.

There are legal impediments to what we can do to cure the situation. I think we have a most effective credit union and cooperative society situation in the Territory at the moment, but we must learn from what happened when, as the *Sydney Morning Herald* said, the cream was skimmed off under our noses in this city in recent years. In making these remarks, I am not directing them to any particular personality or person associated with the Canberra Building Society board. I just, again, express my concern that full disclosure, and the full relevance, of many matters was never made during that takeover period, and many shareholders did not know how to make the right decision at the time. Now a significant asset, which blocks Ainslie Avenue, remains in the situation of having been hived off into permanent shareholder ownership.

A shameful chapter in the history of cooperative society dealings closes with this debate today. I doubt that any Labor government would have the courage to revisit the situation, because other issues occurred at the time. The Federal Government quickly moved in at the time of the CBS takeover and passed an ordinance to allow the relevant company to take over those assets down the road from here to which I referred.

In fact, the Companies (Registered Societies) Ordinance was passed specially - and it was published, to my knowledge, on 1 August 1990 - to resolve the legal problems which arose from a conflict between ACT and Federal laws over that issue. It is well known that ACT Government officials tried effectively and forcefully to persuade CBS to accept full disclosure and to attend to the requirements of the then Companies Act. They never did, effectively, but full marks go to the then Chief Minister's Department that did its best to get full disclosure for the community.

What happened then was that the Federal Government lent itself to provide a facility for the creation of a new company, Canberra Centre Holdings, to incorporate it under our legislation, the ACT Co-operative Societies Act, but, with the exception of incorporation, having its activities

subject to the Federal Companies Act. That was an effective cure to the situation, but it closed the stable door after the horse had bolted and it leaves a sour taste, in the minds of many people in this Territory.

MR KAINE (Leader of the Opposition) (11.15): Mr Speaker, the Liberals in opposition support this Bill. Of course, we support it for the reasons fully outlined and explained by the former Attorney-General, Bernard Collaery. This Bill is about accountability - accountability for privately owned money that happens to be invested in cooperative societies of one kind or another.

As Mr Collaery has pointed out, in the past it has been possible for the directors of cooperative societies to act without necessarily consulting or revealing fully to the owners of the money what it is that they intend to do and what the outcomes of their decisions are. It was for that reason that the previous Government moved to fill that gap. It was for that reason that this Co-operative Societies (Amendment) Bill was brought forward. The new Labor Government has seen the sense of it and brought our legislation forward, as any sensible or reasonable people would.

I do not think that I need to traverse again the matters that Mr Collaery has spoken of and which led to this Bill being drafted. I think it is sufficient to say at this stage that the Liberals support it, it was necessary and it needs to be put into place.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.16): Mr Speaker, I rise really to take up some of the comments that were made by Mr Collaery in his, I think, very valuable contribution to this debate. I do not want to revisit the issues of the Canberra Building Society exercise of last year. I should perhaps say that, like many Canberrans, I was a mortgagee from that society, and thus a shareholder, and thus disclose any interest that would be relevant to my saying that I do not want to revisit those events. So, I put that on the record.

But the important point that I think Mr Collaery was making was that there has been a very significant development in national control of company law in Australia in the last couple of years and that the often very important financial institutions that fall outside the conventional company structure are somewhat left behind.

I was fairly closely involved in the legal challenge surrounding the national companies legislation because I was part of the legal team that was arguing that case for the Commonwealth - which, of course, we eventually lost. But it was interesting, as that was being developed and we were looking at corporate regulations in other parts of the

world and particularly in the United States, to see the appalling consequences for public policy in a federation when you leave issues of internal management of financial institutions to State laws.

You have the States that provide havens for dodgy corporate behaviour; Delaware in the United States springs to mind. There was what was known and described in the textbooks and journals in America as the so-called "race to the bottom" as States competed with one another to provide company structures that provided less accountability and less protection to shareholders and investors in order to attract corporations to their jurisdiction, and so attract the short-term benefit in smaller States in America by becoming the home to major corporate entities - and hang the rest of the country and the interests of shareholders and investors. The United States, as that occurred in the 1930s, has gone through a very long and tedious process of trying to superimpose Federal control over a State-based corporate system.

There was a long and bitter battle in the High Court over the Commonwealth's attempt to use the corporations power to establish a national companies law and, at the end of the day, the High Court said that the Commonwealth did not have that power. But it was a credit to the States and Territories - excluding the ACT, of course, because power was specifically withheld from the ACT at self-government, and I will explain why in a moment - because the States and the Northern Territory were very quickly able to come to an agreement that the Commonwealth should be referred sufficient powers to achieve what it sought to achieve in the national corporations law, which was a single, national company law for Australia.

Of course, the reason why the ACT was not given power to deal with companies and securities in the same way as any State was that it was always in the anticipation of the Commonwealth and its advisers that it may lose the High Court challenge and that the appropriate vehicle for national company law thereafter would be a Commonwealth-passed ACT ordinance to enable the ACT to be the vehicle for national uniform company law.

That has now been achieved, and it is clearly the case that that has been a major breakthrough for Australia. Across any partisan political barriers, all governments and all parties agree that the establishment of the Australian Securities Commission and the national company law has been of enormous benefit to Australia.

This was, I think, exampled no more clearly than in the recent decision by the Commonwealth Attorney and Treasurer to freeze the assets in unlisted property trusts. Had we had the old, so-called cooperative regime, where the States and the Commonwealth cooperated on corporate law matters, there would have been a process of at least days, but probably weeks, of seeking to reach agreement between the

Commonwealth and the States on what to do about unlisted property trusts, and a lot of investors could have been left with very little had there been a run, which was what was in the minds of the Commonwealth Treasurer and Attorney. They were able, using the uniform national law, to move instantly - or within hours - to avert that run and thus protect shareholders.

Mr Collaery was making the point that it is unfortunate that States and Territories are left with other peripheral areas of corporations and financial activities to control and that there is scope, by way of lack of uniformity, for citizens in States or Territories, and particularly in the ACT, to be less well protected if they deal with a particular type of financial institution than if they deal with bodies subject to national control.

It was heartening to me at my first meeting of the Ministerial Council on Companies and Securities, particularly from a background of having been involved in the corporations law battle in the High Court where the States were very jealously guarding their privileges of retaining every area of control of financial institutions that fell outside the realm of Commonwealth power, to note the mood that is about now, at the State and Territory level. The national company law exercise has been so successful and so clearly in the national interest that the States and Territories are now preparing to look at further expanding the ambit of Commonwealth power.

So, this need for national uniformity that Mr Collaery was talking about has, in fact, been recognised at the most recent ministerial council meeting, and there was a working party established to identify and examine State and Territory laws providing for the formation and incorporation of bodies such as building societies and credit unions, which are currently exempt from provisions of the corporations law, and to look at how the corporations law, as it presently applies, may apply to those bodies, the differences in existing jurisdictions in State and Territory control, and how we might further refer power to the Commonwealth to bring those bodies within the ambit of the single national company law structure and subject to the single regulatory body of the Australian Securities Commission.

The extent to which that progress has been made in the last 12 months is again, I think, a remarkable product of this era of cooperation that we seem to be in, exampled in last year's Special Premiers Conference. I am very hopeful that further progress can be made in this area, and there is no doubt that the mood in Australia is right for it. Again, we should try to keep out of partisan politics here, but there were obvious problems in Victoria with building societies. The law varies from State to State and the level of regulation control varies from State to State, and

it is recognised across all jurisdictions that we would be far better off to move in the direction that we have already moved as a nation for corporate control, for other bodies.

The Co-operative Societies (Amendment) Bill now before the Assembly, which it is pleasing to see is supported by all sides, is moving in the direction of better accountability control and applying national standards, but the long-term goal should surely be total uniformity through the cooperative approach that was exampled in the securities law exercise of 18 months ago.

MS FOLLETT (Chief Minister and Treasurer) (11.24), in reply: I thank members for their support of this Bill. I must say that it has been a very interesting debate, with some interesting points raised. As Mr Kaine said, the Bill is about accountability, particularly, of course, accountability for people who are members of societies that the Bill will apply to. I think there is also a broader question, and that is accountability to the general public. The Bill, of course, will strengthen the reporting requirements of societies so that there is a more general accountability provision there for the public, including the media.

In relation to the incidents that Mr Collaery spoke about, I think one of the most difficult problems at the time was the lack of public information; the fact that meetings were not open to the public and not open to the media very often, and that there was very little for anybody to go on in relation to the Canberra Building Society matter and, of course, the previous matters that Mr Collaery spoke about. So, I think there is also a strengthened public information role in this Bill and I do think that that is important. Mr Speaker, I will be very brief. No speaker has raised a point of contention or an amendment that I need to respond to, so I simply thank them for their comments on the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR COLLAERY (11.26): I am grateful for the indulgence of the house; but it is, as I say every day, extremely difficult to operate in this chamber without effective staffing. Mr Speaker, I have some other matters prepared, but not quite finally researched, which suggest that comment should be made generally about prudential requirements in cooperative society management.

One of the most important matters that the Registrar of Cooperative Societies is responsible for is keeping the prudential skills of societies under effective surveillance. By "prudential skills" I mean, for the information of members, the sorts of ratios, if you want to put it into simple language, between assets and debt, or between liquid assets and obligations outstanding. Indicators that bear on those matters come from annual reports, from the qualifying statements from time to time attached to accounts, and from effective surveillance by the Territory Government servants of the building societies.

One of the matters mentioned earlier that was of great concern during the Canberra Building Society epoch, and that of the cooperative societies generally - and I will not go back to it - was the fact that prudential matters were not always properly observed. In fact, there were breaches of the codes and the laws provided for in the Co-Operative Societies Act, without prosecution. In fact, decisions were made not to prosecute in relation to breaches in that area.

I think the public is entitled to know how responsibly the Alliance Government acted at the time of the Pyramid crash and the potential crash of the Canberra Building Society. There was a day in the life of this Territory, not long ago, when a major depositor withdrew funds from the Canberra Building Society when the Pyramid story and experience were about and when concerns were expressed about prudential issues - I will put it no more highly than that - affecting that society.

It was a great toss for me, as Attorney at the time, to decide whether to press on with an open public inquiry into the manner of shareholding transfers of the Canberra Building Society, and thereby cause a further public rout and withdrawal of deposits, or to allow the metamorphosis into a bank to proceed. The latter view prevailed, to guard the interests of the small shareholders. But in that process I believe that a significant advantage was obtained by some not so small shareholders and by some people who should have had the whole issue properly aired and debated.

I also want to make special mention at this time of the duties that lie on the shoulders of the public servants who have to undertake these activities - who are now with the Treasury but who were with other sections of the Territory administration prior to self-government. It is incumbent on those public servants not to become close and get into a situation with the directors of such societies such that it may affect their judgment or influence them in any way. I am not suggesting that that obtains at the present stage, but I still have a range of serious concerns about how a company, Hamib Pty Ltd, came to purchase a building known as Savings House in a situation where a building society, as proprietor, had liquidity problems or prudential concerns at the time.

I believe that it is relevant that a senior official at the time, or in or about those times, may well have known of the circumstances of the society. I think that those times have passed and they will never occur again; but they are matters of continuing concern. If other governments in New South Wales and Western Australia see fit to revisit those situations, to see that justice is done and that those matters are fully investigated, it still remains open to this Assembly and to the Government, and to any people who may wish, pending forthcoming legislation in this Assembly, to take steps to see that those squalid chapters in our Territory's history are revealed, at least for the benefit of the knowledge that we will never go down that track again and so that it can never occur again.

Bill, as a whole, agreed to.

Bill agreed to.

EVIDENCE (CLOSED-CIRCUIT TELEVISION) BILL 1991

Debate resumed from 8 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR COLLAERY (11.32): Mr Speaker, this is a reaffirmation of an existing piece of legislation which has attracted Australia-wide interest. It follows the report of the Australian Law Reform Commission, the commissioner in charge being that great Australian, Elizabeth Evatt.

Mr Speaker, the problem of examining or cross-examining a child is as horrendous for the legal practitioner - I am sure Mr Stefaniak agrees - as it is for the witness or, you could almost say, victim. The notable effort of the Chief Magistrate in this Territory, Mr Ron Cahill, in putting an enormous amount of energy into seeing that this experiment took place has resulted in the adoption of some of the processes and the precedent-setting arrangements elsewhere in Australia. It is to the credit of our judicial system, the magistracy in this Territory, that we have been so sensitive and that we are capable of embarking upon reform that does attract and will influence the processes of law and justice throughout our nation.

It is never pleasant to be part of a process that involves the taking of evidence from a child. I thought the Attorney set that out adequately in his introductory speech to the Bill. I commend the Bill to the house. The need for this Government that is presently responsible for the administration of justice to examine the application of video procedures in the examination of witnesses generally by the police and elsewhere has been noted. I trust that the Attorney will report to the house the current situation

regarding the proposed interview rooms for which the Australian Federal Police have secured funding. It is not clear to us at this stage where that lies.

The development of video evidence-taking skill in this Territory will come out of the child evidence by video link procedure that this piece of legislation legitimises. It is still necessary to continue evaluating the outcome of the video link. For that reason the Bill implicitly acknowledges that a watching brief is going to be kept. There is a sunset provision in the Bill for it to expire at the end of 1992 unless it is repealed by 1 January 1993. So, Mr Speaker, we will need to hear a report from the Attorney well before the house rises so that we do not leave this matter in abeyance over the Christmas and vacation period. Some tidying up will be required. I commend the Bill to the house. It is modern legislation and it has done much to put the Territory courts on the national map.

MR STEFANIAK (11.37): The Liberal Party supports the Bill, of course, Mr Speaker. Indeed, it is a Bill which had its origins in the former Alliance Government. It is a very important Bill, Mr Speaker. It is one other step which slowly redresses the imbalance in the criminal justice system whereby victims are very much the forgotten people. Unfortunately the system, in recent years, has handed too much to the rights of criminals and not enough to society and victims. Of course, the saddest victims in the criminal justice system are, perhaps, children. I have been involved, both as a prosecutor and as a defence counsel, in many cases involving children, especially the very sad cases of indecent assault and incest involving children. I think it is essential, and very timely, that video evidence be taken.

I know that the Chief Magistrate, Ron Cahill, has been very keen to see this happen and has been innovative. Indeed, he has been a pathfinder in this area and I applaud him for that. He and I have been involved, over the years, in a number of cases where children have given evidence. They have been quite distraught and I am sure - I know - that many of those children have suffered emotional trauma and mental trauma as a result of giving evidence in court. With our adversarial system, children, when they give evidence, can be cross-examined, and cross-examined at length.

Unfortunately, in cases such as incest, indecent assault and rape involving children, one of the classic ways for defence counsel to cross-examine is to attack their character, to make attacks on the child. That is an unfortunate part of our system. Unfortunately, perhaps, defence counsel are quite entitled to do so in the interests of their clients; but it has a dreadful effect on children, much more so than on adult victims and adult witnesses.

From my understanding, Mr Speaker, this system of video evidence taken from children has worked very well indeed. It has been accepted, I think, by a majority of the profession. We are almost at a stage where we really do not need a sunset clause. However, there is one there. Perhaps towards the end of next year we might be at a stage where this can become a permanent part of legislation.

I think there are some very good provisions in this Bill. The provisions of clause 6 are very sensible. In some situations perhaps there may not be a need for a court to order that a child's evidence be taken by closed-circuit television. There are certain cases in which children will give evidence where there is little harm of trauma or emotional damage being suffered by the child. There are, however, a lot of cases where that does occur, especially sexual assault type cases.

I am pleased to see in clause 6(2) that a court does have to be satisfied that a child would suffer mental or emotional harm if he or she were required to give evidence in court, or that the facts would be better ascertained if the child's evidence were given by closed-circuit television. That is important, too, because the age of children is another factor that has to be taken into account. Often very young children are more at home if they can be asked to give their evidence in this way, by way of closed-circuit television, rather than in an adversarial situation in court. There may not be the same possibility of emotional damage or mental damage; it is simply a better and more efficient way for the child to give evidence.

I think, Mr Speaker, that clause 7 also is an appropriate provision because it lists matters the court can take into account when making an order. Without going through them, matters such as age, personality, intelligence, et cetera, are sensible. Clause 8, which enables a child to be separately represented and enables the court to take that initiative, is also very important because there are occasions, especially in difficult family situations, incest cases and such like, where I think it is essential that all parties involved in the process be represented.

So, Mr Speaker, my party certainly has no problems in supporting this Bill which, in fact, originated from the Alliance Government. We would look forward, in the life of this Assembly, to more Bills which look to shoring up the rights of victims who have been forgotten too often. By doing so, that will protect the rights of the community at large.

MR HUMPHRIES (11.42): Mr Speaker, this Bill is a continuation of earlier Commonwealth legislation that provided for an experiment to be conducted in the ACT. We do not know, at this stage, whether that experiment is deemed to be successful or not. There is presently a report being prepared for the benefit of the Commonwealth, which has funded this experiment, I understand, and that report, I anticipate, will indicate the long-term future of this system of taking evidence.

I note that the Attorney-General says that he expects the Law Reform Commission to be supportive of the closed-circuit television evidence system and to recommend that it be made permanent in its operation, possibly with some finetuning of operational procedures. Of course, our support for this system must be contingent to some extent on positive feedback from those who administer it within the court system and who have to use it on an ongoing basis. As such, it is entirely appropriate that there remain a sunset clause in the legislation and that we see, at the end of this period of trial, whether we can say that this, indeed, has been a success.

I think it is worth emphasising, Mr Speaker, that there are balances to be preserved in this debate. There are the balances between the rights of victims and the rights of accused people, and the experiment with closed-circuit television as a means of children giving evidence is very much contingent on being able to preserve that balance. If that balance is not attainable, then, of course, the experiment must be deemed to have been a failure and we must seek other ways of ensuring that children are able to give evidence in a way which ensures that justice is done.

My comments in that regard relate to what I think is a very important part of the process of courts and the law, particularly the criminal law, in this country. The awe with which people hold the processes of the law, and in particular the courtroom, in this country is part of the process whereby laws are enforced and administered, and part of the process whereby people obey laws. By that I mean that, if courtrooms had the same ambience as a person's living room, very clearly the onus that falls on people to obey the directives of courts and to respect the officers of courts, namely, in particular, judges and magistrates, and to tell the truth in courts when they are compelled to come before them and give evidence, would be removed.

Unfortunately, to a large extent, we rely heavily on the capacity of the court to persuade people who come before it or have dealings with it to obey the laws that the courts administer. There are simply not enough officers of the law, upholders and enforcers of the law, available in our community to enforce laws if people were disinclined as a

whole to obey them. I think that particularly relates to these circumstances where people obviously need to be coming to courts with a strong impression in their minds that appearing in a court is a matter of the gravest importance, and that telling the truth to those courts is a matter which cannot be taken for granted.

That goes back to the question of how children give evidence in court. Obviously children, like anybody else who comes before a court, have to be impressed strongly with the understanding that in appearing before a court they are not necessarily under oath but they are certainly under an obligation to tell the truth. That cannot be allowed to pass to one side or be put to the back of anybody's mind in the process of getting children to talk about particular incidents before a court. It is essential that even the youngest children understand that their obligation is to tell the truth, to tell what happened exactly and precisely, and not to embellish that truth.

I believe, Mr Speaker, that the balance preserved in the legislation is an appropriate one in that regard. It is important in that respect, for example, that not only is a court able to hear and to see what a child is saying in another room - let us say that it is an anteroom to the court where that child is giving evidence for the court - but also the child in the anteroom is able at least to hear what is happening in the court, the questions and the comments of counsel or of the judge in the court.

The idea that one puts the child at some distance from, say, a parent or a member of the family who might be the accused in this case, or close to the accused, is important; but it is important also to preserve some closeness between that child and the officers of the court who are conducting, in this case perhaps, a cross-examination. I think, Mr Speaker, that we ought to remember that there is that balance between the rights of the accused and the rights of the child in these circumstances.

I note that under clause 6(1) of the Bill the order for closed-circuit giving of evidence cannot be made unless there is a communication between those two places, between the anteroom and the courtroom. The people in the courtroom must be able to both see and hear the people in the other place, that is the anteroom, but the people in the anteroom need only hear, but not necessarily see and hear, those in the courtroom. That is some slight compromising of that interaction which traditionally occurs in courts between counsel, judges, the accused, the victims and those who are giving evidence.

I indicated, Mr Speaker, that this is a trial. We will see whether it succeeds as the first step towards establishing this method of giving evidence on a permanent basis. I note also that there is an extension of this legislation now from many of the Magistrates Courts and certain

proceedings in the Magistrates Court to the Supreme Court. There are not all that many circumstances where this sort of proceeding would be necessary in the Supreme Court. The Supreme Court would not often hear evidence from children in these sorts of matters. They would generally be heard in the Magistrates Court. But there are circumstances, perhaps on appeals, where there would need to be some capacity in the Supreme Court to hear that evidence and it is appropriate for it to be extended to that place. I also indicate that it is appropriate that there remain a sunset clause until the report of the Law Reform Commission is seen.

I have only two questions which I would ask the Attorney to take on notice and perhaps answer when he comes to sum up in this debate. I was a little bit puzzled by clause 10 of the Bill. I do not understand why it should be that an order should not lapse when a child attains the age of 18 years. I can understand protection of this kind accruing to a child of, say, 10 years of age; but I cannot understand why that same protection should accrue to a person of 18 years. I remind you, Mr Speaker, that this legislation does, to some small extent, compromise the rights of the accused. So, I have to ask why it is that that protection should be extended to a person of 18 years or older.

This legislation was considered by the Alliance Government and would have been brought forward by the Alliance Government before now. I notice that the Attorney says that the legislation has been reviewed and endorsed, and that is very appropriate. I assume that it is in exactly the same terms as put forward by the Alliance. If that is not the case, I would be happy to hear from him in what ways the legislation is different.

MR COLLAERY (11.52), by leave: I thank members. Mr Speaker, I neglected to turn my pages and address the civil liberties aspect of this matter. The International Covenant on Civil and Political Rights does give an accused the right to confront an accuser, and it gives the right, in effect, of active cross-examination. So, again, there is a fine balance to be achieved in legislation of this nature.

The impact of video on a jury can be quite astounding. I witnessed a film of a live interview in Tasmania where they have introduced video filming of witnesses. In this case it was a murder suspect. She was handed back the carving knife with which she had just stabbed her partner and the video zoomed onto the carving knife and the blood which was still on the knife and her hands. But the real issue before the jury dealt with provocation and the rest. A video close-up, in the view of the Tasmanian Law Society, if I recall correctly, was inappropriate. As I understand it, and the Attorney will confirm in due course in this house, there will be no zoom capacity for the police video rooms to be established in the Territory.

These comments I make are still relevant to the interviewing of a child. This video link arrangement that has been developed allows the first interview with the infant to be used throughout the initial proceedings, if appropriate. It absolves the child from giving one interview after another - one for the first group of policemen who take the complaint in the evening, and then another for a specialist group, and then another as a preliminary to aid the prosecution lawyers in preparing their case, and so on. It is those multi-interviews that are most demeaning to women victims of assault at times. They remain demeaning because that process has not changed too much, except that at the sexual assault unit investigation stage we have the most developed and refined procedures in the nation.

Mr Speaker, it is important to balance the gains you get from more pleas of guilty at less cost to the judicial process as a result of videoing accused people and witnesses or complainants straight after the events. The number of guilty pleas in the Tasmanian criminal court system has increased remarkably since lawyers got the capacity to be given a colour video of their client just after the event. It has resulted in some quite significant changes of position by some of the more illustrious defence counsel in Tasmania.

Mr Stefaniak: Good to see.

MR COLLAERY: Mr Stefaniak interjects and says, "Good to see". It is the likes of Mr Stefaniak that we have to balance out in this process, because they are going all out for a conviction. There is a subtle manner of working a video to highlight issues, to allow an overemphasis on certain issues. As the Chief Magistrate has said, the taking of the video is probably the most crucial point of the whole process.

There are some old-fashioned things still obtaining in our system. Mr Stefaniak knows that we still test a child to see whether that child understands what divine retribution is. You have to test the child to see whether they understand the oath. That has been dropped in New South Wales. I think the Law Reform Commission has recommended that it be dropped. I do not think there are any moves afoot yet to drop it in the Territory. I believe that we should be looking at that because good evidence is sometimes lost. The real test should be whether the child understands the need to be truthful and the obligation to assist the court, and whether the child is rational, at any age.

At the moment I am not raising concerns about whether there are any denials of justice and the rest; it is just that we need to move ahead not only with the camera but also with our thinking on this process. I also believe that we should look at the prospect of using child interpreters.

Children speak a special language. They often communicate, as we all know, through intermediaries. They will use someone else to get a message through. Anyone watching children's programs on television understands the medium to evoke a response that is used.

I would commend to members a visit to the sexual assault unit in this city - its unknown place should not be revealed - where types of processes are used to get a simple story from a child. Sometimes they use dolls if there is an anatomy issue at stake. The concern that we need to balance with this videoing is that artful video producers who may be aligned to the prosecution cause can bring about a colourful rendition that will sway us all. We all know how our views on issues go from night to night on television sometimes - "Is it the Croats, is it the Serbs, is it the Dalmatians?".

When liberty is at issue we cannot afford to have those swings, because when you are guilty, you are guilty. It is necessary, I think, for the Territory to look at the funding of this process as it develops and for the Attorney to make sure that the video process is adequately balanced in terms of the checks that have to be made. In the police case in Tasmania they agreed to the Law Society's request that the video camerapersons not be police. I think there is some good sense in that, apart from the fact that there seem to be spare video cameramen around these days. There is scope there for some moonlighting. I think the Attorney needs to take an interest in who is actually doing the videoing at the complaint stage, and whether that is completely neutral in its presentation. Mr Speaker, I thank members for letting me speak again.

MS MAHER (11.59): Mr Speaker, I rise in support of this very important piece of legislation. I believe that for too long children have been put through the horrific process of having to give evidence in court. I think that in some cases important evidence has not been presented to the court because adults did not want their children to be involved in this horrific process which leaves emotional scars on them for the rest of their lives.

As has been stated, the program has been on a trial basis since 1989. From the people I have spoken to, it is working extremely well. Obviously, that is why it is being continued. I think it is important to put in legislation that it continues. I think the sunset clause is important also while we wait for the report of the Law Reform Commission. The legislation allows for the extension of the process from the Magistrates Court to the Supreme Court when we take over next year.

So, Mr Speaker, I just put on the record that I think the legislation is extremely important. I commend the Government for putting it through and the Alliance Government for initiating it.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.01), in reply: Mr Speaker, I thank members for their contribution to this debate. It is pleasing to see that this legislation does have unanimous support in this house. It is quite timely that we are putting it through this week. I just noticed that this week's *Bulletin* has a cover story featuring the problem of child abuse and ways in which society is trying to grapple with that problem. It is clear from everyone's remarks today that this approach of making it easier for the person who has been abused to give evidence is a positive move.

A few issues were raised that I think I should address. Mr Collaery ranged a bit beyond video evidence in abuse cases when he was talking about the videotaping of persons accused, which is due to commence in the ACT from the end of September. Cameras and equipment are in place now at the police stations and training is occurring. I can assure him that the ability to zoom in, with perhaps an overenthusiastic young police officer fancying himself as an Alfred Hitchcock and getting the knife dripping with blood, the look of anguish on the accused's face and pangs of guilt, will not occur.

The rooms are set up with two cameras with a fairly wide angle so that the entire room is covered, and, importantly, so that the door is covered and there can be no suggestion of anyone coming into the room and tampering with the accused or attempting to gently persuade the accused to make certain confessions. There is no possibility for editorialism by way of using close-ups or zooms or moving the cameras about. Of course, in relation to the video link evidence, it is much the same. It is a static camera, with the child giving evidence in the box.

Other issues that were raised by members during the debate included the issue of rooms at the Supreme Court. That is yet to be finalised. It is yet to be resolved whether it would be necessary to set up a special video interview room in the Supreme Court or whether it may be possible for the Supreme Court, on the probably fewer occasions than the Magistrates Court that it would be necessary or convenient for that court to use video evidence, to adjourn, go down the road to the court facilities at Childers Street in the Family Court/Magistrates Court complex and actually sit down there where the investment has already been made in this technology.

That is an issue that the Government is considering. The court will not be stopped from taking evidence. It is really a question of economics as to whether it is prudent to make the investment and put the facilities in the existing Supreme Court building or wait until we look at a general refit of that building some time in the future and in the meantime the Supreme Court could conveniently go down the road to Childers Street.

The other issue that was raised by Mr Humphries was the question of the continuation beyond the age of 18. You have to have a cut-off date at some point. This legislation is, as Mr Collaery correctly pointed out, somewhat contrary to general principles of civil liberties, in that the accused generally has a right to confront the person who is making accusations against them. That is the general principle of the common law that we all stand by. But there are occasions when society is justified in changing that balance and saying that, because of the severity of the offence and the inequality of the power of different members of society, we can change that balance.

We have done it with domestic violence legislation, where the traditional burden of proof has been shifted and we have made it very easy for complainants of domestic violence to get an order. That, it is generally agreed, is a justified alteration of the balance. I think, equally here, that it is a justifiable alteration in that general balance of the right to directly confront the person who is making an accusation against you. That balance is justified because of the special case of children who are the subject of abuse and it is the general view, clearly, of this Assembly that children are deserving of that special protection.

What then is a child? We have taken the general legal definition of a child being a person under 18. I suppose you could take a different age, but 18 seems to be sensible. Mr Humphries was concerned about clause 10 which says that the fact that you turn 18 during the course of a proceeding does not mean that you can suddenly stop using video evidence. That does seem sensible; you have to have a transitional provision. The situation in the extreme would be the person who turns 18, or whatever other age it is at which we say it is no longer appropriate to take video evidence, during a two- or three-day period in the witness box.

Surely it would be absurd to take the first two days of evidence through video link and then require the person to front up in the witness box because they have had a birthday on the evening intervening between the two days of giving evidence. Section 10 is, I think, a sensible provision, given that there has to be a cut-off date and the sensible cut-off date should be 18. It allows, if you are under 18 when the proceedings are begun, this facility to remain available when you attain the age of majority.

Mr Speaker, it is pleasing that this Bill has the unanimous support of the Assembly from the speakers we have heard today. The ACT clearly is taking a lead in this area and it is an experiment that is being watched with great interest in other parts of Australia.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

GAMING MACHINE (AMENDMENT) BILL 1991

Debate resumed from 8 August 1991, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR DUBY (12.07): Mr Speaker, since poker machines were introduced into the Territory, I believe in the early 1970s, the Licensed Clubs Association and clubs generally throughout the Territory have proved to be a vital part of ACT community life. Indeed, I think surveys were taken and presented to me by the Licensed Clubs Association in the last 12 months or so, and I seem to recall that the average ACT person is a member of, I think, 3.5 clubs. I am a member of a quite large number of clubs and associations within the Territory, all of which rely on revenue obtained from poker machines for the services they provide to their members.

The clubs themselves, since the early 1970s, have now grown to such an extent that they provide an extremely valuable source of revenue to the ACT Treasury and, of course, an extremely valuable source of employment to the citizens of the Territory. I think the licensed clubs are something like the third largest employing group in the Territory. So, the clubs are a very important part of the ACT community.

The Chief Minister acknowledged that this legislation was originally put together under my jurisdiction during the Alliance Government. It has come about because of the changes in Australian society that have occurred recently. What I am referring to is the introduction of $1 and $2 coins into the system and the availability these days of $1 and $2 gaming machines, particularly in New South Wales and, of course, in the ACT.

Recently we amended the relevant legislation to enable clubs in the ACT to introduce $1 and $2 coins. It was at that time that a difficulty was first brought to my attention by members of the Licensed Clubs Association in relation to the pay-out and the comparability of competitiveness of $1 and $2 machines between the ACT and adjoining districts in New South Wales. Within New South Wales they have had flexibility on the pay-out ratio for some years. With the introduction of $1 and $2 coins, most clubs in New South Wales have been paying at the rate of 92

per cent, whereas the legislation in the ACT limited the pay-out ratio to between 80 and 90 per cent, and was set by regulation at 87 per cent.

The clubs came to me and said, "Look, we would like to be able to make a pay-out of 92 per cent, or whatever, to be able to compete with large establishments in Queanbeyan and to provide a better service for our members". At first I thought that seemed a very reasonable thing to do. We looked into the legislation and we discovered that it did not allow us the flexibility to provide a pay-out ratio greater than 90 per cent. When you take into account the one per cent plus or minus variation that clubs require not to break that legislation, it meant, in effect, that the highest ratio that they could go to was some 89 per cent, which, of course, is marginally different from 87. On top of that, it is inconvenient for them to order machines from the manufacturers that would be set at that particular ratio. It would be a very small market and the cost per unit of each of these machines would be rather expensive.

That, I think, is the background of where this legislation originally came from. It was the desire of the clubs to provide a better service to their members and to be able to provide a higher pay-out ratio than that which prevailed in the existing legislation. Extensive consultation was entered into with the clubs and as a result the legislation that we have here today meets their requirements; but it is breakthrough legislation in a lot of ways.

As I said, previously the amount of return on investments in poker machines - I will call them poker machines because that is how people generally refer to them, although I know that they are known officially as gaming machines - was linked to between no less than 80 per cent and no more than 90 per cent. It had been set for many years at 87 per cent. It was determined that, if we were going to change, what was the point of changing the upper limit from 80 per cent to 95 per cent or 80 per cent to 92 per cent, whatever it might be. What we were really interested in was a guaranteed higher return for the people who use the machines.

It was decided that a minimum return of 85 per cent seemed generally fair; that clubs could not set a return rate lower than that level. Then, in trying to come to what should be the upper limit, the thought was: Why should there be an upper limit? Why should the Government intervene with an entrepreneurial club which may wish, for various reasons, to put on promotions or whatever to attract customers into their premises and want to set a return of 97 per cent? For that matter, they may wish to have a promotion where there is 105 per cent return. I see the look of horror from the Clerk, who is involved with one of the licensed clubs here in the ACT, the Irish Club - a very fine establishment.

Anyway, by removing that requirement for the upper limit, the problem then identified was: What would happen if one club had one level and somebody else had another one; and within that club itself what are they doing? Are there going to be certain machines tucked away round the corner, directors' specials, so to speak, that perhaps would be set at 99 per cent, but the ones the poor punters out in the general area of the club will be playing might be set at 87 per cent? As a result of that, it was determined that the rate of return for each class and type of machine within a particular premises should be identical right throughout the club so that there could not be any suggestion of, for example, a directors' special known only to certain members.

In New South Wales, I believe, the rate of return on each machine within a club is solely at the discretion of the manager or the board of management and, as we all know, there is no statement on the machines to let the consumer know the rate of return on that machine. Whilst I am not suggesting that there are any improprieties occurring within reputable clubs in New South Wales, I think that is an unsatisfactory state of affairs. Under the system that this legislation will be bringing in, each machine will be labelled with the appropriate rate of return so that the person using the machine will know that they can expect 87 per cent or 92 per cent, or whatever the rate may be.

I am not anticipating a great variation in the vast majority of machines in the ACT. The vast majority of those are 10c and 20c machines. I believe that even in New South Wales those levels have been set. The industry standard is usually defined as 87 per cent. Of course, there would be little requirement for clubs to vary that rate of return. But, in terms of the $1 and $2 machines, levels of investment can become quite substantial. I think this is an appropriate piece of legislation. It provides a far better rate of return to the consumer anyway and, of course, that applies right across the board. We have raised the minimum return to at least 85 per cent now.

Mr Speaker, I support this legislation. The fact that the rate must be the same for each denomination and class does not imply, for example, that draw poker machines have to be set at exactly the same rate as reel machines, if that is the word. The class Bs and class Cs may well have different rates of return within the club and that might well meet the specific requirements of that club constituency. But, at least, if a person chooses to play a particular class they will know that the rate of return will be the same throughout the club for that particular class of machine.

This will provide for entrepreneurial activity, I believe. I think that at the end of the day the consumer is going to get a better deal out of this. Within the club industry itself, which, as I have said, is so important, it will

enable clubs with an innovative approach to attract more custom. Of course, from the ACT Government's point of view, that is a good thing because that means more revenue to the ACT Government's coffers.

Mr Speaker, I welcome this legislation. It has been long overdue. There has been extensive consultation not only with the Licensed Clubs Association, who represent, I might add, something like 95 per cent of clubs in the ACT, but also with other members of the industry who are not represented by that association. Whilst there have been some small concerns about having two clubs next door to each other, each of them having different pay-out rates, I think the majority of people in the industry are competitive and they are looking forward to seeing this introduced.

It will provide a better deal for the ACT consumer who, at the moment, quite frankly, is being ripped off by $1 coin machines and $2 coin machines which are limited and locked into legislation paying 87 per cent. As the manager of the Penrith Leagues Club said to me on one occasion, 87 per cent on a $1 machine is daylight robbery. So, as I said, the consumers shall certainly do well out of this. I am pleased to see that the Government has realised the importance of the time requirements of this legislation and has brought it on quickly in their program. I think all right-thinking people will support it.

DR KINLOCH (12.19): I should, as Mr Duby did, note an interest; I am a long-time member of the Canberra Workers Club and of our Ainslie neighbourhood club, the Ainslie Football Club. The latter club has a considerable percentage of older citizens, especially as it is across the street from the Goodwin Homes, and, of course, Ainslie as a suburb has a high percentage of people over 60. We should be aware especially of trying to be as fair and helpful as possible to those older age groups, especially because of their financial circumstances. I endorse what Mr Duby says about the need to be given equality of treatment with New South Wales clubs. It is not easy for someone in their 60s and 70s to seek the higher return, if that is what they are looking for. As Mr Duby has proposed it, why should not Canberra have similar circumstances?

I have a direct knowledge and personal interest in the matters raised in this Bill. The National Association of Gambling Studies has a particular interest in the clubs and the machines in the clubs. I am going to leave much unsaid about that and about the machines. I wish that they could be kept at the 5c, 10c and 20c level. The moment you get up to $1 and $2 levels, they truly, for some people, become a problem. I learnt from Lifeline recently that there has been a 68 per cent increase in their calls related to gambling difficulties. But I am not pursuing that today.

I think it fair to endorse almost everything that Mr Duby has said in connection with fairness and equity in relation to New South Wales. At the very least, there should be maximum returns and fair returns; and I endorse his comments. The Rally endorses the Government's action, and on behalf of the Rally I support this Bill.

MR JENSEN (12.22): Like my colleague Dr Kinloch, I rise to speak in support of this Bill. I wish to make a couple of brief points, and direct one specific question to the Government opposite. Maybe the Government would like to consider the question that I am about to ask and provide an answer to the Assembly at some later stage. In debating this Bill, Mr Speaker, I believe that it is appropriate to make some comments on the move to $1 and $2 machines in the ACT. Those of us who lived in Canberra when the Queanbeyan Leagues Club was in its heyday remember that at lunchtime people flocked out of the ACT to have their steak and salad and flutter a few dollars on the machines across the border.

Eventually poker machines came to the ACT. When poker machines first came to the ACT the limit was 10c. That probably had something to do with inflation. But I believe that at the time it had a lot to do with people's concerns about the amount of money that people would be able to gamble on these dreaded one-armed bandits. Of course, as we know, this later changed to 20c. I note that in the club of which I am a member, the Southern Cross Club, there is a quite large number of 5c machines down in the corner, and it is very hard sometimes, when you have a spare 5c in your pocket to put in a machine, to actually get a machine. Those machines are well used and well oiled by some of the patrons of the club.

A couple of things have happened in this industry throughout Australia, and particularly in the ACT, that have some effect on what I am about to say. I talk, of course, about the ability of members of clubs or players in clubs to press a button and gamble five coins at once. In the old days, of course, it was a case of pulling the handle. Eventually we got really modern and everyone pushes a button. But now, of course, the buttons range from one to five, and people now have the option of spending five coins in one go.

In fact, with the advent of $1 and $2 machines, we are talking now about the ability to gamble $5 or $10 in one fell press of a button. I can assure you that it is over in the blink of an eye. You do not get much chance to get your $10 back; once you press the button it is gone; sorry, try again. In fact, that is what the machine tells you to do - play again - and, of course, that is what most of us do. It does not take much imagination to work out how quickly one could go through $100 or even $1,000, particularly operating on a $2 machine.

Another change, of course, was the reintroduction of draw poker machines. I say "reintroduction" because they were, at one stage, available to play in taverns around the ACT. They were taken out of the taverns after a period because, I believe, they were being used for purposes other than what they were originally designed for, or contrary to the basis on which they were originally allowed into the taverns. They have now been introduced in a much more sophisticated form. Any of us who have visited casinos around Australia know of the vast banks of these things that are available for people to play poker on rather than go to the tables.

I guess that by now members listening have gained the impression that I have played the odd poker machine, have pulled the odd handle and pressed the odd button. Let me say that that is correct. Lest anyone think that I do not necessarily agree with the poker machine industry or even playing cards, I have been known to have the odd game of cards myself. After 20-odd years in the Army you learn these things very quickly.

Mr Kaine: You can combine them and play poker on a machine now.

MR JENSEN: That is true. I am a member of the Southern Cross Club and also the Burns Club, the newly opened club down in the valley.

Mr Collaery: You are declaring an interest.

MR JENSEN: I am declaring an interest, yes. I would be very surprised if there is any member in this place who is not a member of at least one club, particularly when the Burns Club charged me only $2 to join. I thought it was good value. However, let me move on to something that is a little more serious.

At this stage in my life I am able to control the urge to gamble away my salary packet, but unfortunately there are people within our society who do not have that ability. It is these people, I believe, that we should be aware of when we, as legislators, sit down to pass legislation relating to gambling. I have yet to experience the thrill, I suppose, of winning a major jackpot on a $2 machine in the ACT because I have not played a $2 machine in the ACT. But who is to say what temptations I might be under if, in fact, I was fortunate enough to achieve such a major bonus. I wonder whether, in fact, I would be able to control the urge to continue to seek that bonanza, and I suspect that that is the problem faced by a lot of people in our society.

Mr Speaker, on a number of occasions in this place I have reminded successive governments and responsible Ministers of an important recommendation of the Select Committee on the Establishment of a Casino, a committee of which I was a member. For the record, let me once again remind members

of that particular recommendation, and it is a key recommendation. It is the first recommendation in the report and, in some respects, I believe it is one of the most important recommendations. I quote:

> The Committee recommends that:
>
> 1. the ACT Government adopt as a matter of policy the urgent implementation of the Social Impact Survey recommendations relating to the epidemiological studies and the establishment of counselling, referral and education services.
>
> such services be established irrespective of whether a casino is approved.

I repeat: "such services be established irrespective of whether a casino is approved".

Mr Berry: Which other ones do you want cut, Norm? Tell me.

MR JENSEN: It continued:

> a proportion of total Government gambling revenue be dedicated to the funding of such services.

That is your answer, Mr Berry; that "a proportion of total Government gambling revenue be dedicated to the funding of such services". Mr Speaker, this recommendation now has been around for some time. We found - Mr Duby will bear this out, as, I am sure, will Mr Stevenson - as we moved around the country talking to people about their concerns about gambling in their societies, that they were unable to provide us with any clear evidence or effective studies. There was a lot of anecdotal evidence, but clear, hard evidence was a little bit difficult to find. That, Mr Speaker, was one of the reasons why the committee made that very important recommendation.

Quite frankly, Mr Speaker, I am incredibly disappointed that successive governments of all colours in the ACT have chosen not to implement that important recommendation. I do not believe that there would be a major cost involved in that; but I do believe that, without such a study and without such a counselling service, Mr Berry and Mr Connolly may find that other parts of their budget are going to suffer a greater cost because of the effects of gambling on families within the ACT. It is all very easy to say, "Why don't we take it? Where are you going to get the money from?". I suggest to both those responsible Ministers that a small amount of money, comparatively, spent in this area may end up saving them a considerable amount of money in their welfare budget. I close on that note and request that the government of the day pay due regard to that very important recommendation and seek to implement it as quickly as possible.

MR SPEAKER: Members, it being slightly after 12.30 pm, is it the wish of the Assembly that the sitting be suspended?

Mr Stevenson: I will take a while. It will be best this afternoon, perhaps.

MR SPEAKER: It is up to the members.

Mr Collaery: Mr Speaker, I wish to say about 10 words and defend myself from Mr Jensen. Mr Jensen said that successive governments of all persuasions - - -

MR SPEAKER: Order! I seek a motion that the debate be adjourned until a later hour.

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

Sitting suspended from 12.32 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Private Hospital Beds

MR HUMPHRIES: My question is to the Minister for Health. I refer Mr Berry once again to the statement in the feasibility study on ACT public hospitals:

> There are significant financial advantages to the ACT budget of provision of private hospital beds at a ratio comparable with other States.

Having had the advantage of conferring with his aides and 24 hours to think about it, can the Minister today tell the Assembly how levels in the ACT private hospital provision compare with the States'? Does he agree with the statement made in the feasibility study? What strategy is the Government pursuing to implement that statement?

MR BERRY: The first thing that has to be recognised by the former Minister is that the statement is not the Government's statement; it is the review team's statement.

Mr Humphries: I am asking you whether you agree with it. Is it government policy to go along with that statement?

MR BERRY: I think the standing orders preclude questions that ask me for an expression of opinion on the matter.

Mr Humphries: What is the Government's view on it?

Mr Kaine: He is not asking for your opinion; he is asking what you are going to do about it.

MR BERRY: I will just sit down and let him finish the question. He does not seem to have in the question all of the bits and pieces that he wants.

MR HUMPHRIES: If Mr Berry would like me to rephrase the question to suit standing orders, I am very happy to do so. What are the levels of ACT private hospital provision in comparison with the States' - more, less, by how much, et cetera? That is very simple. Is the Government's view the same as the view expressed in their own feasibility study presented to the Government about private hospitals needing to be increased? What strategy is the Government pursuing, if it agrees with that statement, to implement that policy?

MR BERRY: The answer to the first question is that it is higher.

Mr Humphries: What is higher?

MR BERRY: Public hospital beds.

Mr Humphries: I was not asking that. Private hospital beds - - -

MR SPEAKER: Order! Maybe this should be put in writing, if it cannot be understood.

Mr Humphries: It is a perfectly simple question.

MR BERRY: Mr Speaker, if you wish to be on the answering side of the question, what you have to do is get yourself into the government seat first.

MR SPEAKER: What I was proposing was that the question should be put on notice, Mr Berry; but please proceed.

MR BERRY: My understanding of the question is that you want to know whether, in percentage terms, there are more public hospital beds in the ACT than in the other States?

Mr Humphries: Mr Speaker, he is being obtuse.

MR BERRY: It is a very complex question.

Mr Humphries: It is a simple question.

MR BERRY: The ratio of public to private beds in the ACT - - -

Mr Humphries: It is very interesting, but it is not my question. Private beds.

MR SPEAKER: Would you rephrase the question again, Mr Humphries.

MR HUMPHRIES: I will ask the question again, Mr Speaker. I quote from the Minister's own feasibility study handed down two days ago in the Assembly, which said on page 62:

> There are significant financial advantages to the ACT budget of provision of private hospital beds at a ratio comparable with other States.

How does our ratio of private hospital beds compare with other States'? It is a quite simple question. The second question is: Do you agree with the statement I have just quoted - in other words, that there is an advantage to the budget by having more private hospital beds? Thirdly, if you do agree, what strategy are you pursuing to get to that point?

MR BERRY: The answer to the first question is that it is lower.

Mr Humphries: What is lower?

MR BERRY: The ratio of private hospital beds.

Mr Humphries: You said before that it was higher.

MR BERRY: No, I said that the public sector was higher. That means that the private sector is lower, and there is a good reason for that, as Mr Humphries well knows. He also knows that the only way to change the balance, from his philosophical direction anyway, is to squeeze the public sector. That is what they tried to do while they were in government. They tried to tighten up on the public sector to create an environment where the philosophical direction of the conservative government could swing some of the public sector beds into the private sector - in other words, make it attractive for an entrepreneur to set up a hospital in the ACT.

What was never publicised fully by the former Minister was the absence of demand for private hospital beds. There has always been a large number of beds which have not been taken up by the private sector. That cannot be avoided. There is no demand for a private hospital, and, if Mr Humphries is flogging that line, I think he is flogging a dead horse. You cannot force the private sector to open beds if they are not going to be used. I think that covers the public-private ratio, except that we have a different philosophical commitment in the Labor Party. We are about providing a strong public hospital sector and we will pursue that course while ever we are in government, in stark contrast to the conservatives opposite.

In relation to my opinion on the review team's report, it is the review team's opinion. I do not think Mr Humphries is entitled to ask my view on it, nor is he entitled to ask the - - -

Mr Humphries: The Government's view. What is the Government's view on a report it has received?

MR BERRY: It boils down to this, Mr Humphries: We have not expressed a view on that.

Mr Humphries: You have; you have expressed many views on it. You have adopted most of the report.

Mr Collaery: I raise a point of order, Mr Speaker. Question time this week has been a disgrace. It is hard to stay awake during Mr Berry's answers. He has achieved that novel task of driving the media practically out of the chamber. This exchange between these two members, who are vitally interested in health, goes on day after day. It is detracting from the access to question time of the rest of the members. I think it should stop.

MR SPEAKER: Thank you for your observation, Mr Collaery.

Stromlo High School

MRS NOLAN: My question is to Mr Wood in his capacity as Minister for Education. Last night the involved school community, parents and citizens of the Weston Creek area, the Stromlo Parents and Citizens Association, again voted to amalgamate the campuses of Waramanga and Holder, this time with a vote of 48 to 29 for 1992, or by 1993 at the latest. When is the Government going to make the urgently needed decision, listen to the school community's wishes, announce when the total amalgamation will take place and make available the necessary funds to allow that decision to proceed? Bear in mind that already a lot of work has been done towards that amalgamation.

Ms Follett: On a point of order, Mr Speaker: With all due respect to Mrs Nolan, I think she is debating the question.

MR SPEAKER: It was a long question. I think you have concluded the question, Mrs Nolan?

Mrs Nolan: I have indeed.

MR WOOD: Mr Speaker, I think some members opposite - and I say only some - are not only one-eyed; they are one-eared. They hear what they want to hear. I am surprised that Mrs Nolan used the figure of 48 to 29. I can tell you that I do not accept that figure as giving me a sufficiently clear indication of what the community want for their school to enable me to make any firm decision. It is part of the process, and last night I found it, as I am sure you did, an interesting and valuable part of the process; but I would never claim that it was a definitive part of that process. You know that I am engaged in further consultation with the community, during which I will listen with both ears to hear all sides of the argument.

You asked me when a decision would be announced. I recognise that all sides of the debate agree that the decision needs to be made sooner rather than later, and the sooner the better. I am aware that the Year 6 evenings, traditionally held for students and parents to be informed about their options for the next year, are due to be held next week. I do not know whether I can meet that

timetable, as I indicated last night; but I am aware that the decision is urgently required. You mention funds. I keep saying that we will always see that the appropriate funds are given so that the schools maintain a top quality education.

MRS NOLAN: I ask a supplementary question, Mr Speaker. My question is: When? Is it two days, two weeks, two months? The school community of Weston Creek needs to have some idea when the decision will be made.

MR WOOD: It will be as soon as I possibly can; as soon as I can be confident that the responses I have are an accurate reflection. I certainly believe that it will not be in excess of one month, and I have given myself a generous timetable there.

Holder and Weston Creek High Schools

DR KINLOCH: My question is also to Mr Wood on that same area, because we were all at that meeting last night. Could the Minister advise us of any major building and grounds deficiencies or faults in Holder High School and Weston Creek High School, the twin campuses under the care of the principal of Stromlo High School? I realise that that title is a contentious one. Will these deficiencies or faults be corrected and/or remedied in time for the beginning of the 1992 school year?

MR WOOD: I have to say, first of all, that there would be no major deficiencies; but then let me establish my criteria for that. We have children in these schools, and I believe that they are in safe and excellent accommodation.

I believe that what is intended by the question is: What needs to be done to maintain these schools in top condition? Obviously, as part of my consideration of this, I asked the Education Department to provide me earlier with details. I have no shortage of information about the Waramanga campus, but less information - not surprisingly - about the Holder campus.

The fact is that, following the decision of the Alliance Government, the Education Department, not unreasonably - and to use my words - had the Holder High School as part of their responsibility slip from the list. So, they have not immediately accessible information for me on the amount of work they were lining up to have done. It was their expectation that that would be handed over to the Department of Urban Services people, who maintain those unutilised schools.

Unquestionably, there is an amount of work that needs to be done at Holder High School if it is to remain the site of the school, whether long-term or perhaps even short-term, as a twin campus pending consolidation in 1993, if that is the way things are to go. The teachers union, when I saw them a week or so ago, were quite emphatic that there was an amount of work to do in terms of occupational health and safety and of general amenity. They were quite insistent that there were considerable refurbishments and improvements to be done.

At the Waramanga campus the needs change, depending on consolidation. If there is to be no consolidation, obviously the amount of work is less. There is some continuing maintenance work of pretty high priority, amounting to about $250,000, for repainting and renewing and replacing various things.

If the amalgamation proceeds, you would know of the package the Alliance Government proposed of something between $1.5 and $2m. That included demountables to be placed on the site to cater for the overload for a short period. It included improvements and refurbishments in the technology area, the science area, the change rooms and the canteen, considerable improvements to staff rooms, certain classrooms and administrative areas in the main block. The library would also have to be considerably enlarged. They were the sorts of works required for an amalgamation.

I believe that this information is public. I will make it readily available. When I have more information about Holder, I will advise you of it.

Schools : M-Rated Movies

MR STEVENSON: My question is also to Mr Wood, and I am sure he is as concerned about this particular point of education as I am. Is Mr Wood aware that recently 11- to 13-year-old girls were shown an M-rated movie at Melrose school? Certainly, I know that all parents were not informed about that. I ask: Is it the policy of the Education Department to show M movies and also PGR movies? If so, under what conditions? I think we would all be interested in finding out how often such movies have been shown, what movies have been shown, and at which schools and classes.

MR WOOD: I am not aware, nor has it been my intention to be minutely aware, of what materials are in the hands of children in schools. I have a great deal of confidence in the ability of the school structure and the principals and teachers of the schools to see that the materials that are used by children are challenging, exciting and appropriate to what the courses require. I am not aware that students at Melrose High School may have viewed a mature-rated video. I think mature is for 15 years and older, is it not?

Mr Stevenson: Yes.

MR WOOD: I do not know whether they have. I can only ask Mr Stevenson to tell me about it. He seems to have some information. I do not know why he does not put it when he asks the question. I do not know what the movie was. As to other videos that are shown, I simply say that I have confidence in the professionalism of teachers to provide appropriate material to their students.

MR STEVENSON: I have a supplementary question, Mr Speaker. First of all, Mr Wood mentions that the information that is shown to students is challenging, exciting and appropriate to their course. As the particular movie was to do with a prostitute, I do not know what they are training them for.

Mr Humphries: What was the movie?

MR STEVENSON: It was called *Pretty Woman,* and without approval - - -

Mr Stefaniak: Every kid in Australia has seen that.

MR STEVENSON: Without approval from a parent - - -

Mr Moore: It has to do with sex, not violence; that is the trouble.

MR STEVENSON: It may be perfectly acceptable to most of the members of this Assembly that girls as young as 12 years old are shown, by our education system, movies that are not for that age group.

Mr Kaine: Were they?

MR STEVENSON: I can assure you, firstly, that they were; secondly, that parental notification - - -

Ms Follett: Mr Speaker, on a point of order: This is supposed to be a supplementary question. I think we are getting into debate here.

MR SPEAKER: Order! Yes, you are debating the issue, Mr Stevenson.

MR STEVENSON: I can assure you that parental guidance was not sought and that it is of concern to constituents in this area. Mr Wood is the Minister for Education.

Mr Berry: On a point of order, Mr Speaker: This is question time. He is entitled to a short, concise question, and no more than that.

MR SPEAKER: I am not sure what the question was, Mr Wood. Are you?

MR WOOD: In the supplementary question Mr Stevenson did what he should have done in the first part of his question and at least named the movie. It seems to me rather like Rhona Joyner stuff. That may not mean much to people in this part of the world, but with people from Queensland it will ring a bell, along with the banning of books such as *Catcher in the Rye.*

Mr Berry: Everybody in Queensland read it once it was banned.

MR WOOD: That is true. I would encourage Mr Stevenson, when he has a concern, to be specific and - like some of the movies he complains about - explicit when he asks a question, and I will respond. I believe that the teachers provide appropriate materials to their students. I will give his question some thought. I will not commit myself to asking the Education Department to give me a report on it. I want to think about whether I want to do that. But I will let you know whether or not I will take it further.

Government Service - Staff Cuts

MR COLLAERY: My question is directed to the Chief Minister in her role as Minister in charge of public administration. Is it correct that Ms Follett has identified a number of positions to go in the Territory public service - some 250, as I understand it? I also ask the Chief Minister whether it is true that agencies and departments have been asked to find across-the-board cuts - in some instances of 10 or 20 positions? If those facts are correct, does the Chief Minister agree that the Institute of Public Administration and other commentators have long agreed that this is not the way to go about staff cuts, and that the correct way is to look at functional reviews at the same time? As well, as the Chief Minister would appreciate, cuts left to senior management often fall upon the weak, including auxiliary and assisting positions, and that often impacts on women. I wonder whether the Chief Minister could comment in general on the process she has instituted.

MS FOLLETT: I think it is clear to all members in the Assembly, as a result of the budget strategy statement and other statements I have made, that there is an intention to make some budget savings by staff reductions. Mr Collaery is roughly correct as to the number of positions; it is roughly 250. In a total staffing figure of close to 22,000 for the ACT Government Service as a whole, 250 is not an inordinate number.

I would like to make a few comments in relation to Mr Collaery's further points. Firstly, nobody will be sacked under these arrangements. The means of making these staff cuts will be in full consultation with the Trades and Labour Council and the unions involved. There is to be nothing underhand here; it will be done in an up-front way

and in full consultation. I do not expect anybody to like the staff cuts; I do not like them myself. I think it is a very sad day when any number of positions have to be reduced; but there is clearly an imperative for the ACT Government Service to be as lean and efficient as it is possible to make it, for the sake of the rest of the community.

Mr Collaery asked whether numbers of positions have been identified. To be brief, and I will deal with it fairly briefly, the answer to that is yes. These are not across-the-board cuts. They have been targeted and targets have been set within agencies. Again, that has been done in agreement with those agency heads. So, it is not an across-the-board proposition. Where some agency heads have agreed to make a bigger effort than others, that is the case. It is not a totally even distribution of those 250 or so positions.

Mr Collaery went on further to ask whether I agree with the Institute of Public Administration view that the way to reduce staff numbers is through an examination of functions. In general terms, I believe that that is the valid view. However, in the particular case we are looking at in this year's budget, what has been decided is that the positions that will go are not those which provide service delivery to the ACT community; the positions targeted are generally described as administrative or administrative support positions. That is an outline of what is occurring. I would like to assure Mr Collaery that, to the best of my knowledge, the mechanisms that are in place to achieve those staff reductions will operate smoothly, fairly and reasonably, and have been particularly tasked to avoid an impact on people in the groups that are generally within the ambit of EEO conditions and programs.

I think that covers all of the points Mr Collaery made, but I will say again that it is not a task I relish. It is a task I undertake only in particularly harsh budgetary times. It is my intention that it be conducted smoothly, in full consultation, and without the kind of impact on specific groups that Mr Collaery has outlined.

Bicycles in Shopping Centres

MR JENSEN: My question is directed to the Minister for Urban Services. The Minister may recall that I wrote to him about a problem with cyclists, big and small, failing to consider the rights of shoppers, particularly the elderly and the infirm, by failing to comply with the ACT Traffic Act in shopping areas. In his reply the Minister said that he was not prepared to ban cyclists from shopping centres, and I tend to agree with that. However, will the Minister agree to consider the use of our mounted police men and women to patrol centres when a problem is brought to his attention? He knows what I mean by "mounted" - our bike patrols.

MR CONNOLLY: The bike patrols that were introduced by the Australian Federal Police in the early part of this year were certainly a good initiative and were actually quite successful in breaking into a fairly well organised cycle - if I can use that word - of robberies on the north side. People on pushbikes were knocking off a lot of videos and so forth and getting away through bike paths. No cars were seen because people were using pushbikes.

Police cycling around shopping centres no doubt would be an effective deterrent, but the problem is that the law is a blunt instrument in this area. We do not want to ban outright cycling in the precincts of shopping centres, and therefore a person who is cycling is not, simply by cycling, in breach of the law. All the police can really do is warn them if they are behaving irresponsibly, which unfortunately occurs occasionally. It is a good idea and, in terms of the normal beat patrols that the police are doing on the cycle patrols, I would expect that they would call in at the local shopping centres on the way. If they do not do that, I will raise it with Assistant Commissioner Bates.

The general idea of the cycle police is to raise the profile of the police in the community and, given that that is the goal, I would expect that regional shopping centres would be a prime area of activity for the cycle police. But it is a good idea.

Sportsgrounds - Emergency Telephones

MR STEFANIAK: My question is to the Minister for Sport. At Phillip District Oval there have been two deaths during matches - the first, in about 1983, of a football team member, and the second, only some 10 days ago, of a referee. In spite of the recent construction of the new stand, there is still no telephone that can be used in emergency situations such as the collapse of a referee or player. Will you be taking steps to rectify the situation, not only there but at all government-supervised sporting facilities, to ensure that appropriate emergency assistance can be called immediately in an effort to prevent future deaths at sporting events? It could also be user-pays, so that it does not cost anything.

MR BERRY: I must say that I am deeply disappointed that the former Alliance Government had not even thought about this matter and, if they had, that they had not done anything and certainly had not told us that it was an issue. There is no doubt that it is important for communication services to be available where people are likely to be injured. It is true that some sports are more prone to injury than others.

I think it is important that there should be some way of communicating with emergency services where the need arises. On the one hand, the immediate reaction could be that the Government ought to provide an emergency phone at every sporting ground in the ACT. I suspect that that would be a fairly expensive arrangement, but it is something that could be examined. On the other hand, I think sporting bodies have some responsibilities too. These days, with modern communications equipment, sporting bodies could easily provide some sort of car phone or portable phone. I am not committed to a particular course, although I am pleased that you raised it. I would have been even more pleased if you had raised it with the former Government, and I would be even happier if I had a definitive answer for you.

Mr Stefaniak: It became urgent only last week.

MR BERRY: There have been injuries and deaths on various playing fields before. Some sports recognise the dangers and have an ambulance follow them around. Harness racing and gallopers are two examples. I will certainly have a look at the matter and, if there is something that can be done, either in consultation with the sporting community or by the Government, I would be happy to do it. Again, I think you would agree that if we decided to put public phones or a free phone on every sporting ground it would be a fairly major exercise.

Stromlo High School

MR MOORE: My question is directed to the Minister for Education and Minister for the Environment, Land and Planning. Questions you have received in this Assembly with reference to the Stromlo school have focused on the school itself. What are the community considerations that apply to the decision you need to make, particularly the planning, the social ramifications, including things such as vandalism, the ageing of the suburb and so forth? Will you be considering social and long-term economic views, or are you simplifying the issue in the same way that the Alliance Government did when it made its decisions on school closures?

MR WOOD: While I had left by that time, I understand that that meeting last night passed a motion that they wanted some wider consideration of education and social issues in Weston Creek. I will no doubt be advised of that motion. On Monday night at a meeting of the Weston Creek branch of the ALP - there was no connection between or in the genesis of those motions - a motion of that nature was raised. It is obviously a matter of concern to people in Weston Creek that a range of matters be considered.

Mr Collaery: How many people were at the branch meeting?

MR WOOD: A quite large number. At the last meeting of the Weston Creek branch that I attended there were about 35 people. There is a concern in the community that all aspects be considered. It is a matter I will raise within the Government and it is one that will be determined by the demands and what style of look at it we will have, and what resources may be needed to do that. It is a quite wide-ranging exercise to undertake. Certainly, Weston Creek is a discrete area and one that is clearly identified. It does not cross over into other areas and would be very suitable for such an investigation. I am aware of all the concerns Mr Moore raises on behalf of the people there, and I will give some thought to that and let him know what is ultimately decided.

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

School Bus Service

MR CONNOLLY: Yesterday in question time Mrs Nolan asked me about the saga of route 734 and I was unable to provide her with an answer. I can now advise the Assembly of the sorry saga of route 734. There is a general practice, by means of a policy guideline to bus drivers, that students should be not returned to a school unless directed by a supervisor. However, in the case of route 734, which was a route from Marist to points south, I believe, there was extreme misbehaviour from the students on the bus. They were constantly ringing the bell, throwing items around the bus, fighting and pushing and carrying on in the aisles.

The principal duty of a bus driver is not to deliver the children home; it is to make sure that they are safe while on the bus. The driver, as he was just out of the region of the school, in breach of the policy guidelines exercised his discretion to return to the school. I and ACTION management fully support what he did. He did it for safety reasons; he exercised his discretion. At the school, a brother was called onto the bus and he fairly vigorously chastised the students. The bus took off again. The bad behaviour continued and the bus driver again returned to the school.

The bus drivers of ACTION have an important community role in providing transport to students from home to school and back again, but their principal concern is safety. Bad behaviour by students on buses is an obvious safety risk. While the general practice is that supervisors will be called, in any safety issue - as I am sure all members agree - guidelines are fine, but at the end of the day a person has to exercise discretion in the interests of safety. The bus driver on route 734 did that. I and ACTION management support him. The Liberal Party may be enthusiastic about moving on unruly youths, but they will not be moved on on ACTION bus services.

AGED WELFARE
Discussion of Matter of Public Importance

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

The Follett Government's continuing attack on the Territory's aged as witnessed by:

(1) the scrapping of the hospice project;

(2) the failure to pursue the relocation of the Jindalee Nursing Home;

(3) the failure to make land available on Lake Ginninderra for the RSL Retirement Village; and

(4) the failure to establish the convalescent facility as a matter of urgency.

MR HUMPHRIES (3.07): Mr Speaker, I take the Assembly back to 25 May 1989, when the Assembly decided to look into the needs of the ageing in the ACT. I think that was one of the first references given by this Assembly to any committee of the Assembly; in fact, it must have been the first reference. In moving the motion, my colleague Mr Kaine said:

> If you talk to any group associated in any way with the matters of the ageing, it does not matter whether you talk about whether people want to stay in their own home, about people who need to be put into hostel-type accommodation, about people who need hospital care in geriatric wards, any aspect that you care to mention in connection with the ageing, there is an obvious shortage already of the kind of community facilities that are required.

He went on:

> If there is a shortage now and we do nothing about it ... then in five years' time we will have a real problem on our hands.

There are few in this Assembly who would disagree with what Mr Kaine said on that occasion. Indeed, the Assembly took notice to the extent of supporting the motion he moved to establish a reference on that subject to the Standing Committee on Social Policy. The committee duly conducted its inquiry and made its report in October 1989. This report, brought down by the committee chairman, Mr Wood, made a number of key recommendations. It recommended, among other things:

planning and construction of the convalescent facility take place as a matter of urgency -

I stress the words "as a matter of urgency" -

a 20-bed hospice be developed;

the government implement the recommendation in the Kearney Report -

of half a year beforehand -

to build a new nursing home and fund this through the eventual sale of the Jindalee Nursing Home; and

both the government and the private sector continue to build self-care units suitable for the ageing.

In tabling the report, Mr Wood said:

> It found that the most urgent need was for a convalescent home to which patients could be moved from acute care wards in hospitals to prepare them for their return home.
>
> The committee learned that the ageing, and in particular, the frail aged, were particularly susceptible to the immobilisation syndrome which compounded the health problem for which they were admitted to hospital. So a convalescent home might be seen as our first priority.

In saying that, he was emphasising some comments made by Dr Brendan Kearney in his report of the previous year on the ACT's health services. Dr Kearney said:

> The absence of an ACT convalescent/slow-stream/rehabilitation facility is another factor aggravating the problems for aged care. Elderly people need more time to recover from illnesses or injury prior to being discharged into the community, or to a nursing home. At present, they must remain in hospital.

The fact is - even Mr Berry acknowledges this, from his earlier comments - that the cost of maintaining a person in a hospital bed is far greater than in nursing homes. The need of elderly patients in this community for an appropriate midway point between a nursing home, or their own home for that matter, and a hospital is very serious indeed. The provision of a convalescent facility does not make sense only in social justice terms, if I might borrow from the Labor Party lexicon; it also makes financial sense. A facility like that will help reduce recurrent costs and will free up acute care beds in the hospital system and help ease the burden on our public hospital system.

Clearly, the convalescent facility is a matter of great importance in this Territory. It is not a white elephant; it is not an add-on; it is not a sweetener in the hospital redevelopment project. It is vitally important, and that is why the Alliance Government gave it great emphasis in its plans for health care restructuring in this Territory.

The other matter of great importance in this area is a hospice for those who are terminally ill. Incidentally, Mr Wood also spoke about a hospice when he handed down his report. Again I quote:

> The committee also found that there was a pressing need -

I emphasise that -

> for a hospice for the terminally ill designed to provide palliative rather than curative care.

If Mr Wood and his committee found a pressing need for that facility in 1989, how much more pressing is that need in 1991? Presumably, even more so.

Mr Wood: You were there during all of 1990. What happened?

MR HUMPHRIES: And we took steps to provide that hospice. That hospice was on track. It is no longer on track. The relocation of Jindalee was also recommended by the committee. The committee embraced the findings of the Kearney report, which said about Jindalee:

> ... its design is not well suited to its current purpose. The separation of the two units increases the cost of, and problems with, administering the home.
>
> The major shortcomings in the physical design and location of the nursing home will continue contributing to the operating deficit. Furthermore, while the building is relatively modern it is not optimal for the nursing home patients, and does not allow sufficient staffing and care.

The clear message is that the relocation of Jindalee was viewed by Dr Kearney and the committee as essential on the grounds of better patient care as well as reducing recurrent costs. Mr Wood also noted the interest of the Chief Minister at the time, Rosemary Follett. He said:

> The Chief Minister has shown great interest in the proceedings of the committee and on many occasions has expressed to me her interest in the topic, acknowledging that the ageing comprise a growing sector of our community.

It is good to see that Ms Follett was so keen in 1989. It is a pity that her keenness does not extend into 1991.

To summarise the situation at the end of the committee's work, we have recommendations saying that there is an urgent need for a convalescent unit, first of all; that there is a pressing need for a hospice to care for the terminally ill; we have to build or relocate the Jindalee Nursing Home; and we should be strongly encouraging the construction of retirement homes in the ACT. Those recommendations became the cornerstone of the Alliance Government's policy on the ageing. Indeed, they formed the basis of our *Blueprint for the Ageing*, which was released a few months after that report was handed down. It is a very important document on dealing with the problems of the ageing in the ACT.

We were in the process of looking for a new site for the Jindalee Nursing Home. We had identified at least half of the site in the sense that we might split the old Jindalee Nursing Home into two sites. We had committed ourselves to the establishment of a hospice and indeed had set money aside for the forward design of that hospice. We had announced the establishment of a convalescent care facility on the Acton Peninsula and had costed it. In the case of the RSL retirement village, we had allocated land on Lake Ginninderra for that village to be constructed. These carefully made plans of the Alliance Government have simply been thrown into disarray in the 2 months since Labor has occupied the fifth floor of this building.

Mr Kaine: They have been thrown into the trash can.

MR HUMPHRIES: Indeed, they have been thrown into the trash can by an uncaring government - a government that does not care about the needs of the ageing and is prepared to throw them to one side in its broader electoral interest.

On Tuesday, 6 August, the Health Minister announced, in response to a question from Dr Kinloch in this place, that the hospice had been taken off the capital works program. We learnt on Tuesday of this week - apparently with some contrition, some concern about the electoral damage that might be done by that kind of decision - that there was some sort of commitment to commence construction of that hospice some time in 1992. The reason given, incidentally, was that the Government could not afford a hospice at the present time.

I am intrigued as to how the Government will be better able to afford a hospice in the 1992-93 financial year when the impact of Commonwealth reductions in funding for the ACT will be even more severe than it is this year. Why money which was found by the Alliance Government could not have been spent in this financial year to start to build the

hospice, but can be found next year, when the situation is going to be even tighter than it is now, is a mystery to me. I think it is extremely unlikely that that hospice will go ahead at all under this Government, and certainly not in 1992.

We have to ask ourselves the question: Are these the acts of a government really interested in social justice, to borrow their phrase? I note that, when answering Dr Kinloch's very careful question, Mr Berry complained that the hospice would cost as much as $600,000 a year to run. We have heard that figure before. It is the same sum Mr Wood used when he was forced to reveal the annual cost of reopening two tiny schools for a handful of students. What an amazing set of priorities this Government has. There is no provision at the present time for a hospice in the ACT. There are alternative educational opportunities for children who are presently attending the Cook and Lyons schools.

Mr Kaine: The elite schools.

MR HUMPHRIES: The elite schools of Cook and Lyons. It has a very interesting set of priorities indeed. It is okay to reopen those small schools, but it is not okay to look after and care for the interests of the terminally ill. It is much easier and much more electorally appealing to junk the hard decisions made by the Alliance Government on the hospice than to do anything constructive about improving the situation.

The convalescent unit has been equally badly treated. The Follett Government ditched the Alliance Government's commitment to that unit and its firm plans to establish a 30-bed convalescent facility on the Acton Peninsula. The Alliance Government had committed $450,000 in last year's budget for this project, but those firm plans are now off the agenda. They have been turfed and an open-ended promise to locate rehabilitation and aged care facilities on the Acton Peninsula at some time in the future has been made. Again: "When we have the money; at some point down the track; we will get to it later on; do not worry about it; leave it to us". It really is not good enough. This Government has ratted on the promises made by the Alliance Government to the aged in this community.

Mr Berry: This is new for you. I have heard this before.

MR HUMPHRIES: It is a good word; I like it. They have ratted on those commitments and they are replacing them with nebulous, unfunded, unspecific alternatives, ephemeral alternatives, here today, gone tomorrow promises, which we know from long exposure to these people opposite are about as good and reliable as the promises made by them last time they were in government and not implemented at that time. The facts are clear. The Alliance Government had committed funds to the convalescent facility; Mr Berry has not.

Jindalee is hardly an area of excellence on the part of this Government either. The construction of a new home and the sale of the present home has been recommended since the Kearney report more than two years ago. The Alliance Government backed the move; but, as we have heard, Labor claimed that it was too difficult and have put off this move. Now, apparently, it is being reconsidered again in the future. I have to say that this Government is so inept, so unsure of what it is doing, so unable to come to a decision that anybody who relied on the Government would be sorely in error.

There is the question also of the RSL retirement village which was to have been constructed near Lake Ginninderra. The Planning Minister, Mr Wood, effectively reversed the Alliance Government's decision to allow the RSL to construct the retirement village, on the grounds that he did not think the community would want a lot of buildings close to the lake. The simple fact is that the closest the village would come to the lake is some 60 metres. I would think that from here to the far end of this building would be 60 metres and it is probably a lot further than that.

That apparently was going to compromise the integrity of Lake Ginninderra. What a lot of garbage! The site has no particular environmental merit and it is unlikely to be needed for other community purposes. The site is appropriate for the ageing because of its proximity to shopping and other community facilities and its tranquil setting. Apparently, tranquil settings and the care and comfort of the ageing are not priorities for this Government.

I am distressed that the RSL, which has spent five years struggling to have its proposal approved, has received such a savage slap in the face by this Government. What is more, they learnt about this move on the part of the Government in the newspapers. The Government did not even have the courtesy to write to the RSL and say, "I am sorry; we are withdrawing the site for your retirement village on the shores of Lake Ginninderra". They said, in effect, "We could not give a damn". "Go away", is what they were saying; "We could not give a damn about the RSL and their provision of health care services for the ageing in the ACT". It is sad that the Minister who gave the RSL their marching orders is the same man who chaired the Social Policy Committee's inquiry into the ageing and put forward those recommendations which have now been completely rejected by this Government.

MR BERRY (Minister for Health and Minister for Sport) (3.22): I find it very interesting that the chief vandal of the former Alliance Government in respect of public assets has spoken with such passion about issues which will be dealt with properly by the new Follett Labor Government.

I think this matter of public importance could fairly be described as being no better than a hollow sham. They are attempting to keep open a debate on a decision by this Government which has proved to have widespread community acceptance.

The Opposition, during the brief time it could hold itself together as a government - and it is a matter of record now - rightly generated public outrage at its closure of Royal Canberra Hospital. That was a disgraceful decision. It was made even worse by fast-tracking the project to ensure that the Royal Canberra Hospital could no longer be saved. Then the Alliance fell apart.

The Opposition was clearly not listening last Tuesday. As I said at the time, this Government has placed a hospice on the 1991-92 forward design program. This will enable construction to commence next year. The capital cost is estimated at $2.1m. The forward design work had not been done, as I understand it, in relation to the former Government's proposal, and I suspect that there was a little more to the so-called promise than met the eye. This is a firm action of the Follett Labor Government.

We are also being realistic about the recurrent costs of the project, which contrast quite starkly with the predictions of the former Government. Some $2.3m would have been the recurrent costs of the project announced by the former Government, and I have informed the house in that respect before. This is a researched estimate, compared to the underestimate of $1.7m previously put up by the Opposition.

The Hospice Society strongly supports the location of the hospice in a tranquil setting. Nowhere fills this requirement better than the Acton Peninsula. Not only does Acton offer the benefits of a peaceful and beautiful environment, but the hospice will form one of the important cornerstones of the broader Acton public health facility. The Government is proud of this decision.

I want to turn now to the alleged failure of our Government to pursue the relocation of the Jindalee Nursing Home. I announced on Tuesday that consideration will be given to the additional use of the Acton site for nursing home facilities once the site has become de-institutionalised.

Unlike the Opposition, this Government is not going to rush into decisions about developing a nursing home on the site. We need to be quite confident that the environment is conducive to older people. Those in residence on the site would need to have appropriate access to shops and other recreational facilities. In my view, this cannot be determined until the full use of the site, now and in the future, is clear.

This Government is committed to achieving the Commonwealth's gazetted outcome and design standards over time, and we will certainly look carefully at the siting standards involved. That clearly had not been done by the former Minister, and I think the fact that it was not done is something of a disgrace. The wording of previous announcements made it clear that those requirements had not been properly examined.

The world has changed in terms of our understanding of older people's needs, and we will ensure that the best possible provision of services is made available, particularly for the frail aged. Again, the Opposition's paltry attempts to criticise the Government have been found to be groundless. I think that is clear. Further consideration will be given to the need for and siting of a replacement nursing home, and Acton will be considered in that context, as I have said.

The third point raised by the Opposition concerns making land available to the RSL for a retirement village. Contrary to the implications of the Opposition, the Government wishes to discuss appropriate sites with the RSL. We do not agree, however, that the proposed siting at Lake Ginninderra is appropriate. My colleague the Minister for the Environment, Land and Planning, Mr Wood, will address the Assembly in more detail a little later on.

Even the last point raised by the Opposition is wrong. Mr Humphries talked about the failure to establish a convalescent home as a matter of urgency. This goes along with the sham of some of the other accusations in this so-called matter of public importance. It is clear that Mr Humphries is grasping at straws. He will have to do a little more work if he is going to find anything wrong with the Government's plans in relation to the Acton Peninsula.

The Government is firmly committed to the establishment of a convalescent facility on the Acton Peninsula. There is no question about that, and the Opposition does itself no credit by making hollow accusations in respect of that matter. In fact, we have gone much further than the uninspired Alliance decision - and uninspired it was. It was a knee-jerk decision which did not take into account the health needs of the Australian Capital Territory.

We are going to make sure that the public hospital system is much better under Labor. We are not going to lose our focus and worry about the provision of private hospital beds, as Mr Humphries did - in fact, promising private hospital beds in an environment where there is no demand. I think that is evident. There is no doubt about that; there is no question about that. One only needs to think about the 95 licences which are unused to come to the conclusion that the demand is low.

Mr Humphries: So, that is why you are closing some private hospital beds, is it?

MR BERRY: We know as well that the private hospital beds already in existence have low occupancy rates when compared to the public sector. We are going to create on the Acton Peninsula a centre of excellence in convalescent and rehabilitation care. Those are the facts which, though they might sting, are the ones which are going to set the Labor Party's plans for our hospital system apart from those of the conservatives. All that was required was some lateral thinking and the application of a social justice principle to the decision making process to come up with a decision which will produce something better for the people of the Territory through the public hospital system.

Mr Speaker, the vision for Acton is to provide a major focus for new ways of working with long-term and short-term disabilities; to inspire confidence in their ability to return to living full and independent lives as quickly as possible; to improve opportunities for employment and active participation in society. I think, Mr Speaker, that that is an entirely appropriate social justice initiative for any government to take. The Labor Party and the Follett Labor Government took that initiative that I have announced. We will work on it and develop those services on the Acton site to a standard of which the ACT can be proud.

It is laughable to suggest that Labor has failed to act as a matter of urgency. Mr Speaker, Labor took office on the collapse of the Alliance Government and we inherited a hospital system that was in trouble. We inherited a hospital system that was not providing the services required by the community. The long waiting lists for surgery in our hospitals, left behind as some sort of a political booby trap by the former Minister, bear testimony to that. The short delay while we sought to save Royal Canberra Hospital was worth it and can hardly be described as a problem. It was an appropriate way to go.

The hospital system was in a state of confusion because of the former Government's actions. Labor, of course, had to examine the matter closely and come up with a credible report in relation to the state of the hospital system and the directions that the Labor Government could take for the future, particularly for a service - - -

Mr Humphries: You do not believe this, do you, Wayne? Someone has written this for you, haven't they? You are just reading it.

MR BERRY: In fact, that was not off the speech, Gary. If I had been writing it, I would have put that last bit in because I think it is absolutely necessary to point out the failings of the Alliance Government. I notice that it has worked, because you got a bit prickly on the subject. I do not blame you, because if I had the things to worry about that you have in relation to your management of the hospital system I would be a bit edgy. In fact, I would

have been looking for another portfolio; I would have given it to somebody else. Mr Speaker, if Mr Humphries had been sensible in his political career, though I must say that he has the blowtorch on the belly now, he would have sought another portfolio.

I see the Speaker having a bit of a giggle. He does not mind seeing Mr Humphries squirm a little bit, because his colleagues over there did not look after him in the recent preselection. I must say that if I were in your position, Mr Speaker, I would be having a bit of a giggle at those members who ended up on the ticket.

MR SPEAKER: Relevance, please, as much as I - - -

MR BERRY: I know that it is hard for you to stop me, Mr Speaker; you look as though you are really enjoying this.

MR SPEAKER: It is nice to hear some straight talk. But is it relevant? That is the question.

MR BERRY: Mr Speaker, we have all worked long and hard in the shortest possible time to ensure that our decisions meet the best interests of the people of Canberra, and I have delivered an outcome which exceeds by far that which was previously offered.

DR KINLOCH (3.35): I note in the matter of public importance the stress on the theme of the aged. It refers to the Follett Government's continued attack on the Territory's aged. So, I commend Mr Humphries - after all, he is a very young man - for showing a concern for those of us, perhaps, of rather riper years. Of course, Mr Kaine and I would not accept the term "aged", would we? We know that we are just blossoming at this time of life. However, that is the term that gets used. I therefore have to declare an interest. I am in my mid-60s - that is one part of the interest - and I live on the north side - that is another part of the interest, because of the problems about what is not necessarily now on the north side. In connection with the MPI, I note that my father was a patient at Jindalee, where he died.

On behalf of the Rally, I generally support the bulk of Mr Humphries' remarks, although I have some reservations about the proposed site of the RSL units. Nor would I wish to say an either/or; I would not wish to make an association between the problem of the hospice and what has been done about some schools. The Rally supports the maintenance of the neighbourhood schools.

In particular, I worry about the degree to which the ALP Government's health policies affect and damage the interests of the over-60s, whether called aged or not - the retired; and finally, the very seriously and terminally ill in their final year of life. If you run down Mr Humphries' list, at every point it does seem that the aged, the over-60s or the retired are somehow or other the victims of these policies.

Let the last come first, the hospice. At this very moment there are a number of people in Woden Valley Hospital, especially ward 2A, who could more appropriately be in other surroundings. I will not give the figure for that, although I have discussed this, because I would not want people in the public press somehow to be counting numbers. However, there are a significant number of people who would be better in some kind of hospice facility. It would be better for them, for their health, for their last months or last year, or however long it might be.

Furthermore, as we speak of that, it would be better for the hospital system that they were not in ward 2A in Woden Valley Hospital, as it now is. The whole hospital system would be more effective if those hospital beds could be occupied otherwise. It is at a considerable cost that we do not have a hospice. Let me repeat that: It is at a considerable cost that we do not have a hospice. We need a hospice not only for those people who need it but for the overall health system.

In connection with this, apparently we do not have an adequate cancer registry in the ACT. It is a subject I have some interest in. I am reliably informed that about 400 people per annum die from cancer in the ACT. Of course, they are 400 or so individual cases - some die at home, some die quickly, some linger. Perhaps what they die of is related to cancer rather than the cancer itself. So, one would not want to make a generalisation about those 400 people. But many of those 400, especially those who cannot remain at home where there are not carers, would benefit now, not in 1992 or 1993, from the establishment of a hospice - now, not a year from now or two years from now.

Let us recall Mr Berry's feelings about a hospice in November 1989. This is from the *Canberra Chronicle* of 14 November 1989. It reported:

> The ACT Hospice Society has welcomed the decision by Minister for Community Services and Health, Wayne Berry, to begin planning for a hospice in the ACT.
>
> Mr Berry announced, in the context of a statement on ACT public hospitals, that the need for a hospice would be included in future planning.

Well, that talk goes on. It would be fair to say that under the former Government that did not come to a conclusion; but it was in the budget and we may hear more about that. Now it has been put off again and that is a very considerable worry. To do Mr Berry justice, I am aware that he is sympathetic to the hospice movement. He made those comments today and we have been at meetings together sponsored by the Hospice Society. But I have to ask him: Why delay any further? Why put it off to the budget after next? Why not make this an item right now?

Surely there are buildings and facilities on the Acton Peninsula right now, not 1992-93. I hear talk about an interim casino, and I will not go into that. Let us be more humane and talk about an interim hospice. Why could we not have hospice facilities right now? Alternatively, if it could not be in existing facilities on the Acton Peninsula right now, I would like to know about an interim possibility at Calvary Hospital right now. That hospital obviously is interested in the question of the hospice. Has the present Government pursued that matter with Calvary Hospital? Given the commitments of the religious order which has the oversight of Calvary, it would seem likely that a hospice could go ahead there much more quickly than in any other facility. Has that been tried? Have we pursued that matter? I do ask that it be pursued as quickly and as reasonably as possible.

Now I come to Jindalee. Mr Humphries has already made this point. Is this another case of bypassing or ignoring a committee report? Remember the stress on that report. Mr Wood will remember that in particular. Does the present Government consider that Jindalee is appropriately located? Is it? I would like an answer to that. Could a long-stay nursing home, under whatever name, now be better located on the Acton Peninsula under present facilities? If those facilities are about to be run down, as we hear, why not make use of them, now? Why must this be delayed?

Another matter related to the ageing or the retired is the possible RSL retirement village. I have mixed feelings about this. I agree that we should not do anything to damage the foreshores of Lake Ginninderra; and I do hear from the present Government, the ALP Government, that there is thought about an alternative site. Where is that alternative site? It has been now three, four or five years since the original proposal for the RSL retirement village. How much longer do we have to wait? Why delay this?

Mr Wood: They have never accepted an alternative site.

DR KINLOCH: Let us try again, especially as this is an area in which the costs, presumably, would be borne by the RSL and the banks and building societies they would deal with, not by the budget. But the one item here which concerns me most, although I feel very strongly about the hospice, and which affects most people is the convalescent facility. I heard what Mr Berry had to say and, again, clearly, he wants that convalescent facility. Why put it off?

There are several points to be made. An appropriate building is already there on the Acton Peninsula. It could continue to be named the Royal Canberra Hospital or changed to the Royal Canberra Convalescent Hospital. I do not mind if you leave off the word "Royal". That could be done much more quickly than is presently proposed. The second point

is that a slow-stream rehabilitation hospital was a strong recommendation of the Social Policy Committee. This is not just a recommendation that it is a desirable thing to do. It is a cost-effective thing to do. It is a necessary thing to do. I am happy to endorse Mr Humphries on that point. It would be a highly desirable facility for the Acton Peninsula and, again, as with the hospice, would involve cost benefits.

I would make this point, and it is the one point where it is not only concerned with the aged. As the committee heard evidence on this question of a slow-stream rehabilitation hospital, we realised that this was not just for people over 60. You could have, for the sake of argument, a 22-year-old rugby union referee who has received a broken nose. You do not want to keep him in the main hospital area any longer than necessary. You fix up his nose in a couple of days and then he can be shipped - if I can put it that way - to the convalescent hospital. So, this facility that could be on the Acton Peninsula much more quickly than the present Government is suggesting is for a range of people across the community of a whole range of ages.

I will not at this point, given the time, go on about the problems of community health; but I would have added another point to Mr Humphries' list, and that is community health related to the aged out in the community.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (3.44): Mr Kaine obviously prefers to speak after me, since we will be speaking on the same subject. I noticed that he was a little annoyed when Dr Kinloch got the call ahead of him, but he has changed his mind now. I also shall begin, Mr Speaker, in the way that Mr Humphries did, by referring to remarks in the Social Policy Committee's report on its inquiry into the ageing. We said then - I recall that I was very careful to write it in - that that report considered all the ageing. It was not a report on the needy ageing, the impoverished ageing; it was a report on the needs of all ageing people.

I want to say that, as we put this RSL proposal into some context. The village that we have at this stage put on hold, because it will go somewhere else, would in all probability - I say "probability"; "certainty" might have been the better word - have been for the pretty well off, certainly for the reasonably well off. I do not think there can be any argument about that. That is quite reasonable. I do not complain about it; I am putting this into context.

The concept of the retirement village as it applied under the arrangements at the time was such that the RSL was being given a free grant of land. That is fine too. Dr Kinloch talked about costs. I would say that the area of land they had in mind would have amounted to a very

considerable subsidy by the ACT taxpayer of, at least, I would think, $1m. Let us bear that in mind. It was a free grant of land because they are a benevolent society. One point that has to be understood is that they were to make no profit. They could not return any surplus into their own pockets.

Because of the confidence that the community has in the RSL, as part of this process there was no questioning about how they were going to fund this. The planning agencies accepted their credentials; so there were no questions about that. Nor was there any need for a prior submission of any plans or any further details. That is the case with certain other bodies whose reputations also are not questioned, although I understand that in many circumstances other bodies choose to make known precisely how they intend to go about things. So, I cannot be precise on what the RSL was proposing to do on that site, how they were going to fund it and what was going to finish up there. Bear that in mind as I make these comments about the sort of plan that would have eventuated.

Unquestionably, I believe that the units, the homes, would have been sold off the plan, so to speak. That way the RSL would be assured of its finance and would not be on borrowed money for too long. That is a pretty typical arrangement. I understand that there is an arrangement that where these things happen some sort of price level of the market should be maintained - that is, they should not sell properties like this at a price considerably lower than prevails elsewhere for comparable properties.

Bearing in mind that they probably saved $1m - or on another block a lesser amount of money - obviously the houses could be sold a great deal more cheaply than elsewhere around Canberra. I say "sold"; the correct term may be "sublet", or whatever arrangements are developed. The digger would not have total ownership of the land or of the house and probably, if he passed on or decided to sell out later, would return the property to the RSL and receive perhaps most of his investment back with that transaction.

But, to ensure that there is some level of market value about this, often extra services are provided. For example, a bowling green, or a swimming pool, or something else such as an amenities hall, may have been provided as part of that facility. I think you would agree that this would be a good deal for the diggers. They would be buying into one of the best pieces of real estate, as it was planned, in the ACT and, while the price might be higher than the actual home was worth, they would have bought a lot of extra good facilities as part of the package. Let me repeat: I do not complain about that. *(Quorum formed)*

Mr Speaker, I claim that this is a good deal for the diggers but I do not argue about that. The diggers deserve it. Let that be quite clear; what I am doing here is putting this in context. Let me tell you how a different group in the ACT went about their arrangements. At the same time as we rejected these proposals, this variation for the RSL, we accepted a variation on behalf of a church at Hughes. They are going through much the same process. But they did indicate to the planning and leasehold people how they proposed to do it. I know that Mr Collaery would be quite interested in these sorts of proposals.

They assessed that the extra value of the land because of the variation was $700,000. They did not put that $700,000 into additional amenities or something else; they decided to construct an aged persons hostel with that money. I think that is an excellent way to go because hostel accommodation for aged persons is what is probably most needed and least available. That is an excellent proposal and it is one I am going to be recommending to the RSL as we continue our discussions on this. Let me emphasise again for Mr Humphries that we agreed with the tabling of that variation - signatured by other people - about Hughes. Do not let him say that we do not care about the ageing in this respect, because we approved that.

Mr Speaker, we will assist the RSL to proceed. We want them to provide services for their aged diggers. We have no question about that. But they have been so dogmatic about the site. They have had one site in mind and they do not want any other site. I believe that we can finally come to agreement with them on a preferred site. This goes back quite a deal of time. I understand that it was the Commonwealth Government, first of all, that said, "No, you cannot have that site". Then it was the Follett Government who said, "No, you cannot have it. I have here a letter quite clearly detailing the process - a letter from Rosemary Follett on 22 November 1989 to the National Secretary of the RSL, saying, "That site is not available; let us talk about other ones", even though, of course, by that time it was known that they did not want any other site.

They could have had this place up and running long ago if they had accepted that this Government, the former Government and the Federal Government not only have a concern and care for the diggers, but also have the responsibility to take note of the needs of the people of Canberra as a whole. That is why we and most other people have rejected this variation - because this is a prime piece of land that ought to remain within the province of the people of Canberra altogether. That is what is going to happen; it is going to stay for Canberra. That is why we rejected it - not because we do not want diggers to get housing. That is simply not the case. I predict that in a short time after meetings that I have arranged with the RSL are concluded we will be able to proceed down a path where they will be able to develop this much needed housing.

MR KAINE (Leader of the Opposition) (3.53): Mr Speaker, while Mr Berry and Mr Wood have attempted to defend their position, I think it is quite clear that their proposition that their actions are based on social justice, as stated in their so-called budget, which they are still waiting for advice on, and everything that they have done since they came back into government over two months ago, is a sham; because one of the groups of people in this society that deserve some social justice is the ageing.

These people, by and large, as Dr Kinloch pointed out, generally retire. Some of us are not yet there, but generally they retire. That element of the community has paid its dues and it is entitled to some consideration. Yet everything that this Government is doing indicates that they have no concern for these people whatsoever. Mr Humphries has indicated the ways in which their actions - and their actions speak louder than their words - have put the interests of the ageing community at risk, or certainly at the bottom end of the priority list.

Mr Berry, in his 15 minutes, hardly spoke about the ageing at all. He spoke in defence of their hospitals and health system proposals. That demonstrated how concerned he is about the ageing. We are here in this hour to talk about the ageing. He scarcely addressed that matter. He really did not defend the things that Mr Humphries said about this Government and its attack on the interests of the ageing.

Mr Wood, unfortunately, did not do much better. I waited for him to explain to me why this Government believes that the RSL should not build some units for their retired and their ageing people on this particular site at Lake Ginninderra. All I heard him do was hypothesise about what the RSL might do and express the very subjective view that he did not agree with that. He did not explain why they could not have it or why they should not have it. I would ask the question, Mr Speaker: Why is it that somebody else, unspecified, seems to have a better claim to the use of this piece of ground than the RSL?

Mr Wood: Yes, the whole community.

MR KAINE: Not the whole community, Mr Wood. You are talking at cross-purposes. The current plan for that land shows streets. It is intended, and always has been intended, that that land be used for some acceptable purpose. Now, what you are trying to do is redesign the whole area and say that it is intended to be green space, that it is community property. It is not, and you have not established that it is.

Mr Moore: Either you have got it wrong or you are trying to mislead the house.

MR SPEAKER: Order!

Mr Stevenson: I take a point of order, Mr Speaker. I could not go on for another minute without raising this across-the-Assembly chat. When I do it, it normally gets mentioned.

MR SPEAKER: Thank you, Mr Stevenson. You do it more loudly. Please, members, address your questions and answers through the Chair.

MR KAINE: Mr Speaker, it seems to me that the piece of land that we are talking about, despite the decision adopted by the Labor Party, has no particular environmental merit. There is no reason to set it aside from a lot of other land around Canberra and say that it has value that other land does not have. Does Mr Wood have some better use for it?

Mr Wood: Recreation.

MR KAINE: I am afraid that in a growing city there are some areas of land that simply cannot be retained for recreation, and there is no reason and no justification for this particular piece of land being retained for that purpose. I would argue, Mr Speaker, that there is no better use for that piece of land than the one proposed by the RSL; first of all, because the members of the RSL deserve some recognition in this community; and, secondly, as ageing people they are entitled to some consideration.

That site is ideally located for the purpose for which they are proposing to use it. It is convenient to the recreational facilities that you value so highly around Lake Ginninderra; but you are saying that they ought to go somewhere else and, in your view, presumably as far away from Lake Ginninderra as you can get them. Take them away; send them off into the backblocks somewhere. Do not let them anywhere near any community facilities. Furthermore, it is in close proximity to the Belconnen Mall and the shopping and other community facilities that are there that these people are entitled to have access to, and would have access to if they were allowed to have that piece of ground.

So, I do not know. I do not understand the reason for the opposition and why it is considered that somebody else - some mythical group, some unspecified person - has a much better claim and a much greater claim to that piece of land than the RSL. You have not justified it. You have only put it forward in some sort of subjective way. You have not told us what the argument is. Who are these people who think that the land should be used for something else? Where is this community consultation that you are so fond of quoting? With whom did you consult to make this arbitrary decision about whether the RSL can or cannot have access to that land?

That is another part of your policy that is an absolute sham. You do not consult with anybody. You just sit in your offices. You might take a phone call from the 60 faceless people of your Labor Party caucus or your Labor Party organisation out there in Belconnen, but you do not talk to anybody else. Of course, in the end, this kind of arbitrary decision making is of no value to our community whatsoever. We are in the middle of a construction slump. Here is a possibility to get some construction work going that is of value to the general community; but, no, the Labor Party just arbitrarily says that that is not going to happen; it is not going to have any of that.

It is not only the interests of the ageing that we are setting aside now; it is the interests of the community generally. Mr Berry said that there was wide community acceptance of this decision. How does he know? Whom did he talk to? Where is the evidence that he ever spoke to anybody on the subject? I would suggest that not only has Mr Berry not spoken to anybody on the subject but neither has Mr Wood.

Mr Speaker, the Government's decision on this matter is not based on social justice, it is not based on commonsense, it is not in accordance with our current planning arrangements, and it is not consistent with public opinion. If you do not believe me, wait until election day. It seems to have escaped your notice that grey power in Canberra is becoming increasingly important - much more important than elsewhere in Australia - and those people are not going to forget this. They are not going to forget this attack on their interests, not only in terms of the RSL at Lake Ginninderra but across the whole range of government decision making, as Mr Humphries spelt out in some depth.

I do not know whose interests you are putting at the top of your priority list; but I suggest that you review this matter and have another look at whether these people, firstly, because they are ageing and, secondly, because they are veterans, might not have a legitimate prior claim to the use of this land because of the place that they ought to have in this community. The bottom line simply is that you are setting aside, in favour of some unspecified beneficiary, the interests of these ageing people and these veterans. I simply put it to you, Mr Speaker, that it is totally unacceptable. The Government, instead of going and telling the RSL what they cannot have, would be well advised to go and talk to them about what they can have.

Ms Follett: That is exactly what we did.

MR KAINE: No, he has already told the RSL what they cannot have. That is the start point. This is your community consultation. Tell them what they cannot have first, then go and discuss what might be left after that. I would suggest that your negotiations with the RSL should put back on the agenda the piece of ground at Lake Ginninderra, not

start from the assumption that it is not a matter for debate and negotiation and contention. Let us have some consultation, let us have some review in the interests of the people whose interests at this moment seem to have been totally set aside in favour of some unspecified, unquantified and unjustified community of some kind out there. I do not know who on earth they are.

MR MOORE (4.02): Since Mr Kaine obviously does not know who the community is, I am quite happy to tell him. It was a very good decision on the part of the Labor Party, particularly on the part of Mr Wood, as Planning Minister, to reverse the ridiculous decision made by Trevor Kaine and Craig Duby, as I recall, without even being prepared to consult the rest of the Cabinet because they knew that they would have difficulty getting it through. This land has no environmental merit, according to Mr Kaine. We are talking about a prime block of land, a lakeshore frontage.

Mr Kaine: I said that it has no particular environmental merit. Don't misquote me.

MR MOORE: I will accept "no particular environmental merit". It is a lakeshore frontage. No doubt, Mr Kaine, you have been to Geneva. The only spot where you can access that beautiful lake, apart from through private properties, is between a freeway and the lake. That is the sort of thing people like Trevor Kaine would have in Canberra - no access to the lake except for a few people. That lake, thanks to the decision of this Labor Government, is now able to be set aside for posterity. That is what it is going to be set aside for - not for individuals, ageing veterans, who deserve our special consideration, but for posterity.

As far as those ageing veterans go, to use Mr Kaine's term, we all respect them for their contribution. That is why in 1989 Rosemary Follett offered them, in fact, block 10 section 149 in Belconnen in the letter that Mr Wood referred to. I will ask later that it be tabled. In fact, they have been offered alternatives, but they are bloody-minded about getting a particular piece of land. With a particular piece of land we have to be very careful that we do not set up a development that will continue along the lake. Once you have broken the mould, it is much easier for development approvals to go ahead. We have seen that happen in many cities throughout the world. It is usually referred to as "strip development".

It is ironic that Trevor Kaine, of all people, should refer to the streets and so forth that are shown on that block of land. What he was referring to was the proposed variation, the proposed streets, not what the plan actually shows at the moment. I hope that when Mr Kaine looks at it he will be able to correct that mistake to the Assembly.

Mr Kaine: No, you need to correct yours. You are mistaken.

MR MOORE: If I am wrong, I will be only too delighted to do the same. We will have a look at it, but I think you are going to be the one.

With reference to community consultation, the major community consultation body in Belconnen, the peak body, is normally recognised as the Belconnen Community Council. The Belconnen Community Council has written, I presume, to a number of members. It has certainly written to me, as indeed did the Ginninderra Community Council, requesting that I move disallowance of the variation that had been signed by Craig Duby and Trevor Kaine.

I had agreed that I would move disallowance of those variations. It never proved necessary because we now have a government that is much more socially just and has taken a much more socially just decision than the one that was taken by Trevor Kaine and Craig Duby. It reversed the decision. The decision had to be made by Mr Duby and Mr Kaine because Mr Kaine could not get anybody else to sign the variation, even within his own Cabinet. Talk about divisions in the Liberal Party and everywhere else; it does really make you wonder where the divisions all start.

Mr Kaine then summarised what he said about the RSL site by saying that the decision is not about social justice, it is not about the community, it is not about planning and it is not about environment. He then went on to talk about grey power and said that it was not in the interests of the elderly. All those things are emotive and nonsense. It is socially just to ensure that posterity has access to that land, and the decision is in the community interest.

As far as planning goes, it makes good planning sense to ensure that we have open space next to our lakes. As far as environmental concerns go, I am glad that our environment is not relying on Trevor Kaine for protection. With reference to grey power, there is a growing influence by elderly people in the ACT and I think most of them will recognise how sensible it is to save this land for posterity.

MR SPEAKER: Order! The time for the debate has concluded.

Mr Moore: Mr Speaker, I request that the letter that Mr Wood referred to be tabled.

Mr Wood: Mr Speaker, I table that document.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on the Review of Auditor-General's
Report No. 1 of 1991

MR KAINE (Leader of the Opposition) (4.08): Mr Speaker, I present report No. 5 of the Standing Committee on Public Accounts on the Review of the Auditor-General's Report No. 1 of 1991, together with extracts of the relevant minutes of proceedings. I move:

That the report be noted.

As members are aware, the terms of reference of the Public Accounts Committee require that committee to examine all reports of the Auditor-General which have been laid before the Assembly. On 14 February 1991 the first report of the ACT Auditor-General was presented to the Assembly. Following the presentation of that report, the Assembly formally referred it to the Public Accounts Committee for inquiry and report. The examination of this report began under the chairmanship of Ms Follett and has continued with the reconstituted committee of 21 June 1991.

I would like to begin by commending the Auditor-General for providing an excellent report and drawing the Assembly's attention to inadequacies in the ACT Government Service. The audit report made comment on a number of important matters affecting public accountability and public sector management. A number of areas of concern to the Auditor-General, and, I might add, to the committee, were highlighted.

The committee decided in this inquiry and report to focus on the general question of accountability, with specific reference to financial accountability within the ACT Government Service. The issues highlighted in the report included: Delays in providing a number of administrative and financial delegations and determinations as they relate to the duties of the Auditor-General and the operation of the Government Audit Office; delays in issuing financial statement guidelines; delays in the preparation of financial statements and their presentation to the Auditor-General for audit; the conferring of benefits on the unentitled; delays in the completion of a formal agreement with Westpac over banking arrangements; deficiencies in the financial management of the Bruce Stadium; and the status of matters previously referred to in Commonwealth Auditor-General's reports prior to self-government.

On administrative and financial delegations, the Auditor-General commented on delays in providing personnel delegations to him, despite repeated requests. The committee is concerned that it took some 23 months following self-government for a draft proposal for revised and, in some cases, new delegations to be circulated amongst agency heads. Further, the committee is concerned that delegations were not revised following changes to administrative arrangements at the time of self-government.

The committee noted that it took almost one to 1 months following the tabling of his report before the Auditor-General received the delegations which he needed. To rectify this, the committee has recommended that financial and personnel delegations be updated to reflect the current administrative arrangements, and that this be finalised as soon as possible.

The Auditor-General's report also commented on the late issuing of financial statement guidelines for both administrative units and statutory authorities. The Auditor-General stated his concern at the lack of knowledge on the part of some statutory authorities of existing or previously applying Commonwealth guidelines and whether changes had occurred and what was the impact of those changes on their organisations. The committee is concerned at the late issuing of initial draft guidelines and, later, of final guidelines for the preparation of financial statements which contributed to the delays in the presentation of final financial statements.

Of further concern to the committee is the lack of awareness by some authorities concerning the guidelines referred to by the Auditor-General. The committee on this matter has recommended that:

> all agencies and authorities be made aware of the guidelines for the preparation of financial statements and their application.

On the issue of unitary and aggregate financial statements, the Auditor-General expressed his opinion that most of the administrative units did not have either the accounting and financial management expertise to prepare statements or the willingness on the part of senior officers to meet the requirements of the Audit Act promptly.

The committee noted that a number of factors contributed to the delay in the preparation and finalisation of financial statements; however the committee views the delays as unsatisfactory and, whilst acknowledging that a number of difficulties have existed, considers that the interests of the community, in terms of accountability, have not been served. The committee recommends that:

> all audited financial statements not yet tabled in the Legislative Assembly be tabled by the relevant Minister as soon as possible; and
>
> the Audit Act be amended to require the tabling in the Legislative Assembly of audited unitary financial statements.

With regard to statutory authorities and special operations financial statements, the committee is concerned that, of the 17 entities that were required to have audited financial statements, only five were completed within six months of the end of the financial year. The Auditor-

General commented in his report that the time taken to complete these audits was of concern and that in some cases the delays had been caused by a lack of financial management and accounting ability in the authorities concerned.

The committee believes that the reasons offered for late unitary financial statements are not relevant to most of the special operations and authorities, given that they have operated as such entities prior to self-government. The lateness of many of the financial statements is, in fact, a greater concern because of that. The committee expects that audited financial statements for these entities will be available to the Assembly within six months of the end of the financial year. The committee notes that the financial year for the ACT Institute of TAFE is the calendar year, and that, as at 12 August, audited financial statements for 1990 have not yet been tabled.

The Auditor-General's report also referred to the provision and use of motor vehicles for officers of two authorities where those officers were not entitled to the benefit. The Casino Surveillance Authority took immediate remedial action when this was raised by the audit. However, the ACT Milk Authority, at the time of preparation of the Auditor-General's report, had not provided advice of remedial action. In the committee's view, the situation concerning the Milk Authority is of concern. The committee noted that employees of the Milk Authority are employed under the Milk Authority Act 1971 and not the Public Service Act, and that ministerial approval was required for the terms and conditions of employment. Because of this peculiarity, the committee recommends that:

> the Chief Minister advises of the action taken in response to the Auditor-General's concerns regarding the use of vehicles by employees of the Milk Authority.

The committee will be examining the general issue of the use of vehicles in its review of the Auditor-General's Report No. 2, which dealt with the efficiency audit of the ACT Government Fleet.

The last issue that I raise is the audit report's reference to the absence of a formal agreement between Westpac Banking Corporation and the ACT Treasury concerning banking agreements. The Auditor-General expressed concern that a formal agreement had not been signed until 20 December 1990. The audit also noted that, at the time of preparation of its report, an agreement for the provision of the front office bill paying service had not been finalised, although services had been provided since 18 September 1989. The committee agrees with the Auditor-General on this matter and recommends that:

> the Front Office Bill Paying Service Agreement be finalised as soon as possible.

I would expect that later reports from the Auditor-General will reflect much improved performance from the relevant officers of the public service, who, I know, are as concerned as we are about some of the comments that were made.

In concluding the presentation of the committee's report I would like to strongly reiterate the committee's view that the establishment and operation of an independent ACT Government Audit Office is an essential and integral element of self-government. The committee views freedom for the Auditor-General to express such opinions as he considers necessary as being fundamental. Without this freedom the ability of the Auditor-General to fully discharge his duties to the members of the Legislative Assembly is limited. The Legislative Assembly can provide the necessary protection to the Auditor-General for him to report freely. Accountability measures will be helpful in the evolution of an effective and responsible Government Service that can discharge its duties to the community.

MR MOORE (4.16): It is with great pleasure that I rise to speak to this report. As a recently arrived member of the Public Accounts Committee, it has been very interesting for me to begin to learn the operations of a public accounts committee. It is also interesting to observe the work of the Auditor-General and the impact that it is having on the ACT public service.

I think it is very important for the public service to realise that the old days of being a minor part of a government department in which the auditing was not done in such detail have long gone and that not only will the Auditor-General seek accountability but also that will be followed up by the Public Accounts Committee and then followed up again by the government of the day. It is a very important function, and one which I think will bring about appropriate accountability.

Since I have come into this Assembly it seems to me that we have received a number of wide-ranging annual reports, with their audited statements, that are two years or 18 months overdue. It is quite clear that if we are going to have any sense of accountability we cannot possibly allow that sort of thing to continue. The issue has been highlighted by the Auditor-General, particularly in his reference to those audited statements.

It is a major step forward to have the Auditor-General produce his reports and then the Public Accounts Committee review each of them, and, of course, to give people the opportunity to respond. One thing that has been of great interest to me is to watch how different departments respond. One example that Mr Kaine drew attention to was the Casino Surveillance Authority. The Auditor had pointed out a fault in vehicle use and it was immediately rectified. It is not surprising that in complicated

administrative arrangements what appears to be a small matter can easily be overlooked. When attention is drawn to such a situation, that is exactly the sort of response that should be made.

The Milk Authority gave a very different response, one that seeks to justify and qualify what they are doing. Where there is a justification, that is quite appropriate. But, clearly, where the administrative arrangements are entirely inappropriate, that is something that should be looked to and dealt with immediately. That is the sort of response that I look to. Rather than using an Auditor's report or a Public Accounts Committee report as the basis for a witch-hunt, what we are trying to do is ensure that the administrative functions of the ACT public servants are carried out in the leanest possible way, with the least cost to the community and in a fair and equitable way.

As far as I am concerned, the Auditor's report provides the opportunity, and the Public Accounts Committee provides the follow-up to that Auditor's report.

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

HIV, ILLEGAL DRUGS AND PROSTITUTION - SELECT COMMITTEE
Second Interim Report - Feasibility Study on the Controlled Availability of Opioids

MR MOORE (4.21): Mr Speaker, I present the interim report on a feasibility study on the controlled availability of opioids, together with extracts of the minutes of proceedings and a copy of the submission lodged by the National Centre for Epidemiology and Population Health. I move:

> That the report be noted.

Our committee has not dealt with the major hard drug problem in Australia and our committee has not dealt with the death drug, and that is because we were not charged to. The major hard drug problem in Australia is alcohol. The death drug in Australia is cigarettes.

The responsibility of our committee is set out in the beginning of the report, and it is to inquire into "(a) the effectiveness of current legal and social controls enabling action to prevent the spread of HIV; (b) the effectiveness of current legal controls on prostitution and drug-taking;" and then there is point (c), which I think is most important. *(Quorum formed)* Point (c) of the resolution of appointment of this select committee is most critical. We were charged with finding "alternative social, medical or legal proposals which may assist in restricting the further spread of HIV". In looking at the gamut of the job that we

were charged with, and our resources, we determined to try to take one small step in dealing with a major problem of our society, and that is a major drug problem to do with heroin.

The Sackville Royal Commission in South Australia put as one of its main recommendations that heroin should be demystified. Evidence before our committee has suggested that if we studied alcohol just by looking at alcoholics we would have an horrific view of alcohol. Of course, that is exactly what has happened with heroin. Heroin has almost always been studied by looking at it from the perspective of dependent users.

Our current approach of recommending that a study on the controlled availability of opioids be continued is not a new approach at all. In fact, what it does really is put into a quite defined form what committees since 1971 have been recommending. The most recent of those committees was the Cleeland Joint Statutory Committee on the National Crime Authority. On pages 75 to 80 of that committee's report, Mr Cleeland pointed out that there had been a quite clear failure on the part of the prohibition policy in Australia; that there had been a clear failure of Australian law enforcement to manage to contain heroin. That is not surprising. The same experience has been found all over the world. In the United States there is a parallel increase between dollars spent on the war on drugs and usage. So, clearly, for every extra dollar they spend, they actually increase usage.

There is a series of other reports and inquiries that have looked into the problem of illegal drugs in Australia. The modern reports really started with that of Senator Marriott in 1971, and that was the Senate Select Committee on Drug Trafficking and Drug Abuse; then, in 1977, there was Senator Baume's committee; the Sackville Royal Commission in 1979; the Australian royal commission under Williams in 1979; and then one in New South Wales in 1981 under Rankin; the Stewart inquiry in 1983; the Costigan inquiry in 1984; the Kerr inquiry of 1985; and, of course, the Cleeland committee in 1989 that I mentioned earlier.

The critical aspect of these committees is that they all deplored the fact that there was not enough information available; there was not enough hard evidence. What our committee has said is: Let us find the hard evidence. With that in mind, we approached the National Centre for Epidemiology and Population Health and asked, "Would we be able to answer some questions if we proceeded to a heroin trial; would we be able to get any more information?". The response of the National Centre for Epidemiology and Population Health, together with the Australian Institute of Criminology, was to produce this very extensive two-volume report. That report is well worth reading, for anybody who is at all interested in this particular subject.

I believe that our recommendation to proceed to stage two of the recommendations of the National Centre for Epidemiology and Population Health is a very small step. Our recommendations are not about legalisation, as one might think from reading some of the mail we get and some letters to the editor. That is not what we are on about. The hypothesis that legalisation of heroin, in the very narrow sense of controlled availability, could in some way improve the lot of Australians, particularly Australians involved in some way with drugs, is a question that needs to be answered. I draw particular attention to a letter that was sent to members by a New South Wales magistrate, Mr Craig Thompson. In that letter, Mr Craig Thompson raised a series of questions. He said:

> ... we could try to administer the heroin to them but this might present some very real legal-medical problems. Doctors, I believe, will not inject morphine intravenously because of fear of overdosing the victim. Could nursing staff be expected to inject intravenously without knowing (a) the tolerance ... and (b) whether the subject may have taken an illegal dose before attending?

He raised a whole series of questions, and I think that is a very positive thing. What we have attempted to do is say: Yes, those questions do exist; a controlled trial under rigorous academic conditions just might answer some of these questions. That magistrate referred to a trial in the United Kingdom and to other trials that had been held previously. They were very different from the trial that is proposed here. They were held under very different circumstances, in very different years, and they have very little relevance to Australia at this time.

I urge members to look very carefully at what we are proposing and not to be taken in by the emotive arguments of those who say that we are in some way proposing legalisation of heroin. That is not it at all. What we are doing is proposing an academic trial that may provide answers to some questions. When people understood that, when as part of this inquiry they were surveyed, about 70 per cent of people in Canberra said, yes, that it was an appropriate thing to go ahead with the trial. I think the reason that people are prepared to say those sorts of things is that they realise that we are in a position of other systems having failed - a terribly frustrating position. When I first came to this committee, I thought there would be a very simple solution; that, basically, all we needed to do was increase our law enforcement and increase the money allocated to it, and before we knew it the problem would go away.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

HIV, ILLEGAL DRUGS AND PROSTITUTION - SELECT COMMITTEE
Second Interim Report - Feasibility Study on the Controlled Availability of Opioids

Debate resumed.

MR MOORE: The failure of prohibition policies means that the costs to our community are exorbitant. We are aware that we in the ACT pay something like $40,000 per person that is incarcerated in New South Wales. Supposedly, that is a fair measure of the cost for a year of incarceration. The evidence to our committee has indicated that over 60 per cent of people in New South Wales gaols are, in fact, there for some form of drug related offence. That is an astronomical drain on our community, before you even look at the amount of money that goes into police enforcement, the courts and so forth.

Each of the committees that I referred to earlier has sought to find some alternative method - with the exception of the Williams Royal Commission, which in fact suggested that more money should be spent on the legal approach and prohibition to make it work. That is the only one that came up with that suggestion. In fact, Senator Baume, in commenting on that royal commission, said that the Liberal Prime Minister of the day, instead of coming out and saying, "They have got it wrong and we disagree", did something much more clever by appointing a conservative person, Williams, to conduct that royal commission. In that way, he said, he undermined all the work of the Baume committee. There may be some truth in that or it may be sour grapes. But the point is that the Williams Royal Commission, along with these other inquiries, raised questions; and it is those questions that our committee believes should be answered. It is very important to do that carefully and in a rigorous way.

While we have had a failure of prohibition worldwide, there has, of course, been a success in Australia and it was brought about by Dr Neal Blewett, who was then Minister for Health. His success was to introduce NCADA and the approach of harm minimisation. That has been one of the most successful approaches. Certainly, many observers

argue that it has been the most successful approach in the world in dealing with the spread of HIV and the problems associated with drugs in our community. It is my contention that the harm minimisation approach could in fact be extended by providing, in a controlled fashion, heroin to some dependent users to try to assess whether that method decreases or minimises harm or whether it actually increases harm as some observers say it will. But let us find out whether it will or whether it will not.

I draw attention to the fact that Professor Duncan Chappell of the Australian Institute of Criminology is with us today, and welcome him to the Assembly. In responding to and commenting on the trial proposal, the National Centre for Epidemiology and Population Health, in conjunction with the Australian Institute of Criminology, suggested a four-stage procedure: An assessment in the first place, a feasibility study, a pilot trial, and then a trial. The term "assessment" is my term, and it applies, basically, to the work that is done in these two volumes. It is very important to realise that that assessment was, in effect, federally funded, although at the request of this committee. In light of the number of people who were working on that, it would not be out of order to suggest that a cost of some $30,000 was entailed in doing that assessment, and that is a contribution of some $30,000 by the Federal Government towards the inquiry at this stage.

Speaking of the Federal Government, it is important, I believe, that Federal involvement be part and parcel of any trial of this nature. In fact, this report draws attention to the fact that this study certainly could not go ahead without Federal involvement and the cooperation of other States. What we have embarked upon here is something that concerns all States and the Federal Government, and therefore should require the involvement of the Federal Government.

There is a difference of opinion on this small matter between Mrs Nolan and me, and that is expressed in her additional comments. She believes that the Federal Government should provide the $60,000 it would cost to proceed with the feasibility study. I believe that it is appropriate for the ACT to approach the Federal and State governments about funding after they know whether or not such a study is feasible. *(Extension of time granted)* However, I have made a commitment that at my meeting, as chairman of this committee, with the Deputy Prime Minister, I will certainly request that the Federal Government be prepared to come up with some funds to alleviate the problems of the ACT as far as funding goes. That meeting will be in early September.

It would be inappropriate for us to approach the Federal Government and the States with a half-baked idea and, at this stage, that is where we are at. It is an idea; it is an hypothesis. It has been tested; it has been assessed, and these two academic bodies of international reputation

have said, "Yes, it is an idea; it is appropriate and worthwhile to check to see whether or not it is feasible". It would be entirely inappropriate for the ACT to proceed with any stage beyond the feasibility study without the support, including the full financial support, of the Federal Government. I believe that that support should be sought at that stage, and part of the feasibility study should be to determine whether, in fact, we can gain that support.

One issue that has been raised on many occasions is the notion that this trial is in some way to provide free heroin - and, of course, that is precisely true. In dealing with free heroin the national centre said, in volume 2 at page 170 of its report, "No payment should be required for participation in the trial". We must remember that we are talking about an academic trial, not about a policy of providing free heroin. The report said:

> The results of the survey undertaken as part of this feasibility study showed that there is a high level of support for charging for trial drugs ... There are also in principle reasons why participants should pay for the drugs.

Everybody was aware of that. They go on to explain, however, that the difficulties associated with payment may, in fact, put an actual trial in jeopardy. So, the notion of free heroin has nothing to do with a policy concept; it has simply to do with the difficulties in running a trial. I think that the notion of providing free heroin for such a trial has been very much blown out of proportion. It is perfectly normal to provide participants in trials with the necessary materials to make the trial work.

It is very important for me to thank my colleagues who have worked so hard and so long on this committee. It is a very difficult inquiry, not only in terms of the amount of information that we have to deal with but also in terms of the style of lobbying that occurs and the political pressures that are brought to bear. I particularly thank the deputy chairperson, Robyn Nolan, Bill Wood for his participation on this committee prior to his becoming a Minister, and, since that time, Ellnor Grassby. I thank Ron Owens, the secretary of this committee, who has been untiring in his work, and absolutely brilliant, as far as I am concerned, in his cooperativeness and willingness to get on with the job.

The thanks of the whole committee, of course, must be extended particularly to Professor Douglas and Professor Duncan Chappell - who, as I pointed out, was here - for their contribution to this particular matter. Their contribution stands on its own. It puts the lie to those cynics who would argue that academics have an easy life. The quality of the work and the timeframe within which it was done are absolutely extraordinary. Much of the credit for that work goes particularly to Dr Gabriele Bammer and

her team who have worked so hard and who have managed to divorce themselves from any particular direction in this matter. They have sat back and looked at it from an academic perspective, looking to the positive side and to the negative side and presenting both. One of the great benefits of this inquiry is the existence of these two volumes, because they set out so carefully and thoroughly the difficulties that we have in dealing with illegal drugs. That on its own is a major contribution to Australian society.

The most important thing that I urge members to do now is to allow this debate to continue. It does not matter whether a person takes a prohibitionist view. It does not matter whether a person takes a legalisation view. The important thing is that when the debate continues we have some hard data upon which to base our arguments, instead of the emotive arguments that we have heard over many years. Let us get the hard data, support this notion and support a next step only; that a feasibility study be undertaken. That is all we are asking at this stage and that is all our report does. Our report recommends that we go to the next stage, that of having a feasibility study undertaken to determine whether there is any advantage in running such a trial.

MRS NOLAN (4.42): Mr Speaker, today, as Mr Moore has already stated, the Select Committee on HIV, Illegal Drugs and Prostitution is handing down its second interim report on a feasibility study of the controlled availability of opioids. I would like, at the outset, to thank the other members of the committee, the committee secretary and others involved in the production of this report - a report very much smaller, but not necessarily in detail, than our first interim report. Much work was done in this area by the NCEPH, and I would like to place on record my thanks to Professor Douglas, Gabriele Bammer and other members of the working party for producing such a detailed report as that which Mr Moore has tabled in the chamber this afternoon.

One matter that has caused me great concern is the misunderstanding in relation to this subject that has been displayed within the media and also within the community, certainly in relation to the sorts of recommendations that this committee was likely to hand down. The report produced by the NCEPH was about a feasibility study. The report that the committee is handing down today is about the same thing, a feasibility study.

At this point in time I would like to read into the record the recommendations of the committee and then add my additional comments, because I think it is important that those particular recommendations - and there are only five - be actually read into the record so that they are available in the *Hansard.* The committee's recommendations are:

1 - That the Government approve a feasibility study of the logistics of conducting a trial to provide opioids, including heroin, in a controlled manner.

2 - That the feasibility study recommended in Recommendation 1 be funded, in the current fiscal year, to an amount of $60,000.

3 - That the appropriate Minister inform the relevant Federal, State and Territory Ministers, through the National Campaign Against Drug Abuse, of the feasibility study and seek national co-operation through Ministerial Council on Drugs Strategy.

4 - That the National Centre for Epidemiology and Population Health conduct the feasibility study recommended in Recommendation 1 on the Government's behalf.

5 - That the Government establish a feasibility study monitoring group, consisting of no more than three members of the ACT Government Service, the functions of which shall be:

(a) to represent the Government in discussions with all other interested parties;

(b) to be the sole Government agency dealing with the major researchers; and

(c) to co-ordinate and present the Government's responses to issues as they are raised by the major researchers.

Having read into the record the recommendations of this committee's report, I would like to read into the record my additional comments. I will not read them in entire detail as, in fact, I have already covered the first paragraph of those additional comments earlier in my remarks this afternoon. But it is important, I believe, to have these comments on the record. I quote:

> My participation in this Select Committee report in no way supports controlled availability of opioids. This report will be of benefit to all sectors of the community as it will outline the intended procedures which would need to be taken before any decision could be made.
>
> Stage 2 of the NCEPH report, The feasibility - a more detailed examination of the logistics of the trial and the mechanisms by which the program might be run is appropriate if the following procedures are followed. It is through this feasibility study that an appropriate decision concerning the controlled availability of opioids can be assessed.

Whilst I deliberated in the committee's report presented today and support the recommendations in it, I consider the $60,000 required for the implementation of the feasibility study should be

> federally funded. I also consider it essential for a political commitment from Federal, State and Territory Governments be obtained before proceeding to Stage 2. The ACT cannot proceed along this course unless support from Federal, State and Territory Governments is obtained.
>
> I have urged that the committee recommendations pursue this course. It is also essential that the ACT Minister responsible seek approval from the appropriate Ministerial Council before proceeding to Stage 2 before further action is taken.

There are just a couple of other matters that I believe I should address this afternoon. As I said, my view is that the study should have the support of those other governments if it is to proceed. I think that is essential. I believe that the money should be provided from Federal funds, not State funds. I consider that, given the financial constraints placed upon the ACT by the Federal Labor Government, the Federal Government should fund that feasibility study.

I, like Mr Moore, thought that simple solutions would readily be available. They still may be, but to make more information available for us to make the necessary decisions is an appropriate course of action. Again, as Mr Moore stated earlier, it is correct that we have a difference of opinion on this particular issue. With committee reports we tend to be still deliberating right down to the very day that the report is to be tabled. That was not quite the case on this occasion. But it is unfortunate that Mrs Grassby was not able to participate in at least a couple of those meetings, and that she is not able to be here in the chamber today to put forward her comments.

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

PERSONAL REFLECTION ON MEMBERS

MR SPEAKER: Members, before we go on to the next item of business I would like to draw members' attention to the fact that on Tuesday I undertook to review the *Hansard*, following a request by Dr Kinloch that the statement by Mr Berry to the effect that, with the exception of one other member, Mr Collaery was the "biggest smear merchant in the place" be withdrawn. Mr Berry's suggestion was made after Mr Collaery had been directed to withdraw an imputation regarding the Chief Minister and her ministry. "Smear" is defined in the *Macquarie Dictionary* as "an act of defamation, or slur". I have now examined the record and have concluded that Mr Berry's words are a personal reflection on the members in that the qualification that Mr Collaery is the biggest smear merchant implies that Mr Collaery and all members have been rated as smear merchants.

I point out to members that when such allegations or imputations are made in debate they are not only offensive but also disorderly, as they often invite responses from other members. I believe that this is what happened on Tuesday. Once again, I call on all members to ensure that comments made in debate are made in a responsible manner, that offensive words are not used and that imputations of improper motives and personal reflections are not made.

I call upon Mr Berry to withdraw his statement and qualification.

Mr Berry: It is so withdrawn, Mr Speaker.

MR SPEAKER: Thank you.

GAMING MACHINE (AMENDMENT) BILL 1991

Debate resumed.

MR COLLAERY (4.51): I want to put on the record a response to what Mr Jensen said, namely, that no government had adequately responded to the suggestions of his select committee to provide a counselling service for people who were obsessed with gambling or had problems. Mr Speaker, I want to put on the record the fact that among the documents the Alliance Government left behind was such a policy proposal, properly developed within the administration. The matter was going to be considered in the normal budget process at some time down this track. I draw to the attention of members, in response to Mr Jensen's comment, that our government had set about reviewing that prospect with the further view of seeing whether it could come within the new policy programs in the budget.

MR STEVENSON (4.52): A label indicating an 85 per cent pay-out rate is no guarantee in Australia that people will indeed be paid 85 per cent. Justice Vincent, the Victorian commissioner of the casino and gambling machine inquiry, after a worldwide investigation, travelling throughout the world, indicated a number of points. He said, and this was in 1983-84, that the industry would not be able to be effectively controlled at that time, that there would be an organised crime involvement in it and that it should not be introduced. We see that the words of Justice Vincent have been borne out.

There were two types of poker machines. First of all, there were the one-armed bandits we know so well. It was the introduction of the electronic video display units and the requirement of imported technology that allowed a major organised crime involvement in the gambling machine industry. I suggest that "gaming machine" is not the best name for it for, regardless of what the pay-out rate is, it is not much of a game. Basically, you can only lose.

A 1986 report by the then Senior Sergeant Booth in the Licensing and Gaming Squad in Victoria found that, "The money they earn is like petty cash for the criminals. The money is helping support drugs, prostitution and other rackets". His figure work, based on a sequence of 15 gaming machines they had under surveillance, showed that over a 12-month period, if left undisturbed, this petty cash would amount to some $10m. In 1990, under the news banner, "Police fail to slow illegal gambling", the then head of the Victorian squad, Inspector Maher, said, "The failure to act on Sergeant Booth's recommendations has led to the machines spreading throughout Australia".

In the same argument, Frank Kirby of the Western Australian squad said, "We have heard about the new machines in the east, but we have not yet seen them here. That does not mean that they will not come here". Just three months later, in March 1990, it was reported that a major organised scheme to import components for illegal gambling machines had been broken and that Western Australia was being used as a springboard to distribute these illegal machines in parallel with the legal machines.

The 15 machines that were under surveillance in a sports club in Victoria had a number of illegalities about them. Firstly, the odds were rigged. It has been recorded that a pay-out as low as 48 per cent has been set up on such machines. There is also a situation where a sliding scale will be used. The machine can be programmed to start off at a certain pay-out figure and that can reduce. In addition, there are machines that are capable of conversion to illegal games. These games would be card games other than poker, for example, 21. They would involve high stakes. The games can be changed by switching the machines on certain premises.

Mr Duby: I take a point of order, Mr Speaker. This has gone far enough. I think this is an outrageous attack on the licensed club industry in the ACT. I would ask the member to be relevant to the motion that is under debate and to the Act. This has nothing whatsoever to do with amendments to the Gaming Machine Act of the ACT. This clearly is out of order.

MR SPEAKER: Thank you, Mr Duby. I am having trouble ascertaining the relevance of your statement, Mr Stevenson.

MR STEVENSON: The relevance is that it has been shown in a number of States in Australia that such machines are not only open to tampering by organised crime but have been - - -

Mr Duby: On a point of order, Mr Speaker: This clearly is ludicrous. There are no States in Australia that have these machines, except New South Wales and the ACT.

MR SPEAKER: Thank you, Mr Duby. Mr Stevenson, I believe that the statement you are making is more relevant to an MPI or a statement made by leave of the Assembly. I do not really believe that you are addressing the question before the house. *(Quorum formed)*

MR STEVENSON: Mr Speaker, the Bill we are debating talks about the percentage that is set on gaming machines. I am talking about evidence from other States in Australia. I have made no mention whatsoever that such evidence is available at this time in the ACT. However, it is available for other States and there need to be certain - - -

Mr Duby: What other States? You have mentioned Victoria. What other States?

MR SPEAKER: Order! Mr Duby, I warn you. You cannot take the floor, Mr Duby. You will have your turn when it is your turn to speak. Mr Stevenson has the floor.

Mr Duby: For goodness sake! Mr Stevenson is being totally irrelevant, Mr Speaker.

MR STEVENSON: Mr Speaker, am I explaining the validity of my speech, or am I giving it?

MR SPEAKER: Please proceed.

MR STEVENSON: The illegal games are operated so that it is very difficult to ascertain that they are illegal. There are switching mechanisms that are used on them. A common practice has been the use of magnetic switches whereby an attendant can run a magnet over a certain part of the machine and switch it on to operate other software, high stake illegal gambling.

Also, there have been circuit boards, very small computer components within the machines, treated with photosensitive material so that when they are opened you no longer have the evidence. It is immediately destroyed by the light. The raids on such equipment have shown that the people who are trained to investigate and to check over the machines to make sure they are legal have not been able to ensure in all cases that the machines they have given approval to are, in fact, legal. It is very hi-tech equipment. It is very difficult, for a number of reasons, to ascertain what is legal and what is illegal.

Inspector Pat Maher, in an item under the headline "Western Australian target for illegal slot machines", said, "It appears one crime group, the Mafia, runs the machines in Perth, Melbourne and Sydney. From our raids we have established that one particular Mafia figure in Victoria has direct links with Perth, Sydney and New South Wales Riverina". I make the point that we do not necessarily have a guarantee that this organised crime network has not infiltrated the ACT. There are some practical suggestions - - -

Mr Duby: I take a point of order, Mr Speaker. This is an outrageous attack on the good citizens of the ACT. Not only that; it contravenes standing order 58, which relates to relevance. There is no relevance whatsoever between Mr Stevenson's unwarranted attack on the Licensed Clubs Association of the ACT and the matter we are debating. For you to allow this style of debate to continue is, frankly, a gross dereliction of your duty.

MR SPEAKER: Well, thank you for your observation, Mr Duby. Please proceed, Mr Stevenson.

MR STEVENSON: Thank you, Mr Speaker. I will get back to what I was saying before that outrageous interruption. It truly was nonsense. Mr Duby made accusations that are ludicrous.

I simply make the very important point that there is major organised crime involvement in the gaming machine industry in Australia. There are certain things that I was just about to mention when there was yet another interjection by Mr Duby, who should know better if he is involved in the area. He should have some understanding that the industry in Australia has been infiltrated. I hear not a word. The suggestions that would be worthwhile taking up are these: Firstly, this Government should collect the police intelligence available - - - *(Quorum formed)*

MR SPEAKER: Mr Stevenson, I suspect that you are going to draw a conclusion to bring this back to the Bill before us.

Ms Follett: I would not count on it.

MR SPEAKER: Well, I certainly hope so.

MR STEVENSON: Indeed. It would be prudent behaviour, firstly, to collect evidence on the illegal activities that are associated with gaming machines. Once that evidence has been collected, there should be an investigation of the supply lines into the ACT from the gaming machine companies. We should also ensure that staff in the ACT who are responsible for checking on the details that are presented in the Bill - in other words, is it an 85 per cent pay-out or is it some other pay-out? - have the hi-tech training necessary to make the correct investigation.

Also, it would be wise if we investigated the possibility of ensuring that the machines we grant new licences for are tamper-proof machines; machines that can be checked regarding the amount of money put through them and paid out by them, by means of a simple electronic device that can be plugged into the machine at any time to gain a readout. Some of these particular machines are used in Jupiters and Burswood, with useful results. At one time the penetration of the industry in Australia was estimated to be at about 5 per cent. By good work by police in Victoria - - -

Mr Wood: By whom?

MR STEVENSON: Police investigators.

Mr Wood: Which ones?

MR STEVENSON: By police in Victoria, of the various illegal clubs in Victoria, and also police in Western Australia. That has apparently reduced that to an estimated - and granted it is only an estimate - 2 per cent.

Ms Follett: This is outrageous. It is absolute garbage. It has to be - - -

MR STEVENSON: Miss Follett says, "This is outrageous". I wonder why it is outrageous to indicate that there are concerns and evidence around Australia that the gaming machine industry has been infiltrated by organised criminals and that we should take certain precautions in the ACT to ensure that it does not happen here. Is it not a valid situation for when we get casinos? Is there not a Casino Surveillance Authority to try to prevent organised crime involvement in casinos in exactly the same way? Once again, it is purely and simply a prudent option to take. It should be done, and I will pursue the matter.

MS FOLLETT (Chief Minister and Treasurer) (5.08), in reply: Mr Speaker, there are a few issues that I would like to respond to. The most obvious, of course, is Mr Stevenson's remarks. Once again he alleged links between organised crime and whatever particular subject the Assembly happens to be debating. In the case of the particular Bill that is under debate at the moment, the Gaming Machine (Amendment) Bill, Mr Stevenson has made a variety of utterly irrelevant and unsubstantiated smears on the ACT club industry. Mr Speaker, I really cannot let that go past.

The fact is - and Mr Stevenson ought to be aware of this fact - that the ACT has been the model for anti-corruption and revenue collection measures that other jurisdictions commonly do not have, but would like to have and would like to follow. I think it is incredibly shallow for Mr Stevenson to allude to every State in Australia except the ACT, and to then imply that what may or may not happen in other States does happen in the ACT.

Mr Duby: In illegal gaming clubs. That is what he is referring to, in Victoria.

MS FOLLETT: Mr Stevenson, as Mr Duby remarks, has confined his remarks to illegal activities. What we are talking about in the Bill that is before us now is a regulated industry in the ACT. So, Mr Speaker, I believe that his remarks were as irrelevant as they were unsubstantiated. It is clear to most members here, I think, that anti-corruption activities and the protection of revenue are closely related.

In the ACT we have had the advantage in past years of the Gaming and Liquor Authority achieving a very high standard indeed in its surveillance and its work in that area. That task is now being taken on largely by the Revenue Office and I have total confidence in their ability to carry on the task in a manner that avoids the corruption that Mr Stevenson has so loosely spoken about and also maintain the ACT's revenue base. This is a very important industry in the ACT and it is a very important source of revenue to the ACT Government. So, Mr Speaker, I think it is regrettable that Mr Stevenson has sought to smear the industry in that way, to smear the Revenue Office by implication and to - - -

Mr Stevenson: I raise a point of order, Mr Speaker. Miss Follett is using words that, firstly, are unparliamentary and, secondly, are untrue.

MR SPEAKER: I must say that the interpretation that you have put on this, Ms Follett, does bring this into the area that we have just discussed as far as verbiage is concerned. I would ask that you withdraw that accusation and imputation against Mr Stevenson.

Ms Follett: I wish to speak to the point of order, Mr Speaker. Your previous ruling related to the use of the word "smear" in relation to all members of this Assembly. I have made my remarks quite specific to Mr Stevenson. I think that by attempting to link organised crime with the club industry in the ACT he has indeed attempted, in the terms of your definition, to defame them. Just as you read to us earlier, it is a smear. If you regard that term as unparliamentary, I do not. I must take issue with your ruling because, as I said, I have made it quite specific to Mr Stevenson and quite specific to his recent remarks.

MR SPEAKER: I will review the *Hansard.* From listening to Mr Stevenson's speech, I saw him as having a valid concern, but I do not believe that he smeared anybody. I will review the *Hansard.*

Mr Stevenson: Thank you, Mr Speaker.

Mr Duby: He certainly smeared the Revenue Office. He said that there were corrupt officers allowing illegal practices to occur.

MR SPEAKER: Not in this State, as I understand it; but I will review the *Hansard.*

MS FOLLETT: Mr Speaker, I repeat: Mr Stevenson has given us the benefit of his views on a range of possible illegal activities in other States and has attempted to impute them to the ACT. I will await your ruling on that.

Nevertheless, Mr Speaker, on the bulk of the Bill, I must admit that I am very grateful for other members' support of the Bill. The bottom line with this Bill is a better deal for people who play gaming machines in clubs. I think it is about time they had that better deal, because their counterparts, their colleagues in New South Wales, have had the advantage for quite some time.

Just briefly, in conclusion, Mr Speaker, I am surprised that so many members seem to have forgotten that at the time that Mr Collaery dealt with this Bill previously, in September of 1990, I attempted to move an amendment to increase the possible pay-out to players, and that amendment was lost. Now that the Bill before the house at present removes any upper limit, I am surprised that it has the unanimous support of members opposite, when my previous attempt to increase the pay-out to 95 per cent did not get their support. I have no doubt that they have consulted widely. They have conducted some field work, obviously, and have seen the error of their ways previously.

So, Mr Speaker, I am very pleased to have the broad agreement of the house on this issue. I am quite confident that the poker machine players in the ACT will appreciate it. I am equally sure that the licensed clubs of the ACT will benefit by this measure. Of course, in doing so, there may eventually be even some revenue benefits for the ACT Government.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

COMMERCIAL ARBITRATION (AMENDMENT) BILL 1991

Debate resumed from 8 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR COLLAERY (5.15): Mr Speaker, this again is a significant piece of legislation. I realise that it is a legally dense document and would not appeal to the immediate interest of members who just recently had a very active debate on gaming machines. Mr Speaker, the Attorney-General introduced the Commercial Arbitration (Amendment) Bill 1991 which, in fact, has already been seen by the Alliance Cabinet and approved. So, of course, I stand in support of this Bill.

The Attorney gave a short overview of the Act as it now stands. I would like to put on the record, in our own *Hansard*, in the history of this Assembly, what processes lead us at this stage to encourage commercial arbitration of disputes and to support the expansion of commercial arbitration legislation in the ACT in line with expansions elsewhere in Australia to allow for mediation and conciliation. It is a further alternative dispute resolution machinery.

Mr Speaker, commercial arbitration as a method of settling disputes came late in the piece in the developed world. We all know that lurking beneath every merchant's bed in the nineteenth century and early twentieth century, and perhaps even up to the end of the first half of the twentieth century, were governments. Governments tacitly, directly, indirectly, or in a shadowy manner, backed up the proprietal concerns of enterprise.

The United States Government often is seen to be too close to some of the private commercial activities of its corporate sector; but, really, that is merely a more open manifestation of the fact that all governments of all persuasions seem to support the commercial activities of their national companies. That is well and good. But, when that support can result in diplomatic involvement in commercial dealings formally done at arm's length, then you often see a misuse of the diplomatic immunities and a misuse of diplomatic power.

This resulted, after the end of World War II, in significant developments in terms of work on conventions to allow for the orderly settlement of international trading and investment disputes. One of the early and important documents was the Washington convention in 1965. There were others, but I choose that one. Growing out of that convention has been a move towards a model law for use by all nations in the settlement of disputes. That model law was adopted at the eighteenth session of UNCITRAL in June 1985. That provided for a uniform law for regulating international commercial arbitration.

It provided for a model law, as distinct from a convention. It meant that other governments could adopt that model and replicate the provisions of it. That is slowly permeating the developed world. A number of countries, including Australia, are now in the process of applying that model law which has come to us from abroad. In fact, what we are doing today is implementing and mirroring the provisions of the international model law in our own ACT law. So here, being moved today, are legal amendments that have their origin in international negotiation at the conference table at international fora. In 1986, to my knowledge, the national working group on that in Australia was set up and the Standing Committee of Attorneys-General of this country agreed to adopt the model at a meeting they held in, I understand, March 1987. That is how we have arrived at this mirror legislation.

When the legislation got to the Senate across the lake, two important amendments were moved. They, firstly, freed up the situation to allow the States to legislate as they saw fit by adopting the model, rather than the Commonwealth attempting, as it has done in the corporations area, to put forward a national uniform Bill. So, each State and Territory is progressively legislating to effect the model, and that is what we are doing today in this chamber.

Mr Speaker, there is an ongoing review of matters at the moment. That review is going on under the aegis of the Standing Committee of Attorneys-General. The issues identified for further examination and discussion around our nation include questions about the right to legal representation in these proceedings, the need for the consent of all parties to obtain consolidation of proceedings, issues of natural justice, and the like. Those matters are partly attended to in our amendment today, Mr Speaker, but there are still some broader comments to make in terms of the Attorney's comment that this law represents "a trend towards the use of alternative dispute resolution".

The first thing is that the Senate, in its wisdom, in the second change it made to the model law, allowed the process to be lawyerised. Lawyers have often been anathema to arbitrators, but the Senate allowed legal representation in arbitration disputes - in fact, foreign legal representation.

We now have the beginnings of a possible expanded industry in terms of the globalisation of legal services within and outside Australia. It means that lawyers can come to those cases - they can come from abroad - and this will encourage the use of Australia, as an honest forum, as a centre of commercial arbitration.

I was at a conference last year with Sir Laurence Street, the former Chief Justice of New South Wales, when he indicated clearly his continuing personal involvement in attempts to set up commercial arbitration in Australia - and in what other place than Sydney, from his point of view - so that Australia can provide a venue for all the great commercial disputes that are going on in our region and elsewhere.

Mr Speaker, I also should acknowledge here the important work that Pat Brazil, the former secretary to the Federal Attorney's department, has done in focusing attention on the issues here and in providing an impetus for Canberra to have the ambition to provide the venue that Sir Laurence Street speaks about. I personally believe, as I have said before in this house, that Canberra, this national capital, could become the centre of commercial arbitration, mediation, conciliation and dispute resolution for this hemisphere.

The growth rates in terms of the gross national product of the economies in our hemisphere, particularly in the Asian regions near Australia, mean that by the year 2000, if Professor Ross Garnaut is correct, our GNP will exceed that of Western Europe and probably equate with that of North America. That means that there is going to be a fantastic explosion of the need for people to resolve ambiguities in commercial contracts. I am not speaking vulture-like, waiting for those disputes; but it is an issue that the Canberra groups who are working towards expanding our region should look to.

I personally believe that the exciting prospect of a legal precinct across City Hill, that had a lot of forward leasing prospects from our local bar, should not have been canned so quickly by the Follett Government, because part of the ambitions for that site was a venue for international commercial arbitration and national commercial arbitration, as a centrepiece, supported by the Law Council of Australia and others. That was part of my lurking ambition beneath my merchant interest in this affair.

I feel that Australia has great strength, in terms of our linguistic capacities, the lingual schools available to Australian lawyers, Australian arbitrators and our world-class interpreting skills, to make Canberra a capital for international commercial arbitration machinery. What a great site that would be next to City Hill. I will continue to press the prospect of a legal precinct that embraces that and all those other functions I have spoken about before.

To conclude, Mr Speaker, we should not just stop here and believe that the Bill that is before us is sufficient, even given the amendments to date. The fact is that the commercial arbitration models we use are essentially eurocentric, in my view, although the Latin American and South American countries have developed some variants of their own. They had the Calvo doctrine. All those Latin states agreed that proceedings could be taken in their jurisdictions in support of disputes. The fact is that we in Australia still need to take a lead, in terms of all of our near neighbours, in getting a lot of these eurocentric conventions, including conventions like the UN refugee convention, and the rest, related to the existential condition of the Third World.

The first thing you notice when you are dealing with an oriental frame of mind in Asia is that they have a far more peaceful method, usually, of resolving interpersonal disputes. They believe in personal good faith. They believe in shaking on a deal and believing that you will stick to it. If you do not, you lose face, not them. I am simplifying it, of course, and putting it into a homily.

We, the English lawyers, the common lawyers, move all the way across to technical precision in our drafting so that if we have not drafted it right and they can find a loophole we are almost fair game. That is the difference between the way our systems work in Australia, with our British heritage, and the way the Asians often work in their business dealings. We need to do more work on that.

If we could bring our dispute resolution machinery, particularly conciliation and mediation, which are more likely to appeal to oriental traders, in line, we could get an exciting, honest process going here, because many people in this hemisphere would not trust the environments in other parts of the hemisphere to provide an honest, incorruptible venue for commercial arbitration.

Mr Speaker, this Bill is the beginning, I hope, of more exciting reforms that the ACT, as a city-state, with a reformist momentum behind it, such as the South Australians had in the 1970s and we can inherit, should bring forward. I commend the Bill that has been brought in by the Attorney. It is the end of a long road, but it should be the beginning of a new canvas.

MR STEFANIAK (5.28): The Liberal Party supports the Bill, Mr Speaker.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.28), in reply: Mr Speaker, I welcome the speeches of both Mr Collaery and Mr Stefaniak. Mr Stefaniak's was somewhat briefer but told us what we wanted to know, which was that the Liberal Party supports the Bill.

Mr Collaery went into somewhat greater detail to outline the origins of commercial arbitration and his view, which we share, that this is an area that offers an opportunity to the ACT. It is an area where we do have a real natural economic advantage, and this legislation now before the house will aid that. Mr Collaery referred to the work that Pat Brazil has done in focusing attention on Canberra as a centre for international commercial arbitration. I would echo his endorsement of the good work that Mr Brazil, a former secretary to the Federal Attorney-General's Department, has done in this regard.

One concern that was raised by Mr Collaery was that there was a tendency to lawyerise commercial arbitration. I share his concerns about that. This is an area where legal skills can be helpful, but it should not be the exclusive preserve of lawyers. Section 20, to be inserted by clause 12 of the Bill, does give some flexibility to allow persons

other than legal practitioners, admittedly where there is leave; but the circumstances where leave should be granted are set out - basically, where it would be likely to shorten the proceedings and reduce costs. So, there is that degree of flexibility and that intention, at least, to encourage the possibility that persons who are not necessarily legally trained can be called in to assist in arbitrations.

Mr Speaker, in essence, as we said at the outset of this Bill, this does allow the ACT to comply with a move towards uniformity that was recommended by the Standing Committee of Attorneys-General. Our Act requires somewhat less amendment than Acts in other States because it was a fairly modern form of commercial arbitration head Act, being enacted first in 1986. I commend the amendments to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR COLLAERY (5.31): I want to place on record a slight concern I have about the inclusion of proposed new section 20 headed "Representation". That provision, at subsection (5), allows a non-admitted lawyer in this jurisdiction to practise arbitration in the Territory. The wording says:

> A person not admitted to practise in the Territory shall not be taken to have committed an offence under or breached the provisions of the Legal Practitioners Act or any other law of the Territory ...

I am concerned about the words "or any other law of the Territory". I believe that they were in there when I approved this authorship. I simply believe that we need to look at that terminology the next time we look at this Act. It could well mean that a person, conceivably, whilst acting as an advocate in those proceedings, could breach some other laws of the Territory, and that appears to be somewhat of a grant of immunity.

Bill, as a whole, agreed to.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Hartley Court - Respite Care

MR HUMPHRIES (5.31): Mr Speaker, I think it is worth noting that six months from today the Territory goes to the polls in the second election held under self-government. At this juncture it is probably worth noting that, in many real respects, the election campaign has already begun. Many of the activities of the parties in this chamber have been directed towards preparing for that election, and I am sure much more will be done in the coming months. But, of course, there is much more for any of the parties in this chamber to do to win the next election than merely selecting candidates, saying things in the public arena, and being seen around town at functions, and so on.

Mr Duby: Far more important things than that, Mr Speaker.

MR HUMPHRIES: Yes, there are other things, Mr Speaker, and they include showing that this Assembly and the people who are in this Assembly have some record of achievement in the area of self-government. There are many things that all of us have done in the last few years to promote particular issues and particular causes, and that is all well and good; but, of course, we need to be bearing in mind at all times that the community as a whole needs to feel some proprietorship of self-government, needs to feel that there is some benefit or gain to be had.

In that regard I would like to suggest to members of the Assembly that there is one particular matter that has come to my attention which I think it would be worthwhile for this Assembly to promote as best it can in the next six months. It is a matter that the previous Alliance Government looked at at some length and was attempting to assist in. The ACT Society for the Physically Handicapped has approached many members of this Assembly to seek their support, particularly through those who are participating in the Queen of Canberra Quest, and those people, I am sure, would have got great support from members of this Assembly.

The society has had some difficulties with the Federal Government for some time concerning the use of Hartley Court. They wish to use part of that facility for respite care and have been unable to do so because of problems under the Disability Services Act of the Federal Government. The society and I think probably most of us here support the general aims of the Disability Services Act to provide a better regime of regulation for people with disabilities.

This is a good illustration of what Mr Connolly was saying, I think last week, where Federal legislation or Federal regulations govern all situations across the country, sometimes to the exclusion of circumstances in local situations where discretion is required in the way in which a particular circumstance is handled. In this case the dictates of the Act prevent the society from using Hartley Court, or that part of Hartley Court that they require, for respite care. That is a matter of concern.

I understand the reasons why the Act suggests that there should not be use of those sorts of facilities for that kind of purpose. I am not sure that they should be insurmountable reasons why there is not an allowance in this case for Hartley Court to be used for that purpose. If members of this Assembly assist the society by contacting the Federal Government, by making representations on behalf of the society, it may be that the Federal Minister, Mr Howe, can be persuaded to exercise his discretion in favour of the society.

Certainly, I think that that particular service - respite care for those who are looking after the disabled - and that kind of facility are extremely important in the ACT and would be, I think, greatly appreciated not only by the society but by anybody who is in this particular part of the community services area. I hope that my colleagues will support me in this and that we will see some action in the very near future on this and this will go down as an achievement of local politicians under self-government, something that we can look back to and say, "This is one small thing that self-government has achieved for the people of the ACT".

Licensed Club Industry

MR DUBY (5.37): May I say how much I endorse the comments of Mr Humphries. I am sure that I speak for all members of the Assembly when I say that his efforts on behalf of the ACT Society for the Physically Handicapped shall be supported by all members.

I know that I have only limited time in the adjournment debate; but I rise to spring to the defence, first of all, of those members of the community who are actively involved in the club industry, such as members of the Licensed Clubs Association; and also, of course, of employees of the former GALA, whose functions are now carried on by the ACT Revenue Office. I would like to say just how distasteful I personally think Mr Stevenson's comments earlier this afternoon were. There is no basis whatsoever for the slur campaign - apparently I cannot use the word "smear" - which he has now initiated against members of the Licensed Clubs Association, against members of the industry, and, in my view, against not only members of the Revenue Office and

former officers of what used to be GALA but also, it would appear, in effect, all members of this Assembly, particularly those who have been involved in government over the last 2½ years.

It is apparent that Mr Stevenson maintains that there is a Mafia or illegal connection with the industry in the ACT generally and, by slur, with the industry in New South Wales. The clear implication is that those who have been involved in areas of the industry - and that includes me as former Minister for Finance and Ms Follett both as current Treasurer and as the Treasurer in the first Labor Government of 1989 - are somehow involved in an enormous cover-up of what is clearly an illegal Mafia operation. I take great offence at that suggestion, and I wish to state publicly my complete support for the industry and for the good government officers involved in the regulation of that industry - in doing the very things which Mr Stevenson, in his scurrilous attack today, seemed to imply did not occur.

Mr Stevenson: I raise a point of order, Mr Speaker. Mr Duby says that I made a scurrilous attack on someone, and that is not true.

MR SPEAKER: Order, Mr Stevenson! I suggest that you clarify your situation. I think there is some confusion in the house as to what you did say. So, if you are prepared to clarify it and to defend yourself, I think that would be appreciated by all.

MR DUBY: During the debate Mr Stevenson made accusations that no measures were taken to ensure the correct ratio of pay-out, which I noticed he kept referring to as 85 per cent, which of course is incorrect. He suggested that no measures had been taken to ensure that the users of the gaming machines within the Territory received a return on the basis of even the incorrect figure of 85 per cent, let alone the correct figure of 87 per cent, which is the percentage that has been maintained and ensured by officers of GALA and the Revenue Office at least since the advent of self-government. Clearly, what he suggests is not the case. The interests of people who avail themselves of the facilities provided by licensed clubs have always been foremost in the deliberations of the various authorities that have produced reports in the past and I am sure that this will continue to be the case in the future.

Mr Stevenson**,** as I said, made those accusations. He implied that there was an enormous cover-up of some kind and that there were illegal operations going on in this Territory. I reject that entirely and I think, if anything, Mr Stevenson owes not only this house but also all those involved in the club industry of the ACT an abject apology.

Gaming Machine Industry

MR STEVENSON (5.42): First of all, I have no intention whatsoever of defending what I said. It does not need defence. As far as being unclear is concerned, perhaps if members are unsure of what I say they should listen. At no time did I suggest that anyone or any group in the ACT was involved in any illegal activities regarding gaming machines. However, I did suggest, and will continue to suggest quite readily, that in Australia there has been major infiltration of the industry by organised criminals, as I proved in my statement.

The ignoring of this situation by members of this Assembly that have made statements - only those that have made statements - raises some interesting questions as to why, when I bring up a matter that requires that we ensure that there are not any problems in the ACT; in other words, that we take all due precaution - - -

Mr Duby: We do.

MR STEVENSON: Mr Duby says that we do take all precaution. The point I made is that they also took due precaution in certain other States in Australia.

Mr Connolly: Twenty years ago - in illegal casinos.

MR STEVENSON: Not only illegal casinos; I am referring to legal clubs in Victoria that operate gaming machines. The idea that we should take precautions would, one would have thought, be obvious to everyone here. The suggestion that we do not need to take any precautions is nonsense, and this has been proven in other States where precautions were also taken and yet there was found to be an involvement. It is very sophisticated equipment; it is a very well-organised racket; and, as I said - - -

Mr Wood: So it does exist.

MR STEVENSON: While ever I mention, Mr Wood, that there was no - - -

Mr Wood: Where does it exist?

MR SPEAKER: Order!

Mr Wood: You say that it is well organised. Where is it well organised?

MR SPEAKER: Order, Mr Wood!

MR STEVENSON: Mr Speaker, I refer members to a reading of *Hansard*, including the police quotations as well as those of the royal commissioner in the Victorian inquiry in 1983-84 - - -

Mr Berry: How long ago was that?

MR STEVENSON: And the police quotations in 1990.

Mr Wood: Which inquiry in Victoria?

MR STEVENSON: I think it is obvious that some members did not listen to what I said. Before you can comment on what I say, Mr Wood, you need to listen to what I say. The problem can easily be solved by reading the *Hansard* tomorrow and finding out what I said. I say again, and I will continue to make the point, that in this industry we need to take precautions. Anyone that does not support the notion that we need to take precautions is abrogating their responsibility. And I hope it will never be shown that it was a major problem.

Gaming Machine Legislation

MR STEFANIAK (5.46): I was not going to comment; but I think I really have to, in relation to Mr Stevenson's rather strange comments in relation to what is a very simple Bill, the Gaming Machine (Amendment) Bill. The Bill relates to percentages. For your information, Dennis, I have worked as a director in the club industry. My father was the secretary-manager of a licensed club and was instrumental in getting poker machines into it. I have met members of the industry, and I have also prosecuted people in relation to gambling machines and their illegal use.

I recall that some years ago there were some allegations in relation to, I think, Aristocrat machines and the Ainsworths. But I am also very aware, Mr Stevenson, in relation to the ACT, how regulated the industry is, how very effectively controlled it is and how corruption free it is. From my personal knowledge of a lot of people in the industry, all I can say is that I have absolutely no doubt as to the honesty and integrity of the ones with whom I have come into contact. I really think that you are way off the point in raising, in relation to this very simple Bill, matters that, to my knowledge, are not relevant in the ACT because the industry is well controlled and there are checks and balances in the system.

Mr Stevenson: We should keep it that way.

MR STEFANIAK: I think we are, but that has nothing to do with this Bill. Nothing in this Bill should cause any concern at all for members of the public, and I am quite amazed, really, that you raised what you raised in the context of that particular Bill.

Question resolved in the affirmative.

Assembly adjourned at 5.48 pm until Tuesday, 10 September 1991, at 2.30 pm

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ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 422

Outstanding Government Accounts

MR STEVENSON - Asked the Chief Minister upon notice on 28 May 1991:

Were there any outstanding accounts payable by ACT Government Departments which have been outstanding for more than 30 days as of 13 March 1991; if so; (a) what amounts were owed; (b) who were they owed to; and (c) when were the bills incurred.

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

1. The account payment process does not allow the Treasury to easily trace back detailed information of the kind you have requested. While data is held in respect of individual suppliers, to ascertain the overall position for all Government Departments would be a lengthy and resource intensive task.

2. Should the members question have been prompted by a specific instance where an overdue payment has been alleged, full details should be able to be quickly provided.

3. I am also prepared to arrange for a briefing by Treasury staff through my office, if the member requires further information.

2945

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0.423

Dog Control

Mrs Nolan - asked the Minister for the Environment, Land and Planning
Following the recent spate of attacks on sheep on rural properties in close proximity to urban areas

(1) What steps are the Labor Government taking to prevent further such attacks?

(2) Will the Government be tightening regulations regarding. dog control and the responsibility of owners for their dogs in the ACT?

(3) What penalties or-fines are the Government going to impose on the responsible parties when damage such as killing of livestock occurs?

Mr Wood - the answers to the Members question are as follows:

(1) Stepped-up patrols in conjunction with rural police are being carried out, particularly during certain phases of the moon when dog strike seems to be more prevalent.

Residents are being urged to report sightings of dog activity in and around the rural fringe. Also, awareness campaigns using Neighbourhood Watch are being conducted forgetting particularly troublesome areas. Raising public awareness through the media of the prospect of destruction of any dog caught molesting sheep or wildlife, together with indications of the owners compensation liability is seen as an effective method of alerting dog owners to the problem.

(2) The Government is currently. examining proposed amendments to the Dog Control Act with a view to tightening regulations and penalties.

2946

(3) Under the Dog Control Act, 1975, where dogs are found attacking,livestock they can be shot on sight by authorized persons.

Section 40 of the Act provides for recovery of compensation by the aggrieved party irrespective of whether or not proceedings are instituted against the dog owner by either the Dog Control Unit or Police.

Where court action for a dog attack has been initiated by the ACT Dog Control Unit some recent fines for compensation totalled $1,000, and in another case warranted a $500 Good Behaviour Bond.

Substantial increases in penalties will be one of a number of measures considered by the Government in reviewing the Dog Control Act.

2947

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 424

Houses on Rural Leases.

Mrs Nolan - asked the Minister for the Environment, Land and Planning

With regard to rural lease in the ACT -

(1) How many houses and which houses currently on rural leases will be retained when those areas are developed and how many and which ones will be demolished.

(2) Will those houses that are retained be sold to their current long term lessee in the same way as Government housing premises are being sold to long term tenants in urban areas.

(3) If so, how will the price of those houses be ascertained.

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

(1) Of the land presently programmed for land development only Gungahlin has properties that include houses which will be affected by development. In all ten (10) properties include houses.

Only one property, Gold Creek Homestead, has a 99 year City Area Leases Act lease and the homestead and other buildings on this property are likely to be retained within the future urban development.

Land withdrawal procedures have begun on the Ginninderra Park Homestead property to allow for the next area to be developed.

The other eight properties will gradually be withdrawn in accordance with the land development program.

At the detailed planning and design phase of each development area the decision will have to be taken whether to incorporate existing houses into the subdivision or to demolish them.

(2) Other than the Gold Creek Homestead lease, mentioned earlier, all other leases in Gungahlin are short term for periods not exceeding three months.

This occurred several years ago when the Commonwealth decided it wanted to ensure the land was going to be available at short notice for its land development program.

The Commonwealth withdrew. the long term leases, paid compensation as required and re-leased the properties on short term leases. Therefore, there are no "current long term lessees".

(3) Not applicable.

2949

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 446

Labor Government Policies

Mr Kaine - asked the Minister for the Environment, Land and Planning - Has his attention been drawn to Mr Languors statement concerning the return of land servicing where he stated that it has been part of the ALP.Governments platform since at least last year and thus, "should not have been news to the private sector" (The Canberra Times 17/6/91:

(1) Can the private sector anticipate all other ALP policies being-similarly implemented without notice, and

(2) Are there other unannounced policies and if so, when will the Government tell the electorate.

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

(1) I have already stated publicly that the ALP policy on land development will be phased in over a period and that details of implementation will be considered against a range of tests including cost, efficiency and emphasis in the provision of affordable land. I have also stated that the Government will consult the private sector on the matter and I have already had meetings with MOCHA and HIA representatives.

(2) The ALP has a system which requires public debate and resolution of all policies in a democratic and open manner.

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15 August 1991

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 447

Residential Land Servicing

Mr Kaine - asked the M-nister for the Environment, Land and Planning

(1) How much does the government intend to raise by borrowing to finance its resumption of residential land servicing in the ACT.

(2) What effect will this loan raising have upon the 1992/93 Budget.

Mr Wood - the answer to the members question is as follows:

(1) A review is now being undertaken to consider the practical aspects of implementation of ALP policy on public sector development. Financial and economic factors will be fully investigated during the review and will provide details of short and longer term expenditure and revenues expected from public sector development.

The review will take account of the amount of funds which may be raised by borrowing for the servicing of residential land and the effect that such loan raising will have upon the 1992-93 and subsequent budgets.

(2) The completed review will enable the government to judge the effects on future budgets of possible public sector land. servicing and to assess the overall benefits to the community..

2951

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 448

Residential Land Servicing

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

(1) The ACT Government, on the instructions of the ACT Division of the ALP has now to revert to government residential land servicing. What circumstances have changed, since the Federal Labor Government handed over this servicing responsibility to the private sector in 1987, to justify this decision.

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

Any responsible government of the Territory will review and analyse existing procedures for the use and disposal of the Territorys assets. Residential land is such an asset.

The Follett Government believes that public funded land servicing is a desirable alternative to private sector land development. Re-implementing public land servicing may require considerable investment by the Government in the first years, with returns not being achieved for some years.

For this reason the Government is planning a policy of public land servicing against a range of tests which will include costs to Government, and the impact on land prices and the projected short and long term benefits to the Territory.

The policy will be implemented progressively.

2952

15 August 1991

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0..449

Residential Land Servicing

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

(1) Has the Ministers attention been drawn to comments made by Mr Languor in The Canberra Times of 17 June 1991 that land serviced by the government will cost less to purchase while recovering costs.

(2) Is there any evidence to support this claim.

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

(1) Yes.

(2) A review is currently being undertaken to consider how the implementation of ALP policy on public sector land development may best be introduced. Financial and economic factors will be fully investigated during the review and will provide details of short and longer term expenditure and revenues expected from public sector development.

Over many years land servicing by the Government provided home sites for ACT residents at low cost - the result of efficient operation and low profit margins. However, there were times when budget funds for land servicing were not forthcoming which resulted in shortages of serviced land. As a consequence prices rose significantly in these periods.

2953

LAND DEVELOPMENT COSTS AND REVENUES, ACT, 1973/74 - 1987/88 Page 1
1973/74 1974/75 1975/76

Actual June 88 Actual June 88 Actual June 88
E1000 51000 51000 51000 51000 51000
(1987/88 E index) (4.1) (3.25) (2.83)

TOTAL EXPENDITUREW

Construction 525,673,278 $105,260,440 (37,020,671 $120,317,181 (35,950,242 5101,739,185
Fees $1,826,339 $7,487,990 (2,671,749 (8,683,184 $2,720,396 57,698,721
Administration costs
dividend & surpluses) 18,249,885 (33,824,529 511,907,726 (38,700,110 $11,601,191
$32,831,372
Total costs (NCDC) 535,749,502 (146,572,959 (51,600,146 $767,700,475 $50,271,829
(142,269,277
TOTAL REVENUE
Public Housing (NCDC)
Number of dwellings 642 1422 1448
Est. site value(b) $12,198,000 $27,018,000 $27,512,000
Land Sales (c)
Value (ACTH) $14,713,976 $60,327,302 $14,601,369 547,454,449 524,421,535 $69,112,944
-hand rents(ACTA) (e) $413,036 $1,693,448 $921,684 $2,995,473 (2,026,769 55,735,756
Govt. grants 8
Community facilities (2,000,000 52,000,000 $2,000,000
Total Receipts $76,218,749 $79,467,922 $104,360,700
ESTIMATED ANNUAL
SURPLUS(DEFICIT) ($70.354.209) (588.232.552) (E37.908.577)
Excluding value of
Public Housing (582,552,209) (8115,250,552) (565,420,577)

NOTES

(a)Expenditure on land servicing is based on NCDC programmes, groups 33 and 69 total spending; costs of district spending excluded.

(b)Estimated site value based on the types of blocks in the public housing programme multiplied by an estimated average site value of (19000.

(c)Data derived from Dept. of Territories annual reports.

(d)HCDC data to end of March 1988.

(e)Includes commutations. Excludes rents for government dwellings.

(f)Estimate based on 1986/87 revenue.

2954

LAND DEVELOPMENT COSTS AND REVENUES, ACT, 7973/74 - 1987/88 Page 2
1976/77 1977/78 1978/79

Actual June 88 Actual June 88 Actual June 88
S000 5000 1000 5000 5000 5000
(1987/88 f index) (2.57) (2.4) (2.29)

TOTAL EXPENDITUREW

Construction 134,540,426 (88,768,895 $31,669,139 $76,005,934 $14,331,796 (32,879,813
Fees 52,123,304 55,456,891 (2,238,287 $5,371,889 $1,439,269 (3,295,926
Administration costs
dividend 8 surptus(30%) 570,999,119 $28,267,736 $10,172,228 $24,473,347 14,731,320 (10,834,722
Total costs (NCDC) 547,662,849 $122,493,522 $44,079,654 $105,791,169 520,502,385 $46,950,467
TOTAL REVENUE
Public Housing (NCDC)
Number of dwellings 672 729 201
Est. site vatue(b) $12,768,000 $73,851,000 $3,819,000
Land Sales (e)
Value (ACTH) $22,232,574 157,137,715 $14,415,184 $34,596,442 (18,095,315 541,438,271
Land rents(ACTA) (e) $1,849,434 $4,753,045 $3,085,076 $7,404,182 $2,926,003 $6,700,547
Govt. grants 8
Community facilities 52,000,000 52,000,000 (2,000,000
Total Receipts $76,658,767 $57,851,624 $53,957,878
ESTIMATED ANNUAL
SURPLUS(DEFICIT) (545.834.761) (547.939,545) $7.007.358
Excluding value of
Public Housing (558,602,761) ($61,790,545) $3,188,358

2955

LAND DEVELOPMENT COSTS AND REVENUES, ACT, 1973/74 • 1987/88 Page 3
1979/80 1980/81 1981/82

Actual June 88 Actual June 88 Actual June 88
t1000 1000 t000 s000 f1000 s000
(1987/88 t index) (2.7) (1.9) (1.68)

TOTAL Expenditures)

Construction 18,288,105 (17,405,021 19,917,272 (18,842,817 $8,266,970 (13,888,510
Fees 51,492,471 (3,134,189 (1,893,204 (3,597,088 (1,228.746 f2,064,293
Administration costs
dividend 8 surpluses) (2,934,173 (6,161,763 (3,543,143 (6,731,971 E2,848,715 14,785,841
Total costs (NCDC) (12,714,749 126,700,972 515,353,619 $29,171,876 112,344,431 120,738,644
TOTAL REVENUE
Public Housing (NCDC)
Number of dwellings 78 4 60
Est. site value(b) $1,482,000 176,000 $1,140,000
Land Sales (c)
Value (ACTH) 512,485,413 $26,219,367 $29,350,914 f55,766,737 (25,507,774 (42,853,060
Land rents(OTA) (e) 13,616,796 57,595,272 E9,077,324 $17,246,916 13,123,459 15,247,411
Govt. grants 8
Community facilities 12,000,000 (2,000,000 E2,000,000
Total Receipts 137,296,639 $75,089,652 (51,240,471
ESTIMATED ANNUAL
SURPLUS(DEFICIT) (10.595.666 145.917.716 130.501.828
Excluding value of
Public Housing 19,113,666 (45,841,716 12r,361,828

2956

LAND DEVELOPMENT COSTS AND REVENUES, ACT, 1973/74 - 1987/88 Page 4
1982/83 1983/84 1984/85

Actual June 88 Actual June 88 Actual June 88
(000 1000 E000 1000 (000 (000
(1987/88 I index) (1.46) (1.38) (1.3)

TOTAL Expenditures)

Construction (8,996,006 (13,134,169 f23,660,564 132,651,578 152,971,073 (68,862,395
Fees (1,466,939 (2,141,731 (3,712,893 $5,123,792 $7,246,717 19,420,732
Administration costs
dividend 8 surpluses) (3,138,884 (4,582,770 18,212,037 111,332,611 118,065,337 (23,484,938
Total costs (NCDC) 113,601,829 119,858,670 (35,585,494 (49,107,982 178,283,127 (101,768,065
TOTAL REVENUE
Public Housing (NCDC)
Number of dwellings 221 232 309
Est. site valuers) (4,199,000 (4,408,000 (5,871,000
land Sates (c)
Value (ACTA) (21,714,651 131,703,390 141,062,371 (56,666,072 191,176,475 (118,451,418
Land rents(ACfA) (e) 512,435,733 (18,156,170 $9,057,295 112,499,067 18,794,119 110,652,355
Govt. grants 8
Community facilities 12,000,000 12,000,000 12,000,000
Total Receipts 156,058,561 175,573,139 (136,974,772
ESTIMATED ANNUAL
SURPLUS(DEFICIT) 136.199.891 (26.465.157 E35.206.707
Excluding value of
Public Housing (32,000,891 122,057,157 129,335,707

2957

LAND DEVELOPMENT COSTS AND REVENUES, ACT, 1973/74 - 1987/88 Page 5
1985/86 1986/87 1987/88

Actual June 188 Actual June •88 Actual June 88
$1000 $1000 NO $1000 $1000 S1000
(1987/88 f index) (1.17) (1.08) (1.0)

TOTAL Expenditures)

Construction $68,613,011 $80,277,223 $80,957,147 (87,433,719 $48,710,393 148,710,393
Fees $9,357,925 $10,948,772 $11,493,808 !12,413,313 $8,088,892 18,088,892
Administration costs
dividend 8 surpluses) $23,391,281 127,367,799 127,735,287 $29,954,109 $17,039,786
$17,039,786
Total costs (NCDC) $101,362,217 (118,593,794 !120,186,242 $129,801,141 $73,839,071
$73,839,071
TOTAL REVENUE
Public Housing (NCDC)
Number of dwellings 515 400 216
Est. site vatue(b) (9,785,000 $7,600,000 $4,104,000
Land Sales (c)
Value (ACTH) $106,953,614 (125,135,728 $85,489,692 $92,328,867 $73,390,043 (d)
$73,390,043

Land*rents(ACTA) (e) (7,992,807 $9,351,584 $10,950,852 511,826,920 !12,000,000 (f)
512,000,000
Govt. grants 8
Community facilities $2,000,000 $2,000,000 $2,000,000
Total Receipts $146,272,313 $113,755,788 $91,494,043
ESTIMATED ANNUAL
SURPLUS(DEFICIT) $27.678.519 ($16,045,353) $17-654,973
Excluding value of
Public Housing $17,893,519 (923,645,353) $13,550,973

GRAND TOTAL 19(87/88 12

SURPLUS(DEFICIT) _ ($69,087,123)

Exam. value of
Public Housing = ($204,918,123)

2958

15 August 1991

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 450

Residential Land Servicing

Mr Kaine - asked the minister for the Environment, Land and Planning -

(1) What costs incurred by the government in servicing residential land will be recovered in the price paid by buyers.

(2) Will this include all interest and administrative costs associated with the public debt created by borrowing for this purpose.

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

(1) All costs within the Land Development "Cost Coding manual" will be recovered. The definitions of the cost inclusions have been in existence since 1986, when the "Cost Coding Manual" was agreed to by the Commonwealth Department of Finance. A copy of the coding manual can be made available..

(2) I have asked my Department to undertake a review of land development which will consider implementation of a policy of public sector land development against a range of tests which will include costs to Government and the likely impact on land prices. This assessment will be made in consultation with other Ministers over the next few months.

2959

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 451

Residential Land Prices

Mr Kaine - asked the minister for the Environment, Land and Planning

How does the Minister explain the contradiction (The Canberra Times, 17/6/91) between his comments: "Ive noted the higher prices at Gungahlin, but Im informed theyre prime sites ... and thats a factor in the price" and the remarks of Mr Languor MHO: "A year ago blocks could be bought in Tuggeranong from the ACT Administration for $23,000 to $40,00. Now the developers are talking of charging $50,000 to $60,000 for blocks at Gungahlin.

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

In 1989-90 the cheapest land sold by the ACT Government was for $27,400 for a standard block in the suburb of Isabella Plains.

The ACT Government also sold land in Tuggeranong which sold for a higher price than the land currently being offered for sale by private developers in Gungahlin. For example a block in Bonython was sold for $60,000 in May 1989 and in March the same year a block in Fadden sold for $73,500.

This simply demonstrates that there are many factors influencing the price that people are willing to pay. These factors may include: proximity to a Town Centre and/or an employment node; proximity to open space; the perceived exclusivity of a particular area; the perceived potential for capital gain or resale value and many more.

It is true that the initial releases of land in Gungahlin is prestigious land, however, as with all districts of Canberra there will be a mix of higher and lower value land and this should be reflected in lower selling prices in future Gungahlin developments.

While there are some blocks in the initial Gungahlin releases of $50,000 - $60,000 there have been a number of media advertisements for sites from $39,500, which I understand are for cottage blocks.

2960

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 454

Commercial Lease Renewal Premiums

Mr Kaine - asked the Minister for the Environment, Land and Planning -.

(1) What increase in premiums on commercial enterprises, where leases are being renewed, is proposed to pay for the governments increased funding demands.

Mr Wood - the answer to the members question is as follows:

(1) The Government has commenced development of a policy on the appropriate level of charges for renewal of business and commercial leases. -Development of the policy will involve close consultation with the.private sector and community groups.

2961

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 462

Planning Legislation

Mr Kaine - asked the Minister for the Environment, Land and Planning - When does the ALP Government intend tabling the planning legislation developed by the Alliance Government.

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

The Government recognises that the planning legislation has very significant implications for the ACT community. We are not prepared to simply adopt the former Alliance Governments draft Bills on face value. Rather, as the Chief Minister indicated in a Ministerial Statement to the Assembly on 21 June, the legislation will be fully and carefully evaluated against the objectives set for its development by the first Labor Government in 1989. At the same time the Government will also be looking closely at the relationship between the legislation and the Territory Plan and whether the Assembly should be considering them together.

A review such as this takes time and I anticipate that subsequently amendments will need to be made to the draft Bill. Depending on the extent of these amendments I expect that the legislation will be introduced into the Assembly in the September sittings.

2962

15 August 1991

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

- QUESTION NO 463

Heritage Places Register

Mr Kaine - asked the Minister for the Environment, Land. and Planning
When is it proposed to introduce the Heritage Places Register proposed under the planning legislation initiated by the Alliance Government.

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

As Mr Kaine will be aware, the legislation enabling the establishment of a Heritage Places Register is an integral part of the proposed planning and land use legislation which the Government is currently reviewing. As I have indicated separately in a response to the Oppositions more general question about the timetable for finalising the planning legislation, I anticipate that the legislation will be introduced into the Assembly in the September sittings:

I should also make it clear that the proposed Heritage Places Register will be incorporated .in the Territory Plan. This is achieved through the normal Plan variation process. However, the first of these variations will not happen until the proposed Heritage Council has prepared entries for the interim Heritage Places Register.

It is likely to take some months to finalise appointments to the Heritage Council and for it to develop the first interim Heritage Places Register entries. After this period, the proposed planning and land use legislation will require the.ACT Planning .Authority within a further 4 months to submit a variation to the Plan, and hence the Heritage Places Register, to the Executive for approval.

2963

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 464

Residential Land Servicing

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

What was the cost to the Government of administering the servicing of residential land in 1984, 1985 and 1986 respectively, ie prior to the hand-over of .the servicing responsibility to the private sector.

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

Figures on the cost to Government of administering the servicing of residential land were not kept by either the former National Capital Development Commission (NCDC) or the former Department of Territories.

An estimate of administration costs (salaries and recurrent costs) for residential land development in each financial accounting year is:

$6.3 million in 1984/85

$8.1 million in 1985/86

$5.0 million in 1986/87

Year to year variations were influenced by levels of activity.

2964

15 August 1991

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 465

Residential Land Servicing

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

Can the Government provide an itemised list of the "unnecessary add-ons private developers required home-buyers to pay" (Canberra Times 18/6/91, Mr Langmore MHO), for serviced residential land.

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

The price asked by the private developer includes all the usual facilities such as footpaths, driveways and landscaping all of which were provided when land development was undertaken by the public sector.

However, it should be remembered that the cost structures of private sector development and previous public sector development under the NCDC are entirely different.

For example, under the previous public sector land development process raw land was only a nominal cost whereas the private sector has to include the real raw land value and financing costs for their initial purchase. Also the Government can sell with a small or even no profit margin whereas, clearly, the private sector cannot.

2965

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0. 466

Environment Forum

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

Does the Government propose to continue with the establishment of an environment Forum, as proposed by the Alliance Government and, if so, when?

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

The A.C.T. Government has a strong commitment to the responsible management and protection of our local environment.

We believe that environmental concerns of the community can be more capably and comprehensively addressed through dialogue with community groups who have particular knowledge of and interest in our regional environment.

I have asked for advice on the establishment of an appropriate mechanism which I intend will be a meaningful exercise where views will be shared on emerging environmental issues and their impacts on other policies.

2966

15 August 1991

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 467

Residential Land Prices

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

(1) Has the Ministers attention been drawn to comments made by Mr Langmore that "the narrowness of the market gives (private developers) the capacity to manipulate land prices to their advantage".

(2) Does the Minister have any evidence to support this claim.

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

(1) Yes.

(2) The evidence to date is. that since private sector land development commenced land prices in the ACT have been competitive.

To cater for the lower end of the market including the first home buyer market, the Government has joined with the industry associations in a number of joint venture developments.

These have provided both land and house and land packages at very affordable prices in todays market.

Through the Land Development Program the ACT Government offers sufficient land at .each auction to ensure strong competition within the market place.

No doubt.members are aware of the advertisements by individual developers appearing in the media recently for Gungahlin land which demonstrates the competitive nature-of the industry.

The return of the Government to land development will ensure highly competitive prices.

2967

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 471

Office of Sport, Recreation and Racing

Mr Stefaniak - asked the Minister for Sport - With regard to the office of Sport, Recreation and Racing at Tuggeranong -

(1) How much rent is being paid on that office accommodation.

(2) What is the minimum possible cost of moving the Office of Sport, Recreation and Racing to the Hackett Primary School.

(3) What would be the difference in running costs between the Office of Sport, Recreation and Racings present location in Tuggeranong and its possible location at the Hackett School.

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

(1) Rental on the Tuggeranong office space is $85,000 per annum.

(2) Accommodation Services section of the Department of Urban Services have advised that the minimum cost of moving the office of Sport, Recreation and Racing to the Hackett Primary School would be $2,000. This costing only relates to the move and does not take into account any refurbishment cost to accommodate the staff which could only be provided after a detailed study.

(3) The existing land use plan for the Hackett Primary School site only allows for educational and community use. This would therefore preclude the use of the site for the purposes identified.

2968

MINISTER FOR SPORT
LEGISLATIVE OF ASSEMBLY QUESTION

QUESTION NO 472

Radio Station 2SSS

Mr Stefaniak - asked the Minister for Sport -

(1) What would be the cost of relocating 2SSS from the TAB premises in Dickson to the Hackett Primary School.

(2) What annual saving could be made in rent and running costs if such a move was made.

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

(1) 2SSS is a self sufficient community based radio station which raises its operational budget through advertising sales, subscription, grants and sponsorship.

It is estimated that the minimum cost of relocating the 2SSS studios to Sports House Hackett is in the vicinity of $ 235,000. Of this $35,000 is required for broadcasting from both locations to ensure a continuity of transmission services until the change over is completed.

(2) It is not possible for the Government to estimate this as the Government has no responsibility for providing funding for the on-going operation of 2SSS. I understand the stations current premises rental is heavily subsidised by the ACTTAB. There would be no annual savings to Government if the station were relocated. However 2SSS could expect a substantial increase in accommodation rental charges and possibly other operational expenses.

2969

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 473

ACTEW - Corporatisation

Mr Stefaniak - asked the Minister for Urban Services on 6 August 1991

(1) Does the Government intend not to proceed with the corporatisation of ACTEW?

(2) If this is the case, please provide an exact break - up of anticipated costs to be incurred by the ACT Government in the 1991-92 financial year by . ACTED if that body remains as it is.

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

(1) The Government has announced that it will review the previous Governments decisions on corporatisation and will make decisions based on the merits of each case.

(2) The dividend which will be paid to the ACT Budget by ACTEW in 1991/92 will be announced in the Budget context. I am confident that the outcome for this financial year will not be adversely affected by the Governments decision to fully . consider the proposed corporatisation of ACTEW before making a final decision.

2970

15 August 1991

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 475

Traffic Islands

Mr Stefaniak - asked the minister for Urban Services:

(1) In. which Canberra streets is it proposed that traffic islands .(concrete or artificial, denoted by painted markings) will be installed or placed.

(2) Given the growing. complaints from the Canberra community regarding traffic islands, please provide justification for each street and why an island will be placed there.

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

(1) Pedestrian refuges are currently scheduled to be installed on the following roads as part of the 1991/92 minor new works program

Cowlishaw.Street - Tuggeranong Town Centre

Beasley Street - Torrens
Ainsworth Street- Mawson
Cliff Crescent - Richardson
Hamden Street - Ainslie

Pedestrian refuge islands are provided on roads which have a width of ten metres or greater. The refuge divides the road into twos sections and enables a pedestrian to cross the road in stages. Therefore pedestrians are required to choose gaps in traffic travelling.in only one direction at a time. Pedestrian refuges are particularly useful facilities for school children and the aged as these groups are generally considered most at risk when crossing-wide roads.

2971

The justification for pedestrian refuge islands programmed this financial year is as follows:

Cowlishaw Street - Pedestrian refuge islands are being provided on Cowlishaw Street to assist pedestrian safety in the vicinity of Lake Tuggeranong College. The Traffic and Roads Section of the Department of Urban Services was approached by Lake Tuggeranong College to discuss pedestrian safety. After assessing the needs of the College a series of refuge islands were identified as desirable at locations where a significant number of college students crossed..

Beasley Street - A refuge will be provided in the vicinity of the Bungler Court aged persons housing complex. The option was developed in conjunction with Bungler Court, ACTION and Traffic and Roads Section after a request was made to ACTION to provide a bus stop in close proximity to the home.

Ainsworth Street - The Department of Education requested Traffic and Roads Section to review safety measures at Mawson Primary School. The assessment identified the need for two refuge islands, at locations used by school children crossing the road. The works were developed in conjunction with the Mawson Primary School Principal and Parents and Citizens Association and the Department of Education.

Cliff Crescent - The Richardson Primary School Parents and Citizens Association approached Traffic and Roads Section with concerns about safety for children crossing Cliff Crescent. A traffic engineer attended a meeting with the Parents and Citizens and an investigation into their concerns was initiated. The assessment identified the need to provide several refuge islands on Cliff Crescent to assist the school children to cross the road.

Hamden Street/Officer Crescent - Concrete islands will be provided on the Hamden Street approach of the intersection of Officer Crescent and Hamden Street. This channelisation will improve the safety of the intersection and also provide a refuge for school children crossing Hamden Street to and from North Ainslie Primary School. These works were identified on the basis of the accident history of the intersection, which included a fatal accident, and after concerns were received from the Board of North Ainslie Primary School.

2972

15 August 1991

ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 477

Victim Impact Statements

Mr Stefaniak - asked the Attorney General -

(1) When does the Attorney General propose to introduce new legislation and bring "Victim Impact Statements" into courts.

(2) Is it at least by the end of the year. If not, why not.

(3) Until legislation is prepared will the Attorney General enable the Victim Impact Statements to be used in court.

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

(1&2)The ACT Community Law Reform Committee was issued a reference on 13 December 1990 to review the role of the victim of crime in the Territorys criminal justice system. The Committee is in the process of writing an interim report, which canvasses various victim oriented options, including the introduction of Victim Impact Statements. I am advised that this report should be completed in October 1991. As you are aware, the Committee attaches draft legislation to its reports. Subject to Government consideration and any community reaction I would intend to introduce that legislation into the Assembly as soon as possible.

(3) It is up to the courts to decide on the admission of Victim Impact Statements before legislation is introduced. I am advised that the Office of the Director of Public Prosecutions is using Victim Impact Statements in the ACT Supreme Court in some matters.

2973

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 478

Prison Arrangements

Mr Stefaniak - asked the Attorney General with regard to a prison for the ACT - .

(1) Does the Attorney-General propose to build one.

(2) If so, when.

(3) If not, what arrangements does the Attorney-General intend to implement or continue in regards to the placement of ACT prisoners.

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

(1) There are no immediate plans to build a prison in the ACT. The Governments views on this matter will be informed by the work being done by the Corrections Review Committee, which is due to report in October.

The Government believes however that the ACT should take greater responsibility for its prisoners and therefore the issue of a prison for the ACT has become a medium rather than a longer term project.

(2) See response to (1).

(3) The current arrangements whereby ACT prisoners are absorbed into the NSW Correctional system will continue until the decision is taken to vary this system. However, the Government is committed to the urgent development of a scheme which provides for the prerelease transfer of ACT prisoners back to the ACT to participate in a program featuring a combination of work skills development, community work and work release. Naturally, this can only be done after full consultation with the criminal justice system, community agencies and the public.

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15 August 1991

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 483

Tuggeranong Swimming Centre

Mr Stefaniak - askew the Minister for Sport -

With regard to the provision of a swimming complex for the Tuggeranong Valley
(1) Will the ALP Government give a commitment to continue the Alliance Governments proposal.

(2) If not, (a) what-is the ALP Governments alternative proposal for provision of the swimming complex, (b) what pools and amenities will be included in that proposal, (c) what will be the cost of that complex and when will it be completed.

Mr Berry - the answer to the members question is as follows:

(1) This Government is committed to the provision of additional swimming facilities in the Tuggeranong Valley and has decided to proceed with the construction of a $9.95 million indoor swimming centre near the Tuggeranong Town Centre.

(2) (a) and (b) The new indoor swimming centre will comprise three indoor pools. The 51 metre pool will have 8 competition-lanes, a movable bulkhead, and will be a constant two metre depth for 30 metres then decrease,in depth to one metre. The other pools will be a variable depth recreation and training pool of. between 250 and 300 square metres. and a 35 square metre toddlers pool: Ancillary facilities comprise change rooms, kiosk, steam room and administration offices. .Spectator seating, car parking and landscaping will.also be provided..

Priority has been given to providing a centre that will satisfy the-local recreational, training and competition . swimming needs. The design of the centre will also cater. for the needs of organised aquatic groups such as. water polo and .underwater hockey.

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(c) The Tuggeranong Swimming Centre will be constructed at a cost of $9.95 million and is scheduled for completion in December 1992. However you will recognise that the achievement of this target date is subject to external forces such as weather conditions and availability of materials.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 485

Holder Housing Development

Mr Stefaniak - asked the Minister for the Environment, Land and Planning
(1) Will the ALP Government give an undertaking to only allow development suitable to the carrying capacity of the roads in the area and to maintain the style of the surrounding suburb (ie standard residential rather than anything more dense) on the vacant land which is soon to be developed?

(2) How many houses will be permitted on Block 23 Section 37. How many of them will be Housing Trust dwellings, and how many will be private?

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

(1) Yes. I am able to inform Mr Stefaniak that only development compatible with the carrying capacity of the roads in the area will be permitted on Block 23 Section 37 Holder. The Government, however, supports the concept of medium density development on this site and believes this can be constructed in such a way as to be compatible with other types of housing in the area. The land use policy for the site permits medium density development and the local community has been aware of this for some time. A draft Variation to Policy to permit medium density housing was the subject of public consultation in August 1988 by the then NCDC. After considering the comments made the NCDC approved the variation in December 1988 and the Policy was gazetted in January 1989.

Mr Stefaniak may also be interested to know that while some residents adjacent to this site are opposed to its development for medium density housing there are others in Holder who have supported this proposal.

(2) The number of housing units for this site has not yet been determined. However, the site has an area of approximately 9,100 stare metres and 15-25 units could be anticipated.

The ACT Housing Trust has been considering the site for a joint venture development with private enterprise but no formal development application has been lodged. The Government supports the provision of Government housing on centrally located sites such as this.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 486

Holder and Duffy Housing Developments

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

(1) Has the Government considered urban infix on. the vacant land along the Cotter Road/Waragamba Drive (opposite Holder and Duffy) as an alternative to developing the green - spaces within those suburbs.

(2) If so, when will this occur and what type of development will it be.

(3) If not, will the government undertake to investigate the possibility and report back to the Assembly with details of numbers of blocks and types of development.

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

(1) The Government has no current proposals to develop the vacant land between Waragamba. Avenue and the Cotter Road. There is no need to consider such development as an alternative to developing open space in Duffy and Holder because the open space in these suburbs is protected by the current planning policies which can only be changed by .a process incorporating public consultation, Executive approval-and the Assembly.

I now. turn to the issue of green space within. the residential area which is not open space. The plicy changes to the former Holder School site which were approved by the Alliance Executive have been revoked by this Government. The future of this area will be discussed with the community.

(2) Current Gazetted,Policies do not permit urban development on the land north of Waragamba. Avenue but its potential for future urban development will bee explored in the forthcoming Draft Territory Plan which will of course be the subject of public consultation. The area is crossed by service mains and power. lines which will limit its. potential for housing development and other compatible urban uses will need to be considered.

(3) Until the development issues have been canvassed in the Draft Territory Plan and the constraints on the area fully investigated it is not possible to give details of its development capacity.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 489

Phillip Swimming and Ice Skating Centre

Mr Stefaniak - asked the Minister. for the Environment, Land and Planning

With regard to the proposed sale and subsequent releasing of the Phillip Pool and Ice Rink - Will the government give and undertaking to ensure that the new lessee maintains the ice skating facility at least in its present standard-and that it honour agreements made under the past lease with the current users of that facility.

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

The present lessee, Glencora Pty Ltd, who paid for the construction of the ice skating rink, continues to occupy the premises under the terms of the original lease.

The lessee has requested a new 10 year lease to be granted under the terms of the original lease. The new 10 year lease has been offered to the lessee and the government is currently waiting for the lessee to execute the lease.

The new lease has.a. maintenance clause which specifically requires the lessee to maintain the centre and to keep it in repair. The Territory is able to specify to the lessee the work required to be done and should the specified work not be completed, then the Territory can complete the work and bill the lessee for the cost of the work done.

The Government is not aware of the agreements made between the lessee and users of the pool and the rink to which Mr Stefaniak refers, but the Government has no reason to believe that such agreements would not be honoured.

The Government assures the swimming and ice skating communities particularly, that it will complete the leasing of the centre in the best interests of the whole community and is looking forward to announcing the satisfactory completion df this matter in the near future.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 490

Phillip Swimming and Ice Skating Centre

Mr Stefaniak - asked the Minister for Sport

In order to support the ACT sports requiring the use of an ice skating rink - Will the Minister give an undertaking to ensure that the Phillip Ice Skating Rink facility is maintained in at least its present form and that current agreements with users of that facility are maintained in order to retain ice skating and ice hockey as viable sports in the ACT.

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

The Government considers that the Phillip Swimming and Ice Skating Centre is a valuable recreational facility for the general community.. and for the swimming, ice skating and ice hockey competitors particularly.

The Government is very proud of the contribution these athletes have made to the ACT and they can be assured that they have the Governments full support in ensuring that all sporting facilities are maintained to the highest possible standards for use by individuals and sporting groups.

The Government is not aware of any proposals to change the Phillip Centre as Mr Stefaniak appears to be suggesting and the Government would certainly not contemplate an application which would result in a loss of the pool and rink facilities.

The ice skaters and ice hockey team members can be assured of the Governments strong, continued support for the future viability of their sports.

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION. NO 491

Harness Racing Club

Mr Stefaniak - asked the Minister for Urban Services -

In order to ensure the viable future of the harness racing industry in the ACT -

(1) Willthe Minister give an undertaking to ensure that the government preserve the rights of the ACT Harness Racing Club to use their track at NATEX.

(2) Will the Minister undertake to provide the Club with a satisfactory agreement with NATEX to provide them with tenure which will permit their proposed constructions of stables and other facilities with their already allocated Racecourse Development Funds.

(3) What will be the terms of this agreement and when will it be finalised.

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

(1) The ACT Harness Racing Club has a long standing agreement with NATEX regarding the use of the main arena track. The licence fee for the track is currently being renegotiated with the Harness Racing Club and an independent valuation is being sought. Similarly the licence fee for the use of the area currently used as a training complex is being negotiated between NATEX and the Club, with an independent valuation of the facility currently being obtained.

(2) The issue of a satisfactory agreement between NATEX and the Club is expected to be finalised once the valuations have been obtained.

(3) The terms of the agreement and its finalisation depend on the valuations and subsequent commercial negotiations between both parties.

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MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 492

Bruce Stadium Lease Agreement

Mr Stefaniak - asked the Minister for Sport

(1) What will be the differences between the June 1989 agreement (under the previous ALP Government) and the proposed new agreement (under the present ALP Government) covering the use of the Bruce Stadium by the Raiders and by other sporting bodies?

(2) When will such a new agreement be finalised?

Mr Berry - the answer to the Members questions are as follows:

As a result of the current financial and management difficulties facing the Canberra Raiders, negotiations on the long term hereof Bruce Stadium have been suspended. Negotiations will be recommenced when the financial and management position of the Raiders becomes clearer in the next few weeks. In the meantime, the Raiders will continue to hire Bruce Stadium on the same basis as has operated for the 1991 season. It would be inappropriate to speculate on the likely outcome of. negotiations with the Raiders at this time.

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QUESTION NO. 493

Tendering and Purchasing Processes

MR STEFANIAK: Asked the Minister for Urban Services:

In the light of recent complaints about ACT Administrations recent handling of certain tenders -

(1) Will the government give an undertaking to supervise and ensure fairness in the tendering and purchasing processes in the ACT.

(2) Will the government undertake to maintain fairness and support to local businesses in those processes, especially with regard to government purchases and developments.

TERRY CONNOLLY - the answer to the Members question is as follows:

Current government policy is to conduct our purchasing activities with the objective of obtaining best value for money in an environment of, and through, open and effective competition. This is consistent with the Commonwealth purchasing reforms, and reforms being implemented by other States.

Both minor and major purchasing and tendering activities are governed by the Australian Capital Territory Purchasing Manual, which has been issued as supplementary Directions under Finance Regulation 81.

Requirements under the Manual include mandates on ethical and fair dealing. Besides being required to use the "Guidelines on Official Conduct of Commonwealth Public Servants" and the "Bowen Code Of Conduct", Territory purchasing officers have these additional responsibilities:

". Officers should ensure the best interests of the Territory are maintained in all transactions and agreements;

Officers should ensure that their actions comply with the policies of the Territory; and

Officers are to procure or dispose of goods and services without bias or prejudice, seeking to obtain best value for money."

The Member will by now be aware of my public statement of Monday 12 August, in which I stressed that while the ACT Government, as a signatory to the National Preference Agreement, cannot actively bias its purchasing towards geographically local suppliers, local suppliers have a strategic advantage in competing for ACT Government business, in that they can, where all else is equal, offer benefits such as more immediate delivery and more accessible after-sales support.

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0. 498

Belconnen Remand Centre Statistics

Mr Collaery - asked the Minister for Housing and Community Services in relation to the Belconnen Remand Centre for each of the financial years 1989-90 and 1990-91 -

(1) How many male and female offenders stayed; (a) less than 1 week; (b) 1-2 weeks; (c) 2-4 weeks; (d) 1-3 months; (e) 4-6 months; (f) 7-9 months; (g) 10-12 months; and (h) greater than 1 year.

(2) What was the number of detainees on the first day of each month by male and female.

(3) What was the maximum number of offenders at any one time in each year.

(4) What was the minimum number at any one time in each year.

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

(1)

	1/7/89 to 30/6/90		1/7/90 to 30/6/91	
	male	female	male	female
(a) less than 1 week	112	14	94	12
(b) 1-2 weeks	38	8	70	17
(c) 2-4 weeks	45	4	60	6
(d) 1-3 months	43	2	45	5
(e) 4-6 months	21	0	21	3
(f) 7-9 months	3	2	g	1
(g) 10-12 months	3	0	2	0
(h) Greater than 1 year	0	0	1	0

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(2) male female
1st JULY/89 22 1
1st AUG/89 18 2
1st SEPT/89 19 3
1st OCT/89 21 3

1st NOV/89 26 3
1st DEC/89 15 2
1st JAN/90 17 4
1st FEB/90 17 2
lit MAR/90 18 3
1st APR/90 24 3
lit MAY/90 23 4
1st JUNE/90 22 4
1st JULY/90 19 5
1st AUG/90 16 3
1st SEPT/90 24 5
1st OCT/90 26 4
1st NOV/90 26 4
1st DEC/90 18 1
1st JAN/91 15 1
1st FEB/91 23 2
lit MAR/91 26 1
1st APR/91 24 2
1st MAY/91 20 0

1st JUNE/91 24 0

(3) 1989-90 = 35
1990-91 = 35
(4) 1989-90 = 12
1990-91 14

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MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 508

Prisoner Statistics

Mr Collaery - asked the Minister for Housing and Community Services

(1) On 1 July 1991, how many male and female prisoners were being held in institutions classified as (a) maximum security, (b) medium security, (c) minimum security, and (d) unclassified.

(2) For the financial year 1990-1991, what was the total cost of prisoners held in institutions classified as (a) maximum security, (b) medium security, (c) minimum security, and (d) unclassified.

(3) For the financial year 1990-1991, what was the average weekly cost for each prisoner held in institutions classified as (a) maximum security, (b) medium security, (c) minimum security, and (d) unclassified.

(4) What was the maximum number of prisoners at any one time in that year.

(5) What was the minimum number at any one time in that year.

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

(1) A request for this information has been passed to NSW authorities. This type of information is not routinely provided to the ACT and may take some weeks to extract from the NSW computer data base.

(2) The total cost of all prisoners held in NSW.in the year 1989-1990 was $3,684,831.84. No account has been received to date for the financial year 1990-91. NSW charge a flat fee for all prisoners and do not differentiate between classifications for costing purposes.

(3) Prisoners are not costed by the classification of the institution in which they are incarcerated. A flat charge of $130.64 per prisoner per day was levied by NSW for 1989-1990.

(4) For the year 31 July 1990 to 30 June 1991 the maximum number was ninety nine, in November 1990.
(5) For the year 31 July 1990 to 30 June 1991 the minimum number was eighty nine, in July 1990.

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QUESTION NO. 509

Remand Statistics

Mr Collaery asked the Minister for Housing and Community Services on 6 August:

1. How many male and female persons on remand stayed:

1989-90 1990-91
(a) less than 1 week 99 115
(b) 1-2 weeks 30 43
(c) 2-4 weeks 24 15
(d) 1-3 months 8
(e) 4-6 months 3 nil
(f) 7-9 months nil nil
(g) 10-12 months nil nil
(h) more than 1 year nil nil

2. How many male and female persons on committal stayed:

(a) less than 1 week 5 9
(b) 1-2 weeks nil 1
(c) 2-4 weeks 1 3
(d) 1-3 months 9 4
(e) 4-6 months 11 18
(f) 7-9 months 2 1
(g) 10-12 months 1 nil
(h) more than 1 year 2 2

3. What was the number of detainees on the first day
of each month by male and female:

1989-90 1990-91
Month Male Female Male Female
July 1 g 8 August 5 1 8 September 7 1 14 October 7 10 November 5 7 1
December 4 12 January 5 9 February 8 11 1 March 8 11 April 12 9 1
May 12 10 2 June 13 8

4. What was the maximum number of offenders at any one time in each year:

1989-90: 19 residents in May/June
1990-91: 21 residents in December

5. What was the minimum number at any one time in each year:

1989-90: 2 residents in June
1990-91: 7 residents in December

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 513

Toxic Waste - Transport

Mr Kaine - asked the Minister .for the Environment, Land and Planning

(1) What requirementscurrently exist for the safe transport and handling of toxic waste in the ACT.

(2) Is legislation planned to strengthen existing requirements.

(3) If so, when is this legislation expected to come before the. Assembly.

(4) Has consideration been given to conducting driver training courses for toxic waste transport for A.C.T. drivers similar to those recently held in Queanbeyan for N.S.W. drivers and if not; why not.

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

1) The Dangerous Goods Act 1984, administered by the Department of Urban Services, regulates all aspects of the storage, transport and handling of dangerous goods, including toxic wastes, in the A.C.T. The Act is consistent with N.S.W. dangerous goods legislation with the A.C.T. having adopted under the Act, the Australian Code for the Transport of Dangerous Goods by Road or Rail..

On 7 August, the meeting of the Competent Authorities Committee under the Dangerous Goods legislation, agreed to amend the Australian Code for the Transport of Dangerous Goods by April 1992, to reflect specific controls needed for chemicals.

Additionally, any person or company wishing to dispose of a hazardous material at A.C.T landfills is required to apply in writing to the Environment Protection Service in my Department of the Environment, Land and Planning. EMS recommends appropriate treatment and disposal methods and supervises the disposal at the West Belconnen landfill at a prearranged time and date. The Hazardous Waste Disposal Facility at West Belconnen is designed to provide for the safe handling and treatment of chemical wastes to ensure disposal meets the Best Available Technology standard.

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(2) A proposal for more comprehensive legislative control of the use of hazardous chemicals and the handling and disposal of associated wastes is currently being developed.for Government consideration.

The proposed legislation would regulate the use of hazardous industrial chemicals in the A.C.T. and set standards for the treatment, transport and disposal of wastes:

(3) The proposed legislative package should come before the Assembly in the first half of 1992.

(4) The course recently held in Queanbeyan was a Dangerous Goods Driver Training course. accredited under the N.S.W. dangerous goods legislation. All drivers carrying bulk loads of dangerous goods in N.S.W. are required to complete a course of instruction for each class of dangerous good they carry.

Under the A.C.T. Dangerous Goods Act, the .training and accreditation system-in N.S.W. has been adopted and A.C.T. drivers are accredited by completing the relevant N.S.W. course. Several drivers from the A.C.T. attended the driver training course recently held in Queanbeyan.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 514

Rural Leases

Mr Kaine - asked the Minister for the Environment, Land and Planning
(1) How many ACT rural leases have been resumed by the Government at 30 June 1991, which have not yet been developed for other purposes.

(2) How many of these leases have not been developed for (a) 12 months; (b) 3 years; and (c) longer.

(3) How many of these resumed leases have (a) caretakers living on the property; and (b) stock on the property.

(4) How much rent is each of such caretakers paying per week and how much in fees per week is being paid for stock on each such property as set out in (3) above.

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

(1) None. However, a number of partial withdrawals have taken place. In all cases except for one, which is dealt with below,. the land has been developed or is under development..

(2) (a) None.

(b) None.

(c) 435 acres of land withdrawn in 1974 from the lease of Block 53 Jerrabomberra for extensions to the Hume Industrial Estate and 52 acres withdrawn from the same lease for the development of the Canberra Polo Club fall within this. category.

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(3) (a) None. The original lessee of Block 53 Jerrabomberra had been using the land that was withdrawn from its lease under a Grazing Licence Agreement and continues to live in the residence located on the leased land.

(b) None.

(4) The licensee of Part Block 53 Jerrabomberra is paying full rent commensurate with the carrying capacity of the land.

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 516

Namatjira Drive Roadworks

Mr Kaine - asked the Minister for Urban Services

(1) Why is Namatjira Dive being realigned to reduce its width by approximately one third.

(2) What is the cost of this work.

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

(1) The measures provided on Namatjira Drive are a considered response to community concerns. The Traffic and Roads Section of the Department of Urban Services has been approached by Weston Creek High School on several occasions in recent years expressing concern about the safety of pedestrians crossing Namatjira Drive and the speed of traffic using this road.

They are particularly concerned about the section of Namatjira Drive south of Badimara Street. The northern section is covered by a school zone and underpass. Investigations undertaken by Traffic and Roads Section confirm a high level of pedestrian activity in this area as well as high vehicle speeds, which have been measured as high as 75 km/h.

The narrowing of Namatjira Drive is intended to reduce the speed of traffic, which was a major concern of the school community. Surveys have confirmed that the high traffic speeds have the potential for pedestrian related accidents. The facilities currently being implemented will improve pedestrian safety by providing several centrally located pedestrian refuges. Pedestrians crossing the road can do so in two stages and will therefore only have to choose gaps in traffic travelling in one direction.

It is not appropriate to provide school zones on the section of Namatjira Drive south of Badimara Street, as it has no direct school frontage. Experience has shown that the effectiveness of a school zone which is too long and which has no direct school frontage is greatly reduced.

(2) The works currently being provided will cost approximately $30,000 and are being funded by the Department of Urban Services 1990/91 Capital Works Program.

15 August 1991

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0.517

Electricity Service Interruptions

Mr Kaine - asked the Minister for Urban Services:

In the period 1 July 1990 to 30 June 1991 (1) How many blackouts or major breaks of service occurred by suburb?

(2) What were the three reasons overall for these electricity service interruptions?

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

The statistics relating to electricity blackouts are attached. Figures are tabulated on a suburb by suburb basis, and placed under the following categories:

Equipment related

Caused by system failure ie cable joints, fuses blowing etc.

Weather Related

Due to winds causing tree/branch interference with lines, plus damage by lighming.

MaintenancelTree cutting

Planned system outages for plant construction/maintenance and outages for tree cutting contractors.

Others

Damage caused to equipment by motor vehicles, construction plant, vandalism, bird nests, fires etc.

These statistics do not take into account either the length of the outage or the number of customers affected by each outage. ACTEW keeps management statistics on these indicators, but not on a suburb by suburb basis.

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Table included in printed Hansard.

Table included in printed Hansard.

Table included in printed Hansard.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 522

Environment, Land and Planning Portfolio - Consultants

Mr Kaine - asked the Minister for the Environment, Land and Planning
(1) In the period from 6 June to 6 August 1991, what consultants were employed by (a) the Minister; and (b) each agency in the Ministers portfolio.

(2) For each consultant employed what-was (a) the purpose; (b) duration; and (c) the cost of the consultancy.

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

(1) (a) NIL

CONSULTANT	DURATION AND PURPOSE	COST
Internet	Develop a plan to meet interpretation and education needs at Tidbinbilla, Visitor Centre for the period December 1990 to September 1991	20,000
Tom Hewitt	Design, produce and implement planned interpretation and education material for the Tidbinbilla Visitor Centre for the period December 1990 .to September 1991	50,000
Joan Meech	Prepare the Decade of Landcare plan, forth period 7 February to 6 November 1991	36,000

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Kerry Kefous	Landcare Education - Establish landcare strategies for ACT and NSW Governments, .for the period 1 March 1991 to 28 February 1993	72,000
Catherine Hird	Land Capability Assessment - Provide natural resource survey of rural lands in the ACT, for the period 24 July 1991 to 23 July 1994	50,000
Graham Savage	Review the operations and resource usage of the ACT Max Landcare Unit, for the period 27 May to 16 August 1991	14,000 (on daily rate)
John Gray Consultant	Prepare management plan of Village Creek, for the period 1.May to 16 July 1991	13,394
Harris Van Meegan	Provide staff selection service. for the dates of 12 July and 26 July 1991	1,100
Emery Vincent Associates	Complete design style/format identification work for Nolan Gallery and create style manuals, publications and identifiable style for gallery signs, for the period April to August 1991	5,.000
KPMG Peat Warwick	Review corporate support and administrative support functions within Environment and Conservation, for -the period April 1991 to Date	28,000
Planning Australia Consultants	Professional assistance with the preparation of a draft _ variation to the Territory for the period August to December 1991	5,000
Dwyer Leslie P/L	Implementation of procedures. to meet requirements of new planning legislation for the period July to August 1991	5,000
Lincoln Sharps	Installation and upgrading of computer software and hardware for the period July to October 1991	4,.900
Turnbull Fox - Phillips	Preparation of public consultation material for draft Territory Plan for the period August to September 1991	38,150

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Donald Hare	Provision of engineering services as per brief LDB2/90 contracted to 31 December 1991	10,922
M C Sedwick	Land Development consultant assistance by M C Sedwick contracted to 30 September 1991	8,149
Quintal Engineers	Review deeds of agreement for	4,140
P/L Estate Development Branch	study brief for Gungahlin golf course estate. Consultancy for slow way in Gungahlin G1 deed, contracted to 30 June 1991	
Scott & Murphy	Study brief for asbestos disposal contracted to 30 June 1991	9,909
Martin Howland	Provision of engineering services, contracted to 30 September 1991	7,017
Nick Forestenko	Provision of engineering services, contracted to 31 December 1991	1,902
Scott & Murphy	Extension to Gininderra creek catchment study contracted to 30 June 1991	4,042
Graeme Walker	Provision of engineering services contracted to . 30 September 1991	11,994
Snowy Mountains Engineering Authority	Geotechnical investigation for Gungahlin areas m, n, and r contracted to 30 June-1991	15,815
ME ARUP & Partners	Consultancy on Gungahlin infrastructure development management system, for the period 15 .May to 25 June -1991	10,000
Colin Nicholas Consultants	Consultancy Advice for survey contracted to 30 June 1991	1,290
Ray L Davis & Company P/L	Gungahlin town centre marketing consultancy contracted to . 30 June 1991	15,000
Hearin Brennan	Provision of financial assistance to land accounts by I Thomson contracted to 30 September 1991	17,385

2999

Brian Boyd	Provision of financial assistance to Land Division accounts, contractedto 31 December 1991 .	614
Paul Smith	Financial assistance to Land Division Accounts, contracted to 31 December 1991	555
Jacques Colas	Financial consultancy services contracted to 31 December 1991	11,925
Bruce McMurtrie	Financial Assistance to Land Accounts, contracted to 31 December 1991	4,354
Cameron Walshe	Financial advisory services contracted to 30 June 1991	150
Coopers & Lybrand	Human resources consultancy contracted to 30 June 1991	450
Harlocks P/L	Monitoring of compliance by developers in relation to contractual requirements of insurance, contracted to 30 June 199 1	750
Turnbull Fox	Editing consultancy of the	600
Phillips	information booklet on the Land (Planning & Environment) Act 1991 contracted to 30 June 19.91	
Ken Cook	Provision of Lease Certification & accounts certification officer services contracted to 30 September 1991	9,938
Cangraphics	Provision of survey and P/L cartographic support for the period 22 April 1991 to 12 July 1991	4,100
Capital Drafting	Provision of specific drafting	9,463
Consultants	for publications and mapping P/L programs - periodic	
Computer Power	Stage 3 of development	84,514
	P/L approvals register and tracking system for period 30 April 1991 to 30 June 1991	
Communications Research Institute	Provision of designing services for development application forms fonts for period 30 April 1991 to 26 July 1991	3,675
Drake Overload	Provision of secretarial support - periodic	4,863

3000

ECHO Personnel Ltd Technician International	Provision of printing .and drafting support - periodic	9,731
Landferres P/L and design for the period 15 October 1990 to 30 dune 1991	Provision of system analysis	13,800
Dominica Majchrzak	Provision of computer support for the period 2 April 1991 to 30 June.1991	2,232
MCI Investments P/L periodic	Provision. of system support -	18,250
Parity People P/L 1 April 1991 to 30 June 1991 1 July 1991 to 2 August 1991	Provision of computer support	12,648
Parity People P/L services for ACTILIS for the period 1 July 1991 to 30 September 1991	Provision of Managerial	17,322
Pinnacle Consulting P/L applications register and tracking system for the period 31 October 1990 to 31 October 1991	Provision of consultancy services for development .	18,200
Stuart Row	Provision of drafting services for the period 14 June 1991 to 12 July 1991	5,600
Wizard Information Services P/L register and tracking system (maintenance and enhancements) for the period 15 May 1991 to 31 August 1991	Provision of consultant support to development applications	17,808
Woburn P/L.	Provision of managerial services to applications section, systems for the period 31 October 1990 to 31 October 1991	11,667
Armor International Chief Territory Planner for a period of 3 months	Recruitment search for the	35,000
Grassroots Graphics induction kit, for the period early June to 20 June 1991	Design and artwork for DEEPS	6,230

3001

Barry Baulman	Assess requirements, establish and implement a Departmental Assets Register. Draft, issue and maintain up-to-date guidelines for handling of assets. Provide advice on local security,-accommodation,.vehicle parking, staff amenities and liaise with ACTGS authorities on those matters, for the period 1 July 1991to 30 June 1992	32,175
Thomas Mackintosh Design	Design and mockups for Public Information Booklet and Brochure A Guide to the ACT Planning and Land use Legislation, period to 30 June 1991	1,200
Strategic Management	Training for New Land Legislation package - periodic	21,500
Julianne Madden	Editorial services for 1990/91 Annual Report, period to August 1991 -	3,600

3002

15 August 1991

MINISTER FOR SPORT
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 527

Sport Portfolio -
Public Relations Staff

MR KAINE - Asked the Minister for Sport upon notice on 7 August 1991:

What are the numbers-and classification levels of staff engaged in public relations, media, advertising, promotional and related tasks in (a) the Ministers office; (b) the Ministers department; and (c) each agency for which the Minister has responsibility.

MR BERRY - The answer to the Members question in relation to the office of Sport and Recreation is that no staff are engaged specifically in public relations, media, advertising, promotional and related tasks.

Miscellaneous media and promotional work is undertaken from time to time as the need arises by a variety of staff. This is a small fraction of total staff time, estimated in the order of one percent. ,

3003

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 530

**Environment. Land and Planning Portfolio -
Public Relations Staff**

Mr Kaine - asked the Minister for the Environment, Land and Planning
What-are the numbers and classification levels of staff engaged.in public relations, media, advertising, promotional and related tasks in (a) the Ministers office; (b) the Ministers department; and (c) each agency for which the Minister has responsibility.

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

Percentage of duties involved in the capacity

(a) Nil

(b) 1 x SO gr. 10%
1 x ASO 6 100$

It should be noted that all staff within the Department have a role in maintaining positive relations with the ACT public whether it is through direct participation in public relations, media etc. or through the public consultation processes and the encouragement of public discussion anti participation.

3004

MINISTER FOR SPORT
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 535

Minister for Sport - Personal Staff

MR KAINE - Asked the Minister for Sport upon notice on 7 August 1991:

What are the numbers and classification levels of the Ministers personal staff, including consultants employed in the Ministers office.

MR BERRY - The answer to the Members question is provided in my response to Question on Notice No 536.

3005

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 536

Minister for Health - Personal Staff

MR KAINE - Asked the Minister for Health upon notice on 7 August 1991.

What are the numbers and classification levels of the Ministers personal staff, including consultants employed in the Ministers office.

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

Number	Title	Classification
1	Senior Private Secretary	SOG B
1	Private Secretary	ASO 5
1	Executive Assistant	ASO 4
* 1	Administrative Assistant	ASO 4
* 1	Hospital Redevelopment Liaison Officer	Public Affairs Officer 3 (Part Time)
* 1	Departmental Liaison Officer	ASO 6

* Staff of the Department of Health

No consultants are employed in this office.

The information included in this response is also applicable to Question on Notice 535.

3006

15 August 1991

MINISTER FOR EDUCATION AND THE ARTS
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 537

Minister for Education and the Arts -
Personal Staff

MR KAINE - Asked the Minister for Education and the Arts upon notice on 7 August 1991.

What are the numbers and classification levels of the Ministers personal staff, including consultants employed in the Ministers office.

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

Number	Title	Classification
1	Senior Private Secretary	SOG B
1	Private Secretary	ASO 5
1	Private Secretary (to 16 August 1991)	ASO 4
* 1	Executive Assistant	ASO 4
* 1	Departmental Liaison Officer	SOG B
** 1	Departmental Liaison Officer	ASO 6
***I	Departmental Liaison Officer	Teacher 1

* Staff of the Department of the Environment, Land and Planning
** Staff of the ACT Institute of Technical and Further Education
*** Staff of the Department of Education and the Arts

No consultants are employed in this office.

The information included in this response is also applicable to Question on Notice 538.

3007

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 538

Minister for the Environment. Land and Planning -
Personal Staff

MR KAINE - Asked the Minister for the Environment, Land and Planning upon notice on 7 August 1991:

What are the numbers and classification levels of the Ministers personal staff, including consultants employed in the Ministers office.

MR WOOD - The answer to the Members question is provided in my response to Question on Notice No 537.

3008

15 August 1991

ATTORNEY-GENERAL
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 539

Attorney-General - Personal Staff

MR KAINE - Asked the Attorney-General upon notice on 7 August 1991.

What are the numbers and classification levels of the Ministers personal staff, including consultants employed in the Ministers office.

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

Number Title Classification

1 Senior Private Secretary SOG B
1 Private Secretary ASO 6
1 Private Secretary ASO 3
* 1 Personal Assistant ASO 3
* 1 Departmental Liaison Officer A/g ASO 6
** 1 Departmental Liaison Officer Legal Officer 1
***I Departmental Liaison Officer ASO 7

* Staff of the Department of Urban Services
** Staff of the Attorney-Generals Department
*** Staff of the Housing and Community Services Bureau

No consultants are employed in this office.

The information included in this response is also applicable to Questions on Notice 540 and 541.

3009

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 540

Minister for Housing and Community Services -
Personal Staff

MR KAINE - Asked the Minister for Housing and Community Services upon notice on 7 August 1991:

What are the numbers and classification levels of the Ministers personal staff, including consultants employed in the Ministers office.

MR CONNOLLY - The answer to the Members question is provided in my response to Question on Notice No 539.

3010

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 541

Minister for Urban Services -
Personal Staff

MR KAINE - Asked the Minister for Urban Services upon notice on 7 August 1991:

What are the numbers and classification levels of the Ministers personal staff, including consultants employed in the Ministers office.

MR CONNOLLY- The answer to the Members question is provided in my response to Question on Notice No 539.

3011

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 546

**Environment, Land and Planning Portfolio -
Public Relations Consultants**

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

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

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

(a) Nil

(b)

CONSULTANT	PURPOSE
Internet	Develop a plan to meet interpretation and education needs at Tidbinbilla Visitor Centre
Tom Hewitt	Design, produce and implement planned interpretation and education material for the Tidbinbilla Visitor Centre
Emery Vincent Associates	Complete design style/form identification work for Nolan.Gallery and create style manuals; publications and identifiable style for gallery signs

15 August 1991

Turnbull Fox Preparation of public consultation
 Phillips material for Draft Territory Plan
Thomas Mackintosh Design and mockups-.for Public
 Design Information Booklet and Brochure
  A Guide to the ACT Planning and
  Land-use Legislation
 (c) Nil

3013

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 548

**Housing and Community Services Portfolio -
Public Relations Consultants**

MR KAINE - asked the Minister for Housing and Community Services What consultants have been jr are engaged in public relations, media, advertising, promotion and related tasks in (a) the Ministers Office; (b) the Ministers Department; and (c) each agency for which the Minister has responsibility.

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

(a) In the period from 6 June 1991 to 6 August 1991, NO consultants were engaged in public relations, media, advertising, promotion and related tasks in my Office.

(b),(c) In the period from 6 June 1991 to 6 August 1991, the following consultants were engaged in public relations, media, advertising, promotion and related tasks in the Housing and Community Services Bureau

ANU Graphic Design
Neville Jeffress Advertising

3014

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 551

Minister for Sport - Interstate Visits

MR KAINE - Asked the Minister-for Sport upon notice on 7 August 1991:

In the period 6 June 1991 to 6 August 1991
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a).yourself; and (b) each staff member.

MR BERRY - the answer to Mr Kaines question is as follows:

1-4 There has been one interstate visit in my official capacity as Minister for Sport, for the period 6 June to 6 August 1991, details are as follows:

(i) CITY VISITED: Darwin
DATE/S: 2 - 4 August 1991
REASON FOR TRAVEL: Racing Ministers Conference
ACCOMPANIED BY: Sue Robinson - Senior Private Secretary
COST OF VISIT: Minister for Sport $ 2068-00

Sue Robinson $ 1898-00

3015

MINISTER FOR HEALTH

QUESTION NO 552

Minister for Health - Interstate Visits

MR KAINE - Asked the Minister for Health upon notice on 7 August 1991:

In the period 6 June 1991 to 6 August 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR BERRY - the answer to Mr Kaines question is as follows:

(i) There has been no travel undertaken in my capacity as Minister for Health over the period 6 June 1991 to 6 August 1991.

There has however, been one interstate visit in my official capacity as Deputy Chief Minister, for the period 6 June 1991 to 6 August 1991, details are as follows:
City Visited: Hobart
Date/s: 22-29 June 1991
Reason for Travel: National ALP Conference
Accompanied by: Nil
Cost of Visit: $2798-00

3016

MINISTER FOR EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 557

Minister for Education and the Arts - Interstate Visits

MR KAINE - Asked the Minister for Education and the Arts upon notice on 7 August 1991: In the period 6 June 1991 to 6 August 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

What was the cost of each visit by (a) yourself; and (b) each staff member.

MR WOOD - the answer to Mr Kaines question is as follows:

1-4 There has been one interstate visit for the period 6 June to 6 August 1991 in my official capacity as Minister for Education and the Arts, details are as follows:

(i) CITY VISITED: Melbourne
DATE/S: 8 - 9 August 1991
REASON FOR TRAVEL: Education Ministers Conference
ACCOMPANIED BY: Nil
COST OF VISIT: $ 498-00

3017

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 558

**Minister for the Environment, Land and Planning -
Interstate Visits**

MR KAINE - Asked the Minister for the Environment, Land and Planning upon notice on 7 August 1991:

In the period 6 June 1991 to 6 August 1991
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR WOOD - the answer to Mr Kaines question is as follows:

1-4 There has been one interstate visit for the period 6 June to 6 August 1991 in my official capacity as Minister for the Environment, Land and Planning, details are as follows:

i CITY VISITED: QUAKED Nor.
DATE/S: 10 - 14 July 1991
REASON FOR TRAVEL: Meeting of Australian and New Zealand Environment Council and Council of Nature Conservation Ministers
ACCOMPANIED BY: Pets Beaten - Senior Private Secretary
COST OF VISIT: Minister $ 2294-00

Pets Beaten S 2211-50

3018

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 559

Attorney-General - Interstate Visits

MR KAINE - Asked the Attorney General upon notice on 7 August 1991:

In the period 6 June 1991 to 6 August 1991
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

1-4 There has been one interstate visit in my official capacity as Attorney General, for the period 6 June to 6 August 1991, details are as follows:

i CITY VISITED: Cairns
DATE/S: 9 - 12 July 1991
REASON FOR TRAVEL: Standing Committee of Attorney Generals
ACCOMPANIED BY: Nil
COST OF VISIT: $ 1023-00

3019

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 560

Minister for Housing and Community Services - Interstate Visits

MR KAINE - Asked the Minister for Housing and Community Services upon notice on 7 August 1991:

In the period 6 June 1991 to 6 August 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

(i) There has been no travel undertaken in my capacity as Minister for Housing and Community Services over the period 6 June 1991 to 6 August 1991.

3020

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 561

Minister for Urban Services - Interstate Visits

MR KAINE - Asked the Minister for Urban Services upon notice on 7 August 1991:

In the period 6 June 1991 to 6 August 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

(i) There has been no travel undertaken in my capacity as Minister for Urban Services over the period 6 June 1991 to 6 August 1991.

3021

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0.564

Chief Planner - Recruitment

Mr Jensen - asked the Minister for the Environment, Land and Planning
On the replacement for the Chief Territory Planner
(1) What newspapers, magazines and other publications in Australia and overseas have. been used to advertise the vacant position.

(2) What were the dates for the placement of these advertisements.
(3) What procedures are to be used to select a replacement.
*(4) When is the selection process expected to be completed and an announcement made of the successful applicant.

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

(1) and (2) The vacant position was advertised in the Australian Government Gazette on 18 July 1991 and in the Canberra Times, Weekend Australian, Sydney Morning Herald, Age and Courier Mail on 20 July 1991.

(3) In addition to the advertisements , a firm - Arnrop International - has been engaged, at an estimated cost of $35,000, to conduct a search, both nationally and internationally, to identify suitably qualified candidates and to assist in other aspects of the recruitment process.

The procedures followed will be those pertaining to recnutment/appointment to the Commonwealth and ACT Government Service Senior Executive Service.

(4) Within the next two to three months
I think it would be generally recognised that the position of ACT Chief Planner is sufficiently unusual and important to warrant this effort and expense..

3022

15 August 1991

ATTORNEY-GENERAL
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 565

Commercial and Private Inquiry Agents

Mr Jensen - asked the Attorney-General - Has the Ministers attention been drawn to the discussion paper provided by the ACT Consumer Affairs Bureau on licensing of the Commercial and Private Inquiry Agents in the ACT, released by the previous AttorneyGeneral, Mr Collaery, and the request that submissions be lodged by 8 May 1991; if so, (a) what is the current status of the proposals for regulation of that industry; and (b) when will the necessary legislation be brought forward.

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

(a) Release of the discussion paper produced considerable community support for the proposal to regulate commercial agents through a licensing system. This support came from both consumer and industry groups.

The Consumer Affairs Bureau is now developing a detailed draft licensing proposal for consideration by Government, taking into account consultative comments.

(b) I expect that Government will consider this matter in the next month or two, subject to other Government business and priorities. If agreed, a likely timetable for introducing legislation, taking all things into consideration, would probably be the Autumn session next year.

3023

ATTORNEY-GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION
QUESTION WITHOUT NOTICE

21 .JUNE 1991

Criminal Injuries Compensation

MR COLLAERY: My question is to the Attorney, Mr Connolly. I refer the Attorney to the award made on 15 April of this year by the Registrar of the Supreme Court of the sum of $40,000 to Mrs Gwen Winchester under the Criminal Injuries Compensation Act. The first sum of $20,000 was in respect of serious emotional damage and mental shock, and the second sum of $20,000 was in respect of pecuniary loss. I ask the Attorney whether he is aware that the Commissioner for Commonwealth Employees Compensation has claimed that the latter sum of $20,000 is to be repaid to the Commonwealth, it being money paid by the Territory? I ask the Attorney: In view of the fact that the registrar of the court accepted that Mrs Winchester had suffered a pecuniary loss of upwards of $475,000 stemming from her husbands premature death and had received $120,000 under a death benefit arrangement under the Commonwealth Employees Rehabilitation and Compensation Act, will he most forcefully take up the Commonwealth this inhumane and outrageous attempt to take money off this woman?

My answer is as follows:

I am aware that Comcare is claiming $20,000 out of the criminal injuries compensation of $40,000 awarded to Mrs Winchester, as being a double benefit received by her for loss of dependency.

I am sympathetic to her case and have taken up the matter with Senator Peter Cook, the Commonwealth Minister for Industrial Relations, urging that it would be proper for the Commonwealth to waive its right of recovery.

I have received a letter from Senator Cook advising me that Comcare has no option other than to recover the amount it seeks. However, he has further advised that having regard to the special circumstances surrounding _ the death of Mrs Winchesters husband, he has written to the Federal Minister for Finance, Mr Ralph Willis MP, supporting an act of grace payment on behalf of Mrs Winchester.

3024

APPENDIX 1: (Incorporated in Hansard on 13 August 1991 at page 2646)

MINISTER FOR HEALTH, SPORT &INDUSTRIAL RELATIONS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE ON 6 AUGUST 1991

Royal Canberra Hospital Clinical Services

Mr Moore - asked the Minister for Health, Sport and Industrial Relations:

Will the Minister provide details of what is being planned in the new obstetric block for post natal depression sufferers.

Mr Berry - The answer to Mr Moores question is:

I am pleased to advise the Assembly that provision of services for mothers suffering post natal depression has been considered in the context of the principal hospital redevelopment program.

The new obstetric building under construction on the Royal Canberra Hospital South site comprises all single and double rooms with en suite facilities. Each ward will have private lounge facilities and interview rooms. Facilities will also be available to allow family members to stay overnight if required.

In addition to these physical facilities, nursing staff at the Hospital are experienced in the management of post natal depression and other health professional staff with expertise from areas such as obstetrics, psychiatry and psychology will also be available if needed.

The provision of post natal services generally is presently being discussed by a Working Group in the Board of Health and a representative of the ACT Post Natal Support Group has been consulted.

As the new obstetric facility comes on line at the end of October 199-1, I am confident that the Royal Canberra Hospital will be well prepared to cater for the needs of women suffering post natal depression.

APPENDIX 2: (Incorporated in Hansard on 13 August 1991 at page 2646)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

ACT LEGISLATIVE ASSEMBLY

QUESTION WITHOUT NOTICE
13 AUGUST 1991

Ms Maher - asked Mr Connolly, the Minister for Health and Community Services.

What service options to Sharing Places are being considered for people with a disability and -;:en will the services be available.

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

On the 31 July officers from the Community Programs Branch of the Bureau and the ACT Office of . Commonwealth Department of Health Housing and Community Services, Disability Services program (DST) met to discuss the current situation with Sharing Places, including the options for the four clients attending the program. These people had been attending Sharing Places through a brokerage arrangement with Work Places, an employment program.

The Commonwealth DST stated that employment Programs are the highest priority for the allocation of funds. This is in line with a commitment to social justice and the aim of ensuring people with a disability realse their full potential.

While the Commonwealth DST program attempts t fund services in areas of greatest need, it acknowledges that these services cannot meet the needs of all individuals in the community. Of the $139, 000 growler fu .^ avail 3hle Sharing Places received $80,962, leaving S52_8 for initiatives. There are six other community participation services competing for these funds, including Independent Living Training service.

The Commonwealth DST has indicated a .Ss to favourably consider the use of existing funds for more than the approved ceiling of 24 people. They arrangements would be on the condition that comes clients would not be compromised. Commonweal DST will again meet with Sharing Places in an attempt to achieve an agreed process for assessing the support of Sharing Places clients, an issue since condition is that Sharing Places not expect financial year to be automatically increase in numbers above the 24 approved.

3026

The Commonwealth has stated that a continuation of the Work Places brokerage arrangement would require funding through the 1991-92 employment places available in the ACT. The aim of the brokerage is to enable Work Places to purchase services for each individual from Sharing Places or any other service according to the clients needs until transfer to Work Places was complete. Continuing this arrangement would only be acceptable to ASP if people were clearly willing to undertake employment placements. To date, none of the clients has indicated a preparedness to pursue this option.

The Commonwealth ASP has given an undertaking to work with parents other interested parties and the ACT Government (who will assume responsibility for Sharing Places from 1 January 1992) to develop other service options. In June 1991 ASP called for submissions for accommodation support, respite care, supported employment and competitive employment training and placement service types under the Disability Services Act. However no further funds for Independent Living Training services, like Sharing Places, will be available until 1992-93.

3027