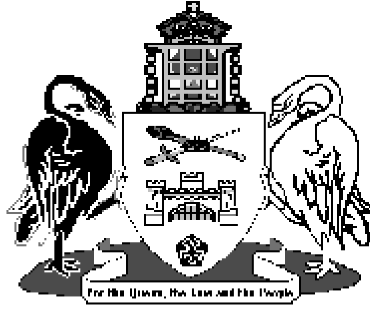

DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

<u>HANSARD</u>

12 September 1991

Thursday, 12 September 1991

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Thursday, 12 September 1991

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

ADOPTION OF CHILDREN (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.31): I present the Adoption of Children (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

The Adoption of Children (Amendment) Bill 1991 provides for minor amendments to the Adoption of Children Act 1965 consequential upon an amendment contained in the Children's Services (Amendment) Bill 1991 which will be presented later this day. That Bill renames the office of Director of Welfare to the Director of Family Services to reflect restructuring changes and the Family Services Branch's increasing orientation towards family support services.

The currently titled Director of Welfare has statutory functions under both the Children's Services Act 1986 and the Adoption of Children Act 1965. Mr Speaker, I present the explanatory memorandum to the Bill.

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

CHILDREN'S SERVICES (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.32): I present the Children's Services (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Children's Services (Amendment) Bill 1991 provides for amendments to the Children's Service Act 1986. It is accompanied by the Adoption of Children (Amendment) Bill 1991 which makes minor consequential amendments to the Adoption of Children Act 1965. Both of these Bills were developed under the previous Government.

The Children's Services Act constitutes the principal legislative framework within which the Children's Court, the Director and Youth Advocate exercise powers and responsibilities for child welfare in the ACT. The bulk of

that Act became operative in April 1988. The Children's Services Council, the statutory body set up under the legislation to advise on children's welfare, has identified a number of operational difficulties with the Act and has recommended amendments. These form the basis of the primary Bill.

Mr Speaker, I do not propose to go through the provisions of the Bill in detail. Members have adequate explanatory notes attached to the Bill for this purpose. I do, however, wish to refer to the major provisions of the legislation and to explain their implications for the ACT community.

As I said, a number of provisions in the Act have caused operational problems and these are now proposed to be changed. One such problem provision, of great importance, is that part of the Act's definition of a "child in need of care" relating to health impairment or psychological damage. The Supreme Court, on appeal, has held that the current definition does not allow the Children's Court to make a care order to prevent a child from being returned to an at risk situation once a child has been removed from that situation. This Bill remedies that obvious defect.

Another difficulty is the time that elapses before parents are informed when a child of eight years or older has entered a place of safety other than a youth refuge. Under the 1986 provisions, a child had to be there for more than 12 hours before the person in charge was required to notify a police officer or the Youth Advocate. The Bill will require this notification to be made as soon as practical and in any case within 12 hours of the child arriving. This, in turn, will ensure earlier notification by the Youth Advocate to parents, thus alleviating their concerns over the safety of their children.

Mr Speaker, I would like to draw to members' attention a number of provisions in the Bill to protect the rights of children. An important addition to the Act is the provision for the appointment of an official visitor to visit and inspect shelters and institutions, at least weekly, to ensure their proper conduct. He or she will also investigate complaints by children and may report on appropriate cases to the Minister and make recommendations to the Director.

Another addition is the extension of the powers of the Director to consent to the medical examination of a child placed in care in the face of parental objection or lack of consent. The Director already has this power for medical treatment but not for examination. In addition, hospitals are to be included in the list of places where a child must be before the Director can consent to such medical examination and/or treatment. These changes are essential to ensure that evidence of abuse, injury, et cetera, may be legally obtained to justify early protective intervention.

Mr Speaker, a major part of the Bill introduces provisions in accordance with a decision of the Council of Social Welfare Ministers and the Standing Committee of Attorneys-General for the enactment of reciprocal States legislation dealing with the transfer of young offenders from one State or Territory to another. All Australian jurisdictions either have such legislation in place or are currently developing it.

This Bill's provisions are most closely modelled on the New South Wales enactment as it is anticipated, quite logically, that most ACT transfers will occur with New South Wales. Such transfer legislation is primarily designed to enable young offenders to complete a sentence as close to their family or relations as possible, in order to maintain the essential family supports and to promote rehabilitation.

The transfer scheme applies to custodial orders and to non-custodial orders such as an attendance centre order or a probation order. The main provisions of the transfer scheme are: Firstly, the young offender, or his or her parents or guardians, must apply for the transfer and the Director will have a wide discretion to approve or refuse that application; secondly, the young offender must be given independent legal advice on the effect of the transfer; thirdly, in terms of any order to which the young offender is subject, he or she should not be either advantaged or disadvantaged by the transfer; and, finally, adequate facilities must be available in the receiving State or Territory before a transfer may proceed.

The Bill also proposes changes to the Act to correct deficiencies in the existing reciprocal arrangements for wards transferring into and out of the ACT. In addition, the terminology used in the Act is to be brought into line with that contained in the Family Law Act in relation to the terms "guardianship" and "custody". The Children's Services Act currently uses a variety of terms to denote the one concept of "custody". This rationalisation of terminology had been agreed to by all State and Territory Welfare Ministers in June of 1990.

Another provision relates to a renaming of the office of Director of Welfare to the Director of Family Services. This renaming reflects restructuring changes within Housing and Community Services and the increasing orientation of the newly-retitled Family Services Branch towards family support services as a strategy to provide protection and care to children. Because the office of Director of Welfare is also referred to in the ACT's adoption legislation, the Bill is accompanied by a short Bill to amend the Adoption of Children Act 1965 in relation to that title.

Mr Speaker, as I said, these are only the major provisions; but I hope that I have been able to convey to members the importance of the provisions contained in the Bill. I believe that the changes contained in the Bill will make the legislation more effective in providing for the welfare of children and will bring the ACT more into line with practices interstate, and in particular with New South Wales, in the treatment and interstate transfer of young offenders.

Mr Collaery: Hear, hear!

MR CONNOLLY: It is the Government's view that the Bill is worthy of the support of all members - I am pleased to hear support from across the chamber - and I commend it for their consideration. Mr Speaker, I present the explanatory memorandum for the Bill.

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

GUARDIANSHIP AND MANAGEMENT OF PROPERTY BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.39): I present the Guardianship and Management of Property Bill 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Guardianship and Management of Property Bill 1991 forms part of a package of Bills which, if passed by this Assembly, will see the establishment of an ACT guardianship tribunal and the office of the community advocate. The legislative package also contains the Community Advocate Bill 1991 and two Bills to effect necessary consequential amendments. I will introduce these Bills separately, but it may suit the convenience of members to debate the four Bills cognately when the Bills are examined in more detail.

The Guardianship and Management of Property Bill 1991 is a significant piece of legislation in its own right. It will bring into place a system whereby a guardian can be appointed to make decisions for a person who is intellectually or mentally incapacitated. It will also allow the appointment of a manager to attend to the financial affairs of an incapacitated person.

At present in the ACT, Mr Speaker, the only system that is available is the use of the archaic and inappropriately titled Lunacy Act 1898 of New South Wales in its application in the Australian Capital Territory. Under this system, applications are made to the ACT Supreme Court involving legal costs of upwards of $2,000. Too often those who need such orders are in circumstances which place them among the most disadvantaged of all in our community.

This Bill is the centrepiece of the legislative package and the establishment of the tribunal is overdue in this jurisdiction. It has been patiently awaited by the local community for a number of years.

In July 1990, while in opposition, I called on the Alliance Government to take action to implement the Australian Law Reform Commission's 1989 report on the guardianship and management of property of persons in the ACT who are incapable of looking after their own interests. I find it unacceptable that ACT residents have had to rely on the archaic provisions of the Lunacy Act, while New South Wales residents have had access to a more enlightened regime and while the previous Government had access to the Australian Law Reform Commission's views on the matter. There was really no good reason for delay in this reform.

It is a measure of the Labor Government's concern for this sector in our community that we have taken the impetus for reform in this area and moved very quickly to advance this legislation. No longer should a person with a disability be dealt with under the Lunacy Act. We must take a more socially aware approach to such matters.

Mr Speaker, this Guardianship and Management of Property Bill will establish a guardianship and management tribunal which will utilise the existing structures of the ACT Magistrates Court and be administered by that court. I stress that the tribunal is not part of the Magistrates Court and the tribunal will convene away from the court premises. It is necessary, however, that the president of the tribunal be an experienced legal practitioner because basic legal rights are under consideration.

The president of the tribunal may sit alone, but in most guardianship matters the president will have available the services of expert assessors who will be appointed as members of the tribunal. The tribunal will conduct its inquiries in an informal manner but will be obliged to observe the rules of natural justice. The tribunal will not be bound by the rules of evidence or legal technicalities, but in its inquiries it will inform itself of relevant matters in such manner as it thinks fit.

Above all, the Bill, at clause 3, stipulates that not only the tribunal but each guardian and manager shall exercise powers and duties in accordance with specified principles. Those principles state that the paramount consideration is the welfare and interest of those persons who are subject to orders of the tribunal. The principles are important and they provide guidance to ensure that incapacitated persons are protected, but in such a way as is the least intrusive.

The Bill stipulates how a guardian or manager may be appointed and contains restrictions on the powers that a guardian or manager may exercise on behalf of the incapacitated person. For example, subclause 7(3) of the

Bill states that a guardian may not chastise an incapacitated person nor vote on that person's behalf, make a will nor consent to marriage on that person's behalf.

An important restriction is that a guardian may not give consent for a prescribed medical procedure such as an abortion or sterilisation. Such matters are within the province of the tribunal, subject, of course, to the requirement that such medical procedures are lawful. Before exercising such a power, the tribunal is obliged to take into account certain specified considerations, including whether alternative treatment is available and, as far as can be ascertained, the wishes of the represented person.

Decisions of the tribunal are appealable to the Supreme Court. The person aggrieved by a determination of the tribunal may obtain a statement of reasons for the decision of that tribunal.

In financial matters, a manager appointed by the tribunal to handle the affairs of an incapacitated person must file accounts on an annual basis with the office of community advocate. The community advocate will examine the accounts and, if necessary, apply to the tribunal for disallowance of an item of expenditure claimed by the manager. The tribunal must furnish an annual report for presentation to the Legislative Assembly. The president and members of the tribunal are appointed by the Executive - the president for a period not exceeding five years, and members for a period not exceeding three years.

One issue raised by a community group was a suggestion that all initial orders of the tribunal be reviewed within the first 12 months of being made. Subclause 19(2) of the Bill stipulates that orders are to be reviewed at least once every three years. I submit that the tribunal will be best placed to assess each case and, in issuing its order, determine a suitable review date. I suggest that the tribunal be allowed to settle in and attend to the long-neglected backlog of cases without it being obliged to perform a compulsory review within 12 months of every order.

The proposed ACT tribunal will recognise and register competent orders from other jurisdictions, including orders obtained overseas. This provision appears at clause 12 of the Bill, and it should be of considerable assistance to those who move into the ACT from interstate or overseas, particularly those Australian jurisdictions which have comparable legislation. I urge the other jurisdictions in Australia to ensure that their legislation, where it exists, is comparable with this provision. Portability of various orders and uniformity in legislation are principles that I, and this Labor Government, fully support.

It is with some personal satisfaction that I introduce this Bill. There have been some compromises in such matters as vesting the tribunal in the Magistrates Court for financial reasons; but I submit that the end result is, at least, a much more sophisticated and responsive system than that which it will replace.

In conclusion, Mr Speaker, I acknowledge the efforts of the Australian Law Reform Commission in producing its report in 1989 on guardianship and management of property. That report, together with the valuable contributions made by individuals and groups in the ACT community, formed the basis for the preparation of this legislation. In addition, I express appreciation for the advice and guidance given by the President of the Victorian Guardianship Administration Board, Mr Tony Lawson, who, with his officers, provided useful assistance to my departmental officers. I present the explanatory memorandum for the Bill.

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

GUARDIANSHIP AND MANAGEMENT OF PROPERTY (CONSEQUENTIAL PROVISIONS) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.47): Mr Speaker, I present the Guardianship and Management of Property (Consequential Provisions) Bill 1991. I move:

> That this Bill be agreed to in principle.

The Guardianship and Management of Property (Consequential Provisions) Bill 1991 is, as its title suggests, a machinery Bill to provide amendments to certain laws of the Territory which must be amended on commencement of the Guardianship and Management of Property Act 1991.

The primary purpose of the Bill is to replace the residual provisions of the archaic Lunacy Act 1898 of New South Wales in its application in the Territory. That old system, which required applications to the Supreme Court, will be replaced by operation of the new guardianship and management of property tribunal. Existing orders made by the Supreme Court under the provisions of the Lunacy Act will continue as if they were made by the new tribunal. This saving provision is necessary to protect the interests of those persons who still rely upon the operations of the old orders made in the Supreme Court.

The Bill also makes consequential amendments to the Powers of Attorney Act 1956 to ensure that the tribunal's own enabling legislation and its orders are not subordinate to enduring powers of attorney already in existence. The Bill provides that the tribunal may, if necessary, override an

existing power of attorney. When an incapacitated person, who is subject to orders of the tribunal, needs to make an enduring power of attorney, this Bill provides amendments which stipulate that the person is not competent to give such a power unless the tribunal has approved the provisions in the enduring power of attorney.

The Bill will also amend the Transplantation and Anatomy Act 1978 to enable a medical practitioner to rely upon the validity of an order made by the tribunal consenting to the removal of non-regenerative tissue from an incapacitated adult. Such consent will not be exercised lightly by the tribunal. The Guardianship and Management of Property Bill 1991, which establishes the tribunal, provides safeguards on the exercise of that power by the tribunal. I present the explanatory memorandum for the Bill.

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

COMMUNITY ADVOCATE BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.49): Mr Speaker, I present the Community Advocate Bill 1991. I move:

> That this Bill be agreed to in principle.

The Community Advocate Bill 1991 forms part of the quartet of Bills which include legislation to establish the guardianship and management of property tribunal. The concept of a community advocate grew out of the need for a public advocate to represent the interests of incapacitated persons before that tribunal.

In its guardianship and management of property report of 1989, the Australian Law Reform Commission recommended the establishment in the ACT of a tribunal and public advocate for guardianship related matters. Those recommendations drew upon the experience of the Victorian Guardianship and Administration Board and Victorian Public Advocate, as well as other jurisdictions. The Victorian model, with its specialist tribunal and advocacy service, is highly regarded; but the ACT, with one-twelfth the population of Victoria, is not well placed to provide a similar specialist freestanding tribunal and single purpose advocacy service.

The matter was examined and my departmental officers developed the concept of a multipurpose advocacy service called the community advocate. A discussion paper was issued together with the budget papers in 1990 by the former Attorney-General, Mr Collaery. A comprehensive analysis of the concept of a community advocate was carried out by the ACT Mental Health Legislation Review Committee in its report *Balancing Rights.* That committee comprised

community representatives, government officials and learned academics. The committee strongly endorsed the concept of a community advocate. I commend the chairman of that committee, Nick Seddon, and the other committee members for that guidance.

Although the initiative is a simple concept, its development has been delayed by the fact that so much is expected of the office. In its basic form it serves to provide advocacy in guardianship matters. The office will also absorb existing youth advocacy functions, as specified in the Children's Services Act 1986. Provisions have also been made for the office to have a limited mental health advocacy function concerning forensic patients and the function of prescribed representative under the existing Mental Health Act 1983.

Merger of the youth advocate function depended to a large extent on the results of a separate community consultation on the role of the youth advocate. That consultation was commenced in January 1991 and has now been completed. The overwhelming response of the community is to maintain the existing role with some minor modifications.

This Bill conforms with the community's views and, to all intents and purposes, the merger is a simple name change from youth advocate to community advocate. Administratively, of course, youth advocacy services will be provided by the office of community advocate. No attempt has been made to tamper with the role of the youth advocate in this Bill and, indeed, that service may benefit from being merged with similar advocacy functions.

The community advocate is more than just the single officeholder. He or she will have overall responsibility for all the advocacy functions specified in this Bill, but with the power to delegate to staff of the office most of those functions. For example, the person who is the community advocate may, in his or her day-to-day activities, take carriage of guardianship matters and delegate responsibility for youth advocacy to another officer.

The community advocate will work closely with the guardianship and management of property tribunal. The community advocate can be appointed a guardian or manager of last resort. The community advocate will monitor other guardians and managers. For example, the community advocate will examine the accounts filed by managers who are appointed to handle the financial and property affairs of an incapacitated person. Under the guardianship and management of property legislation, the community advocate is entitled to charge a fee for that service.

Mr Speaker, in mental health matters, the community advocate will be available, as a prescribed representative, to protect the interests of a person who has been involuntarily detained or in respect of whom a treatment

order is sought under the Mental Health Act 1983. The community advocate will also assist in matters affecting forensic patients. Responsibility for a broader function of mental health advocacy will be considered by the Government in the context of its response to the report *Balancing Rights.*

Mr Speaker, the ability to intervene in the case of forensic patients will be particularly welcomed by people who noted the use of the need to obtain a habeas corpus application for a patient presently held in the New South Wales prison system under Governor-General's pleasure. That was clearly a blunt instrument for use to get a matter back before the courts.

There is an acknowledged overlap between guardianship and mental health advocacy. For example, a person who is involuntarily detained as a mental health patient may still require the services of the community advocate for guardianship and property matters. For this reason it is useful to include the limited function in this legislation while the broader implications and complexities of mental health advocacy are being assessed.

One important feature included in the Bill is the recognition that the community advocate must be a responsible but fearless advocate for those whom he or she represents. The community advocate must be free to speak out, when necessary, to protect the basic rights of persons who are unable to effectively protect themselves. There are, of course, necessary safeguards and restrictions that the community advocate must observe in speaking out. However, the vigilance expected of a person in such a position means that we must allow the community advocate the freedom to constructively criticise any agency or person. This role is analogous to that of the ombudsman.

Mr Speaker, I am confident that this initiative will be watched with interest by other jurisdictions. It is to the credit of this community that it can bring forward such a response to address the needs of the most vulnerable sectors in our community. I present the explanatory memorandum to the Bill.

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

CHILDREN'S SERVICES (AMENDMENT) BILL (NO. 2) 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.55): Mr Speaker, I present the Children's Services (Amendment) Bill (No. 2) 1991. I move:

> That this Bill be agreed to in principle.

The Children's Services (Amendment) Bill (No. 2) 1991 is a simple machinery Bill which amends the Children's Services Act 1986 to record that the youth advocate has merged with the community advocate. On commencement of the substantive provisions of the Community Advocate Act 1991, the community advocate absorbs the title and functions of the youth advocate. There is no change to the existing functions of youth advocacy apart from this change of name. I present the explanatory memorandum to the Bill.

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

CROWN SUITS (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.56): Mr Speaker, I present the Crown Suits (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

The preparation of this legislation amending the Crown Suits Act was agreed to by the previous Government. Mr Speaker, the purpose of the Crown Suits (Amendment) Bill 1991 is to modify section 8 of the Crown Suits Act 1989 to make it clear that the section does not change the substantive rights of the Territory and other parties to a suit, but only deals with matters of procedure.

Not all Acts enacted by the Territory are intended to apply to the Territory as Crown. When it is intended that an Act will apply to the Territory it will contain a clause which explicitly states that intention. The certainty of application of a statute which this drafting convention promotes has been undermined by two High Court decisions concerning a similar Commonwealth section, to the effect that all legislation applies to the Crown as it does to a subject.

The decisions of the High Court in Maguire v. Simpson in 1977 and Commonwealth v. Evans Deakin Industries Ltd in 1986 concerned section 64 of the Commonwealth's Judiciary Act 1903. Section 64 is similar to section 8 of the Territory's Crown Suits Act 1989 and, consequently, those decisions put the effect of the Territory provision into similar doubt.

These decisions result in the Crown in right of the Territory automatically becoming subject to all Territory statutes, even if this was not intended by the legislature when enacting a statute. The liability of the Territory to a statute will become a matter of implication and uncertainty, rather than requiring an express, and certain, term in the statute.

The amendment to section 8 makes it clear that a statute does not apply to the Territory unless that statute specifically declares that that is to be the case. If, however, a statute, by its terms, does specifically apply to the Territory, section 8 will continue to require that the procedural rights of the Territory in a suit brought by an individual are no different from those of the individual. I now present the explanatory memorandum to this Bill.

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

SELF-GOVERNMENT (CONSEQUENTIAL AMENDMENTS) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.58): Mr Speaker, I present the Self-Government (Consequential Amendments) Bill 1991. I move:

> That this Bill be agreed to in principle.

The preparation of this legislation was agreed to by the previous Government. The purpose of this Bill is to make various minor technical corrections to ACT legislation, necessary because of self-government. It is a tidying up exercise and as such it comes from the same stable as the 1988, 1989 and 1990 Self-Government (Consequential Amendments) Acts.

The Bill also complements the ongoing process of review of all ACT legislation to make it more accessible and relevant to today's needs. This process is one all governments need to pursue. It is a process which we support and will continue to support. This Bill is part of the necessary but lengthy process of updating legislation in the Australian Capital Territory.

The Bill makes a number of technical changes to various different Acts. They are minor corrections of the type made in previous similar Acts. Most of the amendments are to replace references to the Commonwealth with references to the Territory, or to remove references to the legislation made obsolete or inapplicable because of self-government.

For the most part, this Bill is self-explanatory, and therefore I mention just a few of its provisions by way of example. Clause 2 of the Bill removes an obsolete reference to the Commonwealth Audit Act 1901 which hitherto has escaped notice in the ACT Institute of Technical and Further Education Act 1987 - not "Furniture Education", as was detected yesterday. It is replaced with a reference to the ACT Audit Act 1989.

In 1989 the Teaching Service Act 1972 was subject to a number of amendments. These amendments included the removal of obsolete references to the Commonwealth Public Service Act and procedures of the Commonwealth Parliament. The drafter removed these provisions from section 20 of the Teaching Service Act, which concerned determinations of conditions of permanent employees, but missed a similar reference in provisions of section 23, which concerned determinations of conditions of temporary employees. Clause 14 of this Bill corrects that oversight. Mr Speaker, I now present the explanatory memorandum to this Bill.

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

CRIMES (OFFENCES AGAINST THE GOVERNMENT) (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.01): Mr Speaker, I present the Crimes (Offences Against the Government) (Amendment) Bill 1991.

Mr Stefaniak: Very timely, I think. Is this the one where the DPP can do Commonwealth things - - -

MR CONNOLLY: This is the single member electorate one! I move:

> That this Bill be agreed to in principle.

Mr Speaker, this is another piece of legislation which had been agreed to by the previous Government. The purpose of this Bill is to enable the Government to readily and efficiently establish ownership of particular property as required in proceedings under the Crimes (Offences Against the Government) Act 1989. The Act makes it an offence to steal or damage property belonging to the Government or to trespass on government premises.

For the Act to apply and for offences such as these to be prosecuted without unnecessary delay, the Government must be able to show that the property stolen or damaged is property belonging to the Government, or, in terms of the Act, to the Territory or to a Territory authority. At present, even if it is self-evident that the property belongs to the Territory, it would, in many cases, be very difficult to prove ownership as required in law. Even if possible, the process of obtaining evidence to satisfy the often difficult legal question of ownership would, as the Act stands, involve unnecessary time and expense in administrative and court proceedings.

This difficulty in the proof of ownership is one of the various technical problems that have emerged since self-government. The Hon. Mr Justice Rae Else-Mitchell first identified this problem in his capacity as chairperson of the Committee of Inquiry into the Assets and Public Debt of the ACT in 1990.

The Bill will bridge the gap between apparent ownership and actual proof of ownership for the purposes of proceedings under the principal Act. It will allow the Government to assert ownership in cases where it would otherwise be difficult to do so and for prosecutions to be dealt with in a more just and efficient manner.

The Bill adds two provisions to the Act. It adds a general presumption clause to the effect that property in the "possession, custody or control" of the Territory shall be presumed to belong to the Territory. The Bill also provides that a certificate signed by the Minister can, itself, act as evidence that the Territory has property in its possession, custody or control.

These provisions together enable the Territory to establish ownership. In many cases a certificate will not be necessary as evidence of "possession, custody or control" will be available, and this alone will allow the courts to find ownership for the purposes of the Act. However, in cases where evidence is not available, or not readily available, a certificate itself will be sufficient evidence.

The presumption of ownership and the effect of the certificate are both rebuttable. This avoids possible injustice by allowing people involved in proceedings under the Act to produce evidence to overturn these presumptions and to prove that the Territory does not, in fact, own the relevant property. This means that the Government must use the certificate provision with care because it is open to challenge in court.

The Bill provides for an equivalent certificate provision in relation to government premises. This allows the Government to produce a certificate as evidence of occupation where this is necessary to establish that premises are government premises for the purposes of the Act. I now present the explanatory memorandum for this Bill.

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

TRADE MEASUREMENT BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.05): Mr Speaker, I present the Trade Measurement Bill 1991. I move:

> That this Bill be agreed to in principle.

The Trade Measurement Bill 1991 is the first part of a package of modern trade measurement legislation arising from an agreement made in January 1990 between the Commonwealth, States and Territories concerning the adoption and administration of uniform trade measurement legislation throughout Australia.

Members will recall that this Bill was originally presented to the Assembly in December 1990 by the former Attorney-General, Mr Collaery. Two ancillary Bills - the Trade Measurement (Administration) Bill and the Weights and Measures (Amendment) Bill - were also developed under the previous Government. These Bills will also be introduced into the Assembly today. This Bill is based on model uniform legislation developed by the Standing Committee on Trade Measurement. Queensland, the Northern Territory and New South Wales have already commenced their packages.

The regulation of trade measurement, also known as weights and measures, has become increasingly important in the modern world. Technological advances have caused many changes in the marketing and packaging of goods. Consumers often find that it is difficult to be sure that they are getting what they pay for. This legislation is aimed at ensuring that unfair trade measurement practices such as short weight or measure are more easily detected and that compliance with the law is more easily achieved.

The adoption of uniform legislation throughout Australia will also bring great benefits to traders by promoting commercial certainty. This will lead to a reduction in business costs and greater efficiency in the trade measurement industry which services the entire Australian marketplace. It is expected that such savings will be passed on to consumers.

The major difference between this new legislation and the existing legislation is that the new legislation allows each administering authority to make better use of its own resources. For example, the authority may license persons to certify measuring instruments. Previously, this task was undertaken exclusively by the inspectors of the Trading Standards Office of the Consumer Affairs Bureau. By licensing private individuals to certify measuring instruments, these inspectors will now be free to ensure compliance with a wider variety of trade measurement activities. In addition, the licensing authority will be at liberty to determine when the testing and verification of instruments is necessary, rather than being locked into a yearly retesting cycle.

Members will also note that the compliance provisions of this Bill are augmented by a range of updated penalties, which will act as a realistic deterrent, and suitable penalties for breaches of the scheme. For example, the maximum fines for short measure offences will be increased from the present $40 to $20,000. I commend the Bill to the Assembly and I present the explanatory memorandum for the Bill.

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

TRADE MEASUREMENT (ADMINISTRATION) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.08): I present the Trade Measurement (Administration) Bill 1991. I move:

> That this Bill be agreed to in principle.

The Trade Measurement (Administration) Bill, which comes before you today, is the second part of a package of legislation to be presented to the Assembly today. The role of this Bill in particular is to provide a framework for the administration of the uniform trade measurement legislation.

Under the agreement, each State and Territory is required to adopt an administration Bill so that the Trade Measurement Acts will be administered uniformly throughout Australia. Each jurisdiction is permitted, however, to tailor its administration Act to suit its existing procedural arrangements. To this end, the Bill provides for the appointment of a superintendent of trade measurement. He or she will appoint inspectors to carry out the functions of the administering authority and the licensing authority set up under the Trade Measurement Act. Provision is also made for the determination of fees for services performed by inspectors.

Compliance with the new legislation is expected to be enhanced by the inclusion of on-the-spot fines. The Minister, by regulation, will be able to declare which offences under the Act should be dealt with in this way. On-the-spot fines are a practical alternative for those minor offences which do not warrant the costly business of prosecution.

Traders' rights are protected in that the amount of the fine can be no greater than the maximum penalty applicable if the offence was proven in a court of law. I note that no conviction is recorded if the fine is paid within 28 days and that a prosecution can be brought only if the trader fails to pay the fine.

The Bill also protects the rights of ACT citizens by providing procedures to be followed for the issue and execution of search warrants by inspectors. In addition, traders are given a right of access to records seized by inspectors in the course of their activities. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

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

WEIGHTS AND MEASURES (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.10): I present the Weights and Measures (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The Weights and Measures (Amendment) Bill is related to the Trade Measurement Bill and the Trade Measurement (Administration) Bill presented to the Assembly today. Together they make up a package of modern trade measurement legislation which will see the Territory into the twenty-first century.

The purpose of this Bill is to preserve the provisions in the Weights and Measures Act which regulate the sale of bread in the Territory. This is necessary because the Trade Measurement Bill expressly excludes the sale of bread. Bread has not been included in the uniform scheme because the working party on uniform trade measurement has not yet agreed upon an appropriate measuring methodology for bread. Until uniform provisions are available, each State and Territory which enacts the uniform trade measurement legislation must make separate provision for regulating the sale of bread.

The Bill deals mainly with the repeal of the sections of the Weights and Measures Act which cover trade measurement generally. It also provides that the amended Act will be administered in the same way as the uniform trade measurement legislation. Part VIA of the Act, relating specifically to the sale of bread, has been retained with minimum amendment.

The only significant amendment relates to the removal of the provision requiring scales to be provided in a conspicuous place in all shops selling bread. The amendment of this provision is necessary because the Weights and Measures Act dates from an age when the packaging and marketing of bread was substantially different from what it is today. In 1929 bakers baked bread and sold it from their bakeries. Some bakers even

delivered it fresh to your door. Few grocers bothered to sell it. Today most bread is sold in supermarkets. It is prepackaged and preweighed at the bakery, so that scales in all the shops selling bread are no longer necessary.

Consumers will continue to be protected because it is still an offence for anyone to display for sale packaged bread which does not have the net weight marked on it. Of course, trading standards officers will continue to carry out inspections of packaged bread to ensure correct weight and consumers may still ask bakers to weigh unwrapped bread for them.

The other significant aspect of the Bill that I would like to bring to the attention of the Assembly is the updating of the penalty provisions. For example, the penalty under the existing legislation for a short measure offence is presently a maximum of $40 or, for subsequent offences involving fraud, a term of imprisonment. The updated provisions for such an offence will be a fine of up to $5,000 for an individual and up to $25,000 for a company. The section providing for imprisonment for fraud has been repealed because this type of punishment is not considered appropriate for offences involving the trade measurement of bread. I commend the Bill to the Assembly and I present the explanatory memorandum for the Bill.

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

NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.13): Mr Speaker, I present the National Crime Authority (Territory Provisions) Bill 1991. I move:

> That this Bill be agreed to in principle.

The purpose of the Bill is to enable the Territory to participate in the activities of the National Crime Authority Inter-governmental Committee and to enable the authority to investigate organised crime and other relevant criminal activity in the Australian Capital Territory. This legislation was developed by the previous Government and has been reviewed and endorsed by the present Government for introduction.

The Bill forms part of a legislative scheme which provides the legal basis for the National Crime Authority to investigate breaches of State and Territory law. The first part of this legislative scheme is the National Crime Authority Act 1984 of the Commonwealth Parliament, which was enacted in June 1984 and came into operation on 1 July of that same year.

The second part of the scheme is State and Territory legislation which confers jurisdiction on the authority to investigate offences against the laws of those States and Territories. All States and the Northern Territory have enacted their own legislation which underpins the Commonwealth legislation.

The Commonwealth Act followed the full-scale review and re- examination of the Federal Government's National Crimes Commission Act 1982 and several rounds of meetings between Commonwealth, State and the Northern Territory Attorneys-General and police Ministers, police commissioners, and officials. Subsequent legislation was subject to report by the Senate Standing Committee on Constitutional and Legal Affairs at the time.

The authority was established to investigate, collect and analyse information relating to sophisticated or organised crime and supply that information to Federal, State and Territory law enforcement agencies. The authority is monitored by an intergovernmental committee, known as the IGC, comprising a Commonwealth Minister and State and Northern Territory Ministers from participating jurisdictions. I have attended one of these intergovernmental committee meetings as an observer. Upon the enactment of this Bill, the Australian Capital Territory will be able to participate as a full member of the intergovernmental committee.

The National Crime Authority is a permanent body with significant but accountable powers and with a store of inherited information and expertise. The traditional emphasis of the authority has been to investigate drug related crimes. However, as part of a new direction, the authority will place more emphasis on inquiring into serious white-collar and corporate crime throughout Australia and complementing rather than competing with State and Territory law enforcement agencies.

The Commonwealth Parliamentary Joint Committee on the National Crime Authority is conducting at present an evaluation of the authority and has called for public submissions on all aspects of the investigative body. The inquiry is examining the functions and powers of the authority, in particular its constitutional role. All participating governments, which will include the ACT, will monitor that inquiry.

The enactment of this Bill will allow the ACT Government to participate in decision making about what references should be given to the authority and to monitor the activities of the authority. It will bring the ACT into line with other States and the Northern Territory in respect of this important law enforcement policy. I present the explanatory memorandum for the Bill.

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

HOUSING ASSISTANCE (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.17): Mr Speaker, I present the Housing Assistance (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The Housing Assistance Act 1987, the principal Act, establishes the office of Commissioner for Housing and provides the framework for the provision of housing assistance in the Territory. This Bill seeks to amend the principal Act to bring within the scope of the Subordinate Laws Act 1989 determinations of fees made by the Commissioner for Housing under housing assistance programs operating under the principal Act.

This amendment will give effect to an undertaking made earlier by the former Minister to this Assembly's Committee for the Scrutiny of Bills and Subordinate Legislation, and is a revision of a proposal put forward by the previous Government. The amendment is highly desirable because it brings the arrangements for fee determinations made under housing assistance programs into line with the arrangements for similar determinations made under ACT legislation generally. Those arrangements require fee determinations to be notified in the *Gazette* and tabled in this Assembly, where they are subject to scrutiny and possible disallowance.

Although the commissioner is empowered under certain housing assistance programs to determine fees, such determinations are not expressed in the principal Act to be disallowable instruments. This means that they are not caught by the Subordinate Laws Act 1989 and are therefore not subject to the scrutiny of this Assembly.

This Bill seeks to rectify this anomalous situation by extending the definition of "relevant instrument" in section 12 of the principal Act to include determinations of fees made under housing assistance programs, and variations and revocations of such determinations. This has the effect of bringing such instruments under the notification and tabling requirements of the Subordinate Laws Act 1989. I present the explanatory memorandum for this Bill.

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

STOCK DISEASES (AMENDMENT) BILL 1991

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (11.19): Mr Speaker, I present the Stock Diseases (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The Bill amends the Stock Diseases Act 1933. I am pleased today to table legislation that will bring the ACT into line with the rest of Australia in the control of stock disease. The ACT should no longer be seen in isolation from the rest of the country and, in particular, should be seen as an important part of the south-east region of New South Wales. The ACT is an active member of the Australian Agricultural Council and contributes to national rural production.

The rural industry is a strong part of the local economy. It provides a much needed diversification to our economic base. In the ACT it is estimated that the gross annual value of rural production is $25m. Cattle raising for beef or replacement breeding stock is the second most important rural industry in the wider south-east region, with a gross annual production valued at approximately $74m.

The current ACT Stock Diseases Act dates back to 1933. This Act provides for the destruction of diseased stock, payment of compensation to owners and isolation of areas of the ACT where diseased stock are located. The Government is committed to updating ACT legislation, particularly where it provides consistency with legislation elsewhere in Australia. Uniform legislation throughout Australia is essential in protecting meat export income and providing effective disease control.

The proposed Bill provides for a system of tracing diseased cattle to their property of origin and a system of identifying animals through the slaughtering process. These provisions have been prompted by an approach from the Commonwealth Department of Primary Industries and Energy, which is responsible for the control of animal disease in Australia. It has become apparent that a trace-back system is essential for the success of the national brucellosis and tuberculosis eradication campaign and continued funding of this program by the Commonwealth Government. The amendments will enable the identification and trace-back of any diseased cattle to the property of origin so that isolation and remedial measures can take place.

The Government clearly has a responsibility to ACT consumers, and those supplied interstate with meat, to ensure that the local product is disease free. The Government also believes that rural producers have a responsibility to ensure the identification of cattle presented for sale or slaughter as a means of tracing and isolating animal disease outbreaks. It is important that

the trace-back system is complemented by a stock tail tag register and also by provision for government inspectors to have access to the records of producers, transporters and processors in the livestock industry.

The proposals in the Bill are supported by the New South Wales Government and the ACT Rural Lessees Association. The proposed Bill will update the Stock Diseases Act 1933 to meet contemporary requirements for animal disease control in line with comparable legislation in the States and the Northern Territory. I commend the Bill to the Assembly and I present the explanatory memorandum.

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

ELECTRICITY AND WATER (AMENDMENT) BILL (NO. 2) 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.24): Mr Speaker, I present the Electricity and Water (Amendment) Bill (No. 2) 1991. I move:

> That this Bill be agreed to in principle.

The Electricity and Water (Amendment) Bill (No. 2) 1991 forms part of a package with the Water Rates (Amendment) Bill 1991 and the Sewerage Rates (Amendment) Bill 1991 which I will also introduce today.

The purpose of this package of Bills is to permit the ACT Electricity and Water Authority to set the basic water allowance and to streamline the procedure for setting charges for electricity, water and sewerage services. It is intended that the basic water allowance be reduced from 455 kilolitres to 350 kilolitres, as was announced by the former Minister, Mr Duby, during the term of the Alliance Government. This reduction is aimed at promoting water conservation. It will also bring the ACT into line with the practice adopted by major water authorities elsewhere, where water payments are matched more closely with consumption, that is, moving to user pays.

Mr Speaker, the ACT is growing. If we do not focus now on water conservation, a new dam is likely to be needed about the turn of the century, imposing a severe cost burden on the community. The interest bill alone on a new dam could add over $100 to each water rates account in the ACT. The Government believes that a lower basic water allowance will help reduce average water use per head and defer the time at which our next water supply dam is needed. The Government is satisfied that this will be in the long-term best interests of all ACT water users.

ACTEW is losing money on its water operation at present. Over the past two years the loss totalled about $10m. The change in the basic water allowance, moving us towards a user pays approach, could make up the shortfall by about $800,000 in terms of excess water charges this year. This estimate would, of course, vary depending on water usage following the change. However, this is not the central issue. The central issue is water conservation.

This Assembly will be aware of water conservation publicity by ACTEW from October 1990. That publicity campaign made repeated mention of the plan, subject to legislative change, to lower the basic water allowance to 350 kilolitres per year. The Government is conscious that water conservation involves progressive change in attitudes and habits. To give water users extra time to adjust their consumption, the change in basic water allowance will be phased in during 1991-92.

Other amendments contained in this package of Bills will streamline the administration of determining charges for electricity, water and sewerage services so that water and sewerage charges can be determined in advance to come into effect from the start of the financial year. As part of this streamlining process, the period allowed for the Minister to disallow any water, sewerage or electricity charges set by ACTEW will be reduced from 30 days to 14 days. I present the explanatory memorandum for the Electricity and Water (Amendment) Bill (No. 2) of 1991.

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

WATER RATES (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.27): Mr Speaker, I present the Water Rates (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

The Water Rates (Amendment) Bill 1991 forms part of a package with the Electricity and Water (Amendment) Bill (No. 2) 1991 and the Sewerage Rates (Amendment) Bill 1991. The Water Rates (Amendment) Bill amends the Water Rates Act 1959 to remove references which indicate that there is a basic water allowance of 455 kilolitres per year, and to enable the determination of water rates in advance, to come into effect on 1 July each financial year. I present the explanatory memorandum for the Bill.

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

SEWERAGE RATES (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.29): Mr Speaker, I present the Sewerage Rates (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The Sewerage Rates (Amendment) Bill 1991 forms part of a package with the Electricity and Water (Amendment) Bill (No. 2) 1991 and the Water Rates (Amendment) Bill 1991. This Bill enables the determination of sewerage rates by the ACT Electricity and Water Authority in advance, to come into effect on 1 July of each financial year. This will streamline existing procedures which cause delays in setting sewerage rates each year and which are a carryover from the days when sewerage rates were set as part of the Commonwealth budget. I present the explanatory memorandum for the Bill.

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

RATES AND LAND TAX (AMENDMENT) BILL (No. 3) 1991

MS FOLLETT (Chief Minister and Treasurer) (11.30): Mr Speaker, I seek leave to present the Rates and Land Tax (Amendment) Bill (No. 3) 1991.

Leave granted.

MS FOLLETT: I thank members. I present the Rates and Land Tax (Amendment) Bill (No. 3) 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill proposes amendments to the Rates and Land Tax Act 1926. The Rates and Land Tax Act provides for the imposition of municipal rates and land tax in the Australian Capital Territory. The Government is proposing to amend the Act to expand the land tax base to incorporate residential land which is not used as the principal place of residence of an owner.

Land is currently taxed according to the purpose for which the lease was granted, with land used for residential purposes and primary production specifically exempted. All States tax residential properties but, with the exception of Victoria, exempt the principal place of residence.

The move by the ACT to do likewise and broaden the land tax base will overcome a revenue raising anomaly identified by the Grants Commission in its fourth report on finance in the ACT. The Commission identified that ACT land tax

receipts were only 46 per cent of that of the standard States. This is in large part because, unlike the majority of the States, income earning residential properties in the Territory are not subject to land tax.

By imposing land tax on properties, other than the principal place of residence of an owner, revenue estimated at $6.9m will be raised in a full year and $6.3m this year. By broadening the land tax base in this way, the land tax burden is more equitably spread over land used for income earning. It is a source of revenue that the Assembly cannot reasonably ignore at a time of massive readjustment of ACT finances.

While some impact on rental housing might occur, this is expected to be minimal. Some landlords may seek to pass on tax to tenants. However, Mr Speaker, if the landlord is being fair and recovering only the net cost after allowing for income tax benefits, rent increases should, on average, not be more than about $4 to $5 a week. Given that the renegotiation of rents will mostly occur with lease renewals, somewhere over the next 12 months, rent levels will also depend on market conditions at the time. There is absolutely no factual basis for the campaign by the Real Estate Institute, which has tried to frighten tenants with claims of 10 per cent rent increases.

My Government recognises that the increase may have some detrimental effect on low income renters. Rent assistance is available to help those families adversely affected by the tax who have applied for government housing. The Minister for Housing and Community Services will be monitoring the situation to see whether any adjustment to government assistance programs is required.

Mr Speaker, amendments to the Act, therefore, make all rateable land taxable, with specific exemptions being provided for land leased primarily for primary production; land which is used as the principal place of residence of an owner; Commissioner for Housing properties; holding leases granted for developmental purposes; new leases that are unoccupied and have not previously been occupied; and prescribed land.

Provision has also been made to allow a property to retain its exempt status as the principal place of residence during absence of the owner due to the death or illness of any person, for other compassionate reasons or as a result of employment or occupational obligations. During such absences the property may be rented without attracting land tax.

The drafting of these provisions shows that the Government is genuine in seeking to extend the tax only to residential investment properties and not to penalise those home owners who have to rent their home during absences which are beyond their control. The status of property for taxing

purposes is to be determined on the purpose for which the property is being used on 1 July in the tax year. For this year only, it will be determined and applied from 1 August, a date after the announcement of the proposal to extend the tax.

Under the Bill, owners of residential land are required to advise the Commissioner for ACT Revenue whether or not a property is occupied as the principal place of residence. Owners of exempt residential land are required to inform the Commissioner for ACT Revenue within 30 days where land is sold, is no longer occupied as the principal place of residence, or, in the case of a new lease, is being used otherwise than as the principal place of residence of the owner.

Similarly, owners of taxable land must inform the commissioner of any change in circumstance affecting the liability of the property to tax. Initial determination of liability will involve letters to all owners of residential leases, and therefore there will be maximum effort made through existing forms of contact with residential leaseholders to remind them of their obligations with regard to liability.

Mr Speaker, under provisions in the Bill the commissioner is given powers similar to those he has under the Taxation (Administration) Act to acquire information in order to assess a taxpayer's liability. Penalties are provided in the Bill for failing to provide information, providing false or misleading information, or attempting to avoid or evade the tax. These provisions are consistent with the provisions of the Taxation (Administration) Act.

Under provisions in the Bill, the commissioner has the power to remit or refund penalty tax where he considers this action to be fair and reasonable. The Bill provides for a person to be able to object to a decision of the commissioner as to liability to land tax, and to the severity of penalty tax, and provides for an appeal to the Administrative Appeals Tribunal where the commissioner does not allow the objection.

In conclusion, Mr Speaker, the effect of the Bill I have presented today will be to broaden the land tax base to include the majority of properties used for income earning purposes and thus to provide much needed revenue for the Territory. I now present the explanatory memorandum for the Bill.

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

MAGISTRATES AND CORONER'S COURTS (REGISTRAR) BILL 1991 [NO. 2]

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

That this Bill be agreed to in principle.

MR STEFANIAK (11.37): This Bill, which had its formulation, like virtually all of these, during the time of the Alliance Government, is a commonsense provision to bring the ACT Magistrates Court and Coroner's Court into line with what is now becoming standard practice throughout Australia, and that is to change the titles of clerk and deputy clerk of the court to registrar and deputy registrar. I point out to members that even in the ACT we have not had a clerk of the Supreme Court for a hell of a long time. The titles there have always been registrar and deputy registrar. So, this will merely bring the Magistrates Court into line with what has been the title used by our other court in the ACT for a long time. This is something that is occurring throughout the States as well.

At this stage I would like to digress and say a few things in relation to the clerk of the court. The ACT Magistrates Court celebrated its sixtieth anniversary last year and is 61 this year. So, for 60 years there has been a clerk of the court or a clerk of petty sessions, and then more recently a clerk of the Magistrates Court. We have had some great characters there.

Perhaps one of the greatest clerks of the Magistrates Court was old Harry Taswell, who did not mind a drink. Harry was a member of the Canberra Club. I remember a lovely story which I heard, which goes back some years ago. Harry was a very keen golfer as well as being the clerk of the Magistrates Court. He was a member of the Canberra Club golf team, as was a prominent local solicitor, and they went to Cootamundra for a golf day.

Unfortunately, after the golf, when they left the Cootamundra Golf Club on the Sunday afternoon, Harry took the wrong set of clubs. The set of clubs contained the local police sergeant's keys to the Cootamundra lockup. For some reason the local police sergeant had lost or misplaced the duplicate set of keys. As the bus taking the Canberra Club golf members back to Canberra travelled off, Harry took the wrong set of golf clubs with him. They arrived back in Canberra fairly late on the Sunday night, and I think Harry had somewhere else to go, so he did not go directly home.

Well, the police sergeant came out and took what he thought was his set of golf clubs. When he got back to the police station he had to look after two prisoners who unfortunately were in the lockup. He found that he did not have his set of golf clubs. Putting two and two together,

he worked out that someone must have got his set of golf clubs and, after a number of inquiries, it appeared that the only people who could have got them was the Canberra Club lot who had gone off on their bus. Well, a lot of inquiries were made and it was finally ascertained that it had to be Harry.

Now, this was a bit of a problem for the two prisoners in the lockup. The Cootamundra cells are very old and there was only a very small opening. Around dinner time it was difficult to get food into them. They managed to put some very small bananas and bits and pieces of food into the cells to feed the two poor prisoners, but they could not get anything else in.

MR SPEAKER: Mr Stefaniak, I am enjoying this; but where is the relevance?

MR STEFANIAK: It is not terribly relevant. Finally, Mr Speaker, shortly after midnight, Harry left his other function and got home. The ACT police, as they then were, managed to locate Harry and the golf clubs, telephoned their Cootamundra counterparts, and at about one in the morning two police cars left Canberra and Cootamundra respectively and met at Binalong and exchanged their respective golf clubs. Harry certainly was a great character, a very fine man and an excellent clerk of the Magistrates Court and the Court of Petty Sessions here for a long time. He was one of the great characters of the Canberra legal fraternity.

In a way, it is rather sad to see the title clerk of the Magistrates Court and the Coroner's Court cease; but progress is progress and this does bring us into line with other States. In passing, perhaps we could recognise the amount of work done by previous clerks of the Magistrates Court and Coroner's Court. Harry Taswell, of course, is one of the first and foremost among those people. We now look forward to a registrar of the Magistrates Court and the Coroner's Court, and no doubt that title will stay with us for many years.

MR BERRY (Minister for Health and Minister for Sport) (11.42): I do not have as interesting a story as Mr Stefaniak about police lockups or those sorts of things, but I think this issue is fairly important. Although it is only a small change to the law, it nevertheless affects the status of officials of the courts. The ACT, because of its recent experience with self-government, unfortunately has been the subject of some mirth interstate and it is important that the status of our officials is protected by changes, albeit small ones, to the law.

I guess that these officials will make contact with their interstate counterparts from time to time and it is important that their standing in the fraternity is at least equal to interstate and that the overflow from our self-government does not affect them in the performance of their

duties. I see Mr Stefaniak smiling, or is he grimacing? I think he is predicting that there might be a little bit of a run into single member electorates here, but I will give it a miss on this one and save it until later on. I will not make any mention of the try d'Hondt system that has been - - -

Mr Stefaniak: Registrars and deputy registrars form part of a d'Hondt system, not single member electorates. There is more than one of them.

MR SPEAKER: Order, Mr Stefaniak!

MR BERRY: I think there would probably be some justification in the Speaker pulling me up on that one. I think it is important to address this issue of status because our officials do deserve to be treated with the same respect as officials in other States. For them to be left out in the cold, so to speak, on such a small thing as their title would be an oversight that we ought not tolerate. So, on that score, Mr Speaker, I am happy to support the proposed legislative change.

MR COLLAERY (11.44): I rise briefly to express similar, though differently worded, support for these amendments. This is a timely phase in the development of our excellent court system. It is only too bad that the Magistrates Court and the apparatus around it is not moving to proper recognition of its status in our community. Its civil jurisdiction is larger than most of the justice of the peace type magistrates courts elsewhere in Australia. It is in many respects a district court and, sadly, we are not seeing proposals, even at that level, proceeding under this Government. I think it has been an unnecessary rebuff to our magistracy who perform an excellent task.

I also welcome, as did Mr Berry, the development of professional recognition for those people who work so hard behind the scenes in our Magistrates Court. I want to take this opportunity to publicly acknowledge the work of the clerks in our Magistrates Court, particularly those in the Childers Street complex who deal so dedicatedly, over so many long hours, with the domestic violence jurisdiction. Names come to mind - George Hardiman and Mark O'Neill. I am naming only two; but there are many others there who do so much work for the community, much of it out of hours. They attend many seminars. They do so much to pursue the protection of members of the community. They well deserve better titles.

I am not saying yet that they should be paid more, but I am sure the Treasurer is listening. They are good members of that range of public officials who do the right thing in our community and work very hard in strained circumstances behind the scenes. I do hope that they can receive better office accommodation in due course under a proposal which we put forward for the development of a legal precinct.

The office arrangements for the domestic violence interviewing, conciliation and settlement areas at the Childers Street complex have never been satisfactory, from a whole range of views. I am very keen that our registrars now receive and are accorded better accommodation status for their functions and the public dealing with them. The Residents Rally commends the Bill to the house.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.47), in reply: Mr Speaker, I am pleased that there is general support for this Bill. It is only a minor matter in some respects - a change of name - but it does reflect the increasing recognition, perhaps, of the important role that the registrars, now clerks, perform in the courts.

It is interesting that in every jurisdiction in Australia now, with the exception of Western Australia, the person performing this role in civil jurisdiction in lower courts is named the registrar. In Western Australia that has been recommended. In most jurisdictions the persons performing this role in the criminal jurisdiction are also moving from clerk to registrar.

I noted Mr Stefaniak's allusion to the fact that this is something of an historic change. The 60-odd years of the Magistrates Court's existence was celebrated last year by a function at the court. A very entertaining and informative article by Jack Waterford in the *Canberra Times* listed some of the more memorable characters and events in that court. It might be appropriate - and I will perhaps suggest this to the Chief Magistrate - that something similar happen to allow the profession and those involved with the courts to celebrate the passing of the title of clerk and the introduction of the title of registrar. Perhaps that could be held in the park outside the Magistrates Court, provided that having a quiet beer in that park remains lawful in the absence of the banning of drinking in public places. It would be most unfortunate if the assembled magistrates, registrars and members of the profession were to be the first to be hit by a raid on public drinking.

The change of name that is being progressed through the house was recommended by the working party that was established towards the end of the Commonwealth's period of supervision of the Magistrates Court. That party comprised officers of the court, the Commonwealth Attorney-General's Department and the Australian Government Lawyers Association. I was an office bearer of that association in the two years before I came into this Assembly. It was certainly a major effort to get the Commonwealth to move on some terms and conditions and levels of classification of these officers. The Commonwealth, for many years, had, I think, let the position of administrative support staff in these courts languish somewhat. That major review of the courts resulted in the appointment of additional magistrates and some movement in the classifications of officers.

I note Mr Collaery's comments about the difficult conditions which particularly those persons in the court complex who deal with domestic violence have to work in. I note again that he calls for the development of an ACT legal precinct. Well, I would like one too, and I would like the full bottle $50m proposal that was being kicked around; but we live in straitened times.

Imagine that we had a little adding machine that was ticking up Residents Rally promises. I read, I think, in one of the suburban give-away papers that the Residents Rally want a light rail to Woden and Tuggeranong; so there is a few hundred million dollars there. Then we are going to have the court complex at another $50m. Money, for this strange political organisation, just grows on trees. The Residents Rally approach seems to be: If you have a problem, throw a few million dollars at it.

Unfortunately, we just cannot go around throwing those vast sums of money at problems. We simply do not have those vast sums of money. I think it is unrealistic to go around making such grandiose statements. As I say, in two days we have clocked up some hundreds of millions of dollars of additional projects which the Rally would have us build, without ever saying how they would have us pay for it. Aside from the bricks and mortar, which are less than adequate, there is no doubt that the individuals who work in the magistrates courts - both the magistrates and the staff - do an excellent job, far superior to the bricks and mortar that they have to operate in. This amendment Bill, which provides a more appropriate nomenclature for those senior officers, is welcomed by the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

FILM CLASSIFICATION (AMENDMENT) BILL 1991

Debate resumed from 15 August 1991, on motion by **Mr Connolly**:

> That this Bill be agreed to in principle.

DR KINLOCH (11.51): This Bill is a useful and necessary tidy up Bill which will give the ACT Government the right to allow some films to be shown in the ACT without their having been classified by the Commonwealth censor. Mr Connolly effectively explained that in one paragraph of his presentation speech. It used to be that we just carried on whatever New South Wales did. We will now do that independently as the ACT.

Most, if not all, of these films can be described from the point of view of most film-goers as specialist films. They would not be seen in their country of origin as specialist films, but for the sake of argument here let us call them that. They are so-called art house cinema films with an appeal, unfortunately, to limited audiences. I wish they had a wider appeal. Often there are short festivals of so-called foreign films. I recall, for example, festivals in recent years of Swedish, Russian, Japanese, Polish, German, Chinese, French and African films. The African film festival tried to take films from many parts of Africa other than South Africa.

These films need not initially go through the long process of being classified by the Commonwealth Chief Censor, although, if eventually intended for general release, they must and should go through the usual process. There is no attempt here to get films in the back door for general release. As an example, consider Jean-Luc Godard's *Hail Mary.* I will say more on that in a minute. These films under discussion are not necessarily controversial in terms of censorship, although some of them may be, as, indeed, *Hail Mary* was and is.

Usually, a national cultural affairs program wants to present the best possible films from its film repertoire. It does not want to have mud thrown at its films. I cannot remember a film in those cultural festivals which would or should lead to exclusion. These are not sleaze films; these are not pornographic films. There may be certain scenes, episodes and attitudes which may strike some of us as bizarre or even distasteful, but the films are not designed for the sleaze market. I am recognising that one film in particular, Hail Mary, did create some public disturbance, but even in that case it would have to be said that its overall intent was certainly not pornographic and could be regarded as blasphemous only by a narrow interpretation.

In connection with this Bill I make this general point from my own review of the film when it first appeared in Canberra. I wrote:

> Is *Hail Mary* blasphemous? Should Jean-Luc Godard's extraordinary film have been permitted to enter Australia? Should permission have been given by the Censorship Board for public showings?

Obviously, this was before the matter we are now discussing. I continued:

> Should the Board have given it an "R" rating? Will Catholics and other Christians have their faith damaged if they see it? Is it a film worth seeing as a film?

> My somewhat agonised answers are:
>
> No, it is not blasphemous ...
>
> Yes of course it should have been allowed to enter Australia ...
>
> Yes of course it should be given public showing. I commend the courage of the management of Electric Shadows for bringing it to Canberra, despite the risk of unpleasant demonstrations.

I added that it was reasonable to restrict the film to those who are legally able to make decisions about their own freedom of choice about that matter. So, I welcome this Bill, which will support Australia's commitment to an international and wide-ranging film culture, and I assure members that it is not some backdoor method of spreading sleaze pornography.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.55), in reply: I am amazed at the absence of other speakers on film classification matters, which seem to agitate the imagination of certain members of this Assembly no end. Indeed, the issue predominates, apart from abolishing self-government. But, as that chance appears to have been missed and as the principal proponent of matters filmic does not want to speak, I will wrap up briefly.

This Bill, as was indicated in the introduction speech and by Dr Kinloch, does make only fairly minor procedural amendments to allow the provisions that applied before self-government to continue to operate in the ACT so that cultural films and film society screenings can operate within the ACT by virtue of approval given through New South Wales. It would be extraordinarily expensive and wasteful to have to go through that procedure twice for the comparatively small number of occasions and institutions that occur here.

In practice, the process of exemption will be carried out under delegation by the Commonwealth Chief Censor at the same time that exemptions are granted for the State of New South Wales. It will be a quick and streamlined way of getting these films before audiences in the ACT. No doubt, occasionally these films will provoke some healthy controversy; but that is a feature of an open and democratic society. I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.57 am to 2.30 pm

QUESTIONS WITHOUT NOTICE

Land Tax

MR KAINE: I address to the Chief Minister and Treasurer a question in connection with her statement this morning relating to the Rates and Land Tax (Amendment) Bill, and I refer to two comments in that statement. The first is that the Treasurer expects that landlords may pass on some of the cost to their tenants, and this could be $4 to $5 a week. Later on she says that Commissioner for Housing properties are excluded from this. Given those two statements, how can the Treasurer justify the creation on a statutory basis of a special class of landlord and a special class of tenant, excluding those people from the effects of this new tax? Secondly, if you consider that the occupants of Housing Trust properties ought to be protected from the consequences of this tax, what are you going to do to compensate low income earners in private rental accommodation, who also have to pick up the cost and will not have the protection offered by the Act for this special class of tenant you have now created?

MS FOLLETT: The first thing to say about the Bill I introduced this morning is that it is not providing for a new tax; it is an extension of an existing tax. In the ACT at the moment people who have property for commercial purposes pay land tax and they pay it at the rate of one per cent on the unimproved capital value. We are seeking to extend that existing tax to a class of property holders who earn income on their properties because they have them rented out for residential purposes, as opposed to having them for a shop or office or some other commercial purpose. So, it is not right to say that it is a new tax; it is an existing tax, the base for which is being extended. It is also the case that every State and, indeed, the Northern Territory charge a land tax on rental properties; so again we are not doing anything that is very much out of the ordinary.

Mr Kaine has drawn attention to the particular case of Commissioner for Housing properties. He has quite properly drawn attention to that, because obviously people who are in Commissioner for Housing accommodation will not be subject to this tax in the way that people in private accommodation may be if their landlord chooses to pass it on to them. The reason for that is very simple. In the case of Housing Trust properties it would more or less be a case of the Government taxing itself. It would be possible to do that, but it would be very much a book entry. As Treasurer, I would have to increase the appropriation to the Housing Trust in order to pay myself that tax. It would be administratively a fairly cumbersome procedure and one that is not warranted.

Mr Kaine also raised the question of the possible additional rent that people may have to pay if - and it is "if" - their landlord chooses to pass on the land tax by way of rent increase. Again, there are a couple of things to say. The first is that rent is most usually increased at the changeover of a lease. When there is a new tenant and a new lease is drawn up, the land tax may be reflected at that time. As Mr Kaine has said, the impact I expect if landlords choose to pass on the net effect of land tax is, on present indications, around the $4 to $5 a week mark. That is a very far cry from the kinds of figures that have been bandied about by the Real Estate Institute, the Housing Industry Association, and so on.

Far from creating a special class of tenants, what I have done, and it has been done in every State and the Northern Territory, is include this class of tenants in a general revenue provision which other landholders have to pay. I do not see it as a particularly remarkable step.

Finally, Mr Kaine made a point about its impact on low income families, and again I think that is a valid point. It is something that I and the Government have been concerned about in drafting the legislation.

Mr Collaery: Why announce it in advance? The landlords have all applied it now.

MS FOLLETT: Mr Collaery interjects that the landlords have already applied it. They can apply it only in accordance with the Landlord and Tenant Act, and I trust that they have done so. If they have not, I trust that that is drawn to attention. As I have said many times, I have been concerned to ensure that the extension of the tax base does not have an adverse impact on low income families and low income renters. I have asked the Minister for Housing to keep a very close watch on the situation and to advise the Government on the impact that the broadening of this tax base may have on private renters, particularly those in the lower income brackets.

However, I think it would be wrong to assume that all renters are in lower income brackets. They clearly are not. I understand Mr Kaine's concern. I share that concern, and I will be looking to the Minister for Housing to advise me if and when any action needs to be taken to further protect those low income families.

MR KAINE: I ask a supplementary question, Mr Speaker. The Treasurer is aware that about one in eight residential units in the ACT is owned by the Housing Trust, and not all of the occupants of those 12,000 housing units are by any means low income earners or deserving of any support at all from the community in terms of the amount of rent they pay. Do you not agree that you are now statutorily creating an elite class of tenants who, irrespective of their income and irrespective of their ability to pay, will be shielded from the net effect of the rent increase that flows from this one per cent increase in land tax?

MS FOLLETT: Mr Speaker, I think Mr Kaine's supplementary question raises one issue I have covered, and that is that the Housing Trust, as a government agency, would simply have to demand more in its appropriation from the Government if it were to be subject to this tax. So, it would be a case of the Government taxing itself. The other thing Mr Kaine has raised is the level of rents that are charged in Housing Trust accommodation. The fact is that Housing Trust rents are set at market levels. I think you have overlooked that, Mr Kaine; they are set at market levels.

Mr Kaine: They are set at somebody's assessment of market levels.

MS FOLLETT: I say again that Housing Trust rents are set at market levels. I presume that that means they reflect the general market for rent in our community. The other thing that has to be borne in mind is that Housing Trust accommodation is available only to the most needy in our community. Mr Kaine makes an assumption in saying that there are people in there who do not need to be in there. If they are not in a needy category or in some way disadvantaged, they are paying full market rent. That is a fact.

I think I have answered both of the points Mr Kaine raised. They are points that are worth raising and perhaps might be canvassed in greater detail when we come to debate the Bill. However, I cannot see any sense in the Government taxing itself, which is what he seems to be implying, and I think members opposite ought to bear in mind that Housing Trust rents are set at market values.

Budget Leaks

DR KINLOCH: My question is to the Chief Minister in her role as Treasurer. I preface it by asking all members to read an article in the *Bulletin* this week on the problems of the Westminster system as applying to Australia. In view of a number of statements in the media about what is contained in the budget, could the Chief Minister tell the Assembly of the arrangements in her office - in the Treasurer's office - to avoid any kind of leakage of budget documents and budget information? I speak out of the tradition of the Westminster system, in which we are the first people who should know. Can she assure us that no members of her own Government are leaking this information?

MS FOLLETT: This is, of course, a matter that concerns me. I take very seriously indeed the question of purported leaks of budget material. It has concerned me that articles have been printed in the media which purport to be leaks of budget documents. I do not intend to add to the

speculation on whether they are or are not budget documents. All members, including Dr Kinloch and the media, are going to have to wait until next Tuesday for the detail of the budget.

Mr Humphries: We know the facts already.

MS FOLLETT: If members know the facts already, they have kept remarkably quiet about it. Dr Kinloch has asked what precautions I have taken as Treasurer within my office to ensure the security of budget papers. I can assure members that all of those papers have been treated with the full security that is accorded to Cabinet papers, and then some. There are very limited numbers of any document available. I could account for all of the documents in my office, and I believe that that would be the case also with the Treasury.

I can understand Dr Kinloch's concern, and it is a matter that I take a dim view of. It is unfortunate that on occasions leaks may occur. Trying to track down where they have occurred is not a terribly productive exercise. Nevertheless, I do take a serious view of it. I have made inquiries about articles that purport to be leaked documents, and all I can say is that I do not expect to see it happen again.

Civic Pool

MR DUBY: My question is directed to Mr Berry in his capacity as Minister for Sport and Recreation and is in relation to the proposed opening next Saturday of the refurbished Civic pool and air structure. It concerns the fact that all non-government members of this Assembly have been excluded from attending the opening of that structure, which is a major capital works project. They have been excluded, I might add, at the express direction of Mr Berry's office. Is the reason for that exclusion that the pool redevelopment and bubble structure was an initiative of the Alliance Government in general and mine in particular, and that in the past in this place it has been pooh-poohed by the Labor Party and that he might therefore have to give public credit where credit is due? Or is it that his nose was put out of joint by the photograph and article that appeared in Tuesday's *Canberra Times,* which christened the structure the "Duby Dome", and rightly buried his name in the by-lines? Or is it just a further indication of the churlish attitude that has been adopted by Labor members towards Alliance Government initiatives and policies which are now bearing fruit, as evidenced in this morning's proceedings?

MR BERRY: It is true that my office has not sent invitations. This is the first I have heard of a request by a member to attend the opening. It is the first I have heard of anybody being concerned about it. My recollection

of Mr Duby's habits is that he had no inclination for water; therefore it surprises me that he is interested. But, if he demands an invitation, I am sure he will get one.

Mr Duby: I ask that the question be answered. I would like an explanation as to why all non-government members were struck off the invitation list by your office.

MR BERRY: If any members want to go to the opening, I am sure that, if they ask nicely and they really want to go, they can come.

Civic Leases

MR MOORE: My question is to Mr Wood as Minister for Planning. I digress a little to wonder whether the reason Mr Berry is concerned is that he might be speaking there about single member electorates and not want any competition. I wrote to Mr Wood some time ago, shortly after he became Minister, suggesting that he take action to resume the leases on section 10, Civic, the City Bowl and the YMCA - in the case of the City Bowl for its blatant attempt at land speculation and failure to meet its lease conditions, and in the case of the YMCA for their failure to keep the commitments that were put in their lease. What action have you taken or will you take to protect the integrity of the leasehold system and to protect the interests of the whole community against these attempts to rip us off in these difficult financial times?

MR WOOD: I advised Mr Moore, when he wrote to me at that time, that I would reserve my judgment until the report of the Federal joint parliamentary committee, which was looking into the future of those sites and considering a draft variation to the National Capital Plan. I told Mr Moore then that it was best to wait. I have been advised over a period that there is a view, and it is no more than a view, that action to determine leases, that is, to close them down, is not normally taken when there is some consideration of a change to that lease.

Mr Moore: All the more reason.

MR WOOD: I note what you say, Mr Moore. For that reason, I have taken no action. Obviously, the matter is now coming to the point where decisions have to be taken. Members do not need to be told that the report of a Federal parliamentary committee is the same as a report of this Assembly. The committee reports to the Parliament, the Government considers it and the Parliament may debate it. At some stage the Federal Minister who has responsibility for the National Capital Plan will take that into consideration as he decides whether or not he will sign the draft variation to the National Capital Plan. At that

stage, the matter comes back to the court of the ACT Government, as it were, where we will no doubt have approaches, if approval has been given, to vary the lease.

Mr Langmore's committee has said that it is proper to have offices on that site across the road, which is the site from Constitution Avenue to Parkes Way.

Mr Jensen: When did he say that? In his report?

MR WOOD: In the report. Perhaps you are not aware of it. That report came down this morning.

Mr Moore: He said that it is proper or it is improper?

MR WOOD: He has said that it is proper to have office accommodation on that site.

Mr Jensen: You did not let him answer the question.

MR WOOD: The report goes on to say that the principle that government offices should not predominate in Civic should remain. There is a great deal in the report that I am sure Mr Moore, Mr Jensen and others will be interested in. I have answered the question, Mr Jensen. We will be giving this matter very close consideration. There will be nothing automatic in what we do. I will be examining it most carefully and the Government will be making a decision. The primary factor in that decision is the interests of the ACT community.

MR MOORE: I have a supplementary question, Mr Speaker. Is it not true that, because of the leasehold system and in spite of the fact that those people are in breach of their leases, they have no presumptive right over the lease when it changes to a different purpose?

MR WOOD: I believe that that is a reasonable interpretation. I will check that through most carefully, because it is a very important point, and advise you subsequently.

Land Tax

MR HUMPHRIES: I refer the Treasurer to her answer to Mr Kaine's question in which she mentioned that there were indications of what would happen in the rental market if there were to be changes in the land tax situation. I ask the Treasurer: Did she ask her officials to carry out studies into the effect the land tax will have on tenants or landlords or any increased demand for public housing that might result from the increase in the land tax? If studies were carried out, will she table those studies?

MS FOLLETT: I say again that the answer I gave as to the impact on the rental market was made on the strict proviso that landlords choose to pass on the tax to their tenants.

Mr Humphries: I understand that, but how do you know? Did you have a study?

MS FOLLETT: Mr Humphries has asked whether the broadening of the land tax base may increase the demand for public housing.

Mr Kaine: No, he did not ask that question.

MS FOLLETT: Yes, he did. I have written it down.

Mr Humphries: I asked whether there were any studies on the matter. I did not ask you whether there would or would not be increased demand. I will repeat the question, if Ms Follett would like me to.

MR SPEAKER: Order! I understand that that question is actually on notice, Mr Humphries. Is that a correct interpretation?

Mr Humphries: I do not know, Mr Speaker.

MR SPEAKER: Perhaps you could rephrase the question to ask the Chief Minister, if she does not understand what you have asked.

Ms Follett: I do; I have written it down. I have 120 words a minute shorthand and I have written it down.

MR HUMPHRIES: I have too, Mr Speaker, and I can assure the Treasurer that I have not asked the question she just posed. I will repeat the question: Did the Treasurer ask her officials to carry out studies into the effect the land tax will have on tenants or landlords or any increased demand for public housing that might result from the broadening of the land tax? Are there any studies? That is the question.

MS FOLLETT: I do not have a study on the matter, if that is the answer Mr Humphries is looking for. In the course of preparation of the proposal for the Government's consideration, and again in the course of preparation of the legislation itself, all documents were circulated, including to those areas of the administration who have the greatest interest in it. Obviously Mr Connolly's department was one of those areas, and obviously they had an opportunity for input into the Government's decision making on both of those occasions.

There are no formal studies. I have sought advice on a range of issues from my own officials as well, and I have that advice. If Mr Humphries is looking for a printed and bound document entitled "A Study", then there is not such a document. I can assure him that I have had the benefit of full advice and expert advice, particularly from those areas of Mr Connolly's department.

Domestic Violence

MR COLLAERY: My question is directed to the Chief Minister. Chief Minister, in view of your reported comments in this morning's *Canberra Times* that your first priority is maintaining the safety of women and children, how can you explain why you have failed to bring forward an amendment to the domestic violence Act to extend safety to such persons when they are interstate? As you are aware, the Alliance Government had well advanced the portability of domestic violence orders legislation. That legislation has not come forward. How can you possibly claim that your first priority is as you claim? Since this amendment is relatively straightforward, will you now instruct the Attorney-General to bring forward this reform and not wait for the Commonwealth to amend the Federal Service and Execution of Process Act - a promise it made many months ago and has not fulfilled?

MS FOLLETT: This matter of proposed law reform falls correctly within the Attorney-General's portfolio and I will ask him to give an answer.

MR CONNOLLY: I would be happy to give the answer, if Mr Collaery wanted to hear it.

MR COLLAERY: I will ask a supplementary question of the Chief Minister and I will ask a question of the Attorney later. I ask the Chief Minister: If you now say that Mr Connolly has carriage of these matters, why are you making comments on them? Will you now concede that the so-called initiatives you announced to the media were all before the Women's Consultative Forum chaired by Ms Maher - a forum you peremptorily dismissed - and that all the issues you put forward to the media were already in hand? One thing you have not mentioned is your failed initiative.

MS FOLLETT: Now we get to the heart of the matter. I will advise Mr Collaery very briefly on the first part of his question. Mr Connolly has told me that the law reform matter raised in the first part of Mr Collaery's question is before the Standing Committee of Attorneys-General and we are expecting a report on that matter very shortly.

Mr Collaery went on to refer to some totally unrelated matters by way of a supplementary question, and some new matters. He questions the action I have taken recently on domestic violence. There are two matters that ought to be mentioned. First of all, the committee Mr Collaery referred to as being chaired by Ms Maher has not been appointed. It never was appointed, it never met, and in fact no action was taken by the Alliance, other than to make an announcement and appoint Ms Maher as chair.

Ms Maher: That is a lie.

Mr Duby: That is an outright lie.

MR SPEAKER: Order! Ms Maher, I would ask you to withdraw that.

Ms Maher: It is misinformation.

MR SPEAKER: Order! Unparliamentary language is not acceptable.

Mr Kaine: If the Chief Minister makes a statement that is patently untrue, then it is true to call it a lie.

Mr Berry: On a point of order, Mr Speaker: That is absolutely outrageous.

MR SPEAKER: It may need to be raised as a substantive issue. You cannot just call across the floor in unparliamentary language.

Mr Collaery: We are talking about a highly emotive subject, Mr Speaker.

MR SPEAKER: I understand that, and you can control your language to suit.

Mr Collaery: It was gross provocation.

MR SPEAKER: Regardless of whether there was provocation, I ask Ms Maher to withdraw the statement.

Ms Maher: I withdraw "lie" and say that she has misled the house.

MR SPEAKER: I ask to have that as an unqualified withdrawal. If you wish to proceed further with the issue, you can raise it as a substantive issue.

Mr Berry: I raise a point of order, Mr Speaker. She has to withdraw "misleading the house".

Ms Maher: I withdraw "lie"; I withdraw "she has misled the house"; and I will say that she has told an untruth.

MR SPEAKER: All members should understand that if there is something that has to be debated it should be debated in a formal manner. You cannot take the conclusion to yourself that that happened. We have rules of debate and that is one of them. Ms Maher, I ask for an unqualified withdrawal. If you wish to proceed with the matter further, raise it as a formal issue.

Ms Maher: No, I am not withdrawing.

MS FOLLETT: Mr Speaker, if it would assist the house, I am happy to advise Ms Maher of the formal advice I have, and I will read it. It is formal advice to me from my officers regarding the matter that she has alluded to and it says:

"Although an announcement had been made by the former Government regarding the proposed consultative committee on domestic violence, the committee had not been established". I offer that in good faith.

Mr Duby: You said that the Alliance Government had done nothing about domestic violence.

MS FOLLETT: No, I did not.

MR SPEAKER: Order! This is again a situation where you accuse someone.

Ms Maher: Mr Speaker, I will withdraw, in that I consider that Ms Follett has been given the wrong information.

MR SPEAKER: Well, that is the way it always works. I wish you would understand that. That applies to all members.

Ms Maher: I will take it up later.

MS FOLLETT: Mr Speaker, I might say that I think Ms Maher might have been given the wrong information on this matter. Mr Speaker, might I add to that statement that I have a quote from Ms Maher's own press release of 12 September, which says:

> Despite the Government's announcement of the review, Ms Maher will go ahead with the first meeting of the Domestic Violence Consultative Committee to be held next month.

Now, what more can I say?

Mr Collaery: That is 1990.

MS FOLLETT: This is your press release, Ms Maher.

Ms Maher: I agree with you. I have no problems with that.

MS FOLLETT: This year.

Ms Maher: It is today.

MS FOLLETT: Today?

Ms Maher: Yes.

MS FOLLETT: Anyway, Mr Speaker, I am happy to answer Mr Collaery's question at this point. Mr Collaery's question related generally to what I had done about domestic violence and I am now about to inform him. Mr Speaker, there was a forum held recently on domestic violence. It was conducted by the Women's Consultative Council. At that forum there were grave concerns raised that the law was not being administered in the way that had been intended by the domestic violence legislation. So, what I have done is to ask the Community Law Reform Committee to review the

current legislation and the practices that are in place at the moment, and to recommend to the Government ways to improve the legislation and the administrative practices, if that is appropriate, and to enhance the effectiveness of domestic violence law in the ACT.

Mr Speaker, there is a somewhat garbled and misleading statement or article in the *Canberra Times* this morning about the terms of reference that I have given to the Community Law Reform Committee. I would like to make it very clear that the terms of reference have been developed from a range of issues which have been drawn to my attention, including four issues which the National Committee on Violence Against Women asked each State and Territory government to consider.

Those four issues are: Firstly, automatic detention or refusal of bail when protection orders are breached; secondly, automatic confiscation of firearms and dangerous weapons when protection orders are issued; thirdly, mandatory arrest and custodial detention of violent offenders; and, fourthly, automatic cancellation of custody and access orders when protection orders are breached. Those are the issues, the basic issues, which I have asked the Community Law Reform Committee to examine, to hold public consultations on and to report to me on.

I think that the article this morning said that the Government was considering a range of matters. Well, we are not. We have asked the Community Law Reform Committee to consider and consult and advise us on those matters. So, the article was quite misleading to that extent.

MR SPEAKER: Mr Duby, I would ask you to withdraw the word "lie" that you used against the Chief Minister as well, if you would not mind. I ask for an unqualified withdrawal.

Mr Duby: Unqualified, absolutely.

MR SPEAKER: Thank you.

Mr Duby: It was not meant as a lie; it was clearly an untruth, though.

Pairs

MR STEVENSON: My question is to the Chief Minister. Is it the established practice in this Assembly, as it is in other parliaments, that pairing is arranged when a member from one side of the house has a commitment which requires their absence from the parliament? As an example, Mrs Nolan is currently on CPA business in New Zealand. If the Chief Minister is unable to answer the question, she might pass it on to Mr Berry.

MS FOLLETT: I thank Mr Stevenson. To the best of my knowledge, Mr Speaker, there is no pairing in place, and the reason for that is pretty clear. It is because we have a minority government. For us to give a pair to the other 12 of you would not mean a great deal. We would still be well and truly outnumbered. Nevertheless, I am aware that there have been informal arrangements between a couple of parties in this Assembly from time to time when one member has been absent. There is no formal pairing arrangement and I do not know that any is contemplated.

MR STEVENSON: I ask a supplementary question. Do those couple of parties happen to be the Labor and Liberal parties?

MS FOLLETT: On the one occasion when there has been an arrangement, to my knowledge, Mr Speaker, those were the two parties involved.

Domestic Violence

MS MAHER: My question is to the Chief Minister. Can the Chief Minister give an explanation about the Domestic Violence Consultative Committee meeting that I am calling next month? I have written to a number of representatives from the Government, public servants, who attended the meeting I had earlier this year, and they have said that because of their position they cannot attend my meeting.

MS FOLLETT: No, I cannot give an explanation, Mr Speaker. Until I got Ms Maher's press release at this very moment I was unaware that she had called a meeting next month. Public servants, of course, are free to do what they wish in their own private time. If they choose to participate or not to participate in a meeting Ms Maher has called, and the reason they may wish to put forward or, indeed, whether they wish to put forward a reason at all, are entirely matters for them.

MS MAHER: I have a supplementary question. Ms Follett may have misunderstood. I sent the letter in the capacity of their position within the public service, not as a private member of the community. They have said that they are politically not allowed to attend.

MS FOLLETT: Mr Speaker, I misunderstood Ms Maher's question. I had not realised that she had invited them to attend meetings in their official capacity. I believe that Mr Connolly has some information on that. I might get him to answer it.

MR CONNOLLY: I am prepared to advise the house that I have, indeed, instructed certain officers of my department, through my office - that is, through the welfare bureau - not to attend Ms Maher's meeting. Ms Maher seems to assume that she is still in government and can direct

public servants to attend to advise her. No assembly in the country or, indeed, in the Commonwealth system allows opposition backbenchers to direct public servants to attend to advise them in, as Ms Maher says, their official capacity. However, in respect of one officer in the Law Office who Ms Maher requested, in his private capacity, to give her advice in relation to these issues, it was raised with me and I said to the officer, "As long as it is done outside official time I have no difficulty with you advising Ms Maher". That was done.

For Ms Maher to assume that she can set up government advisory committees and direct public servants to her beck and call is bizarre, to say the least. It seems to have escaped Ms Maher's notice that there was a change of government. Had Mr Collaery wanted to know what was going on about enforcement of domestic violence orders, he could have not just asked me - I know that it would have been a bit much for him to ask me - but also listened to my answer. He was clearly only interested in grandstanding. He is not interested in the subject. He wants to make cheap political points.

Aboriginal Land Rights

MR JENSEN: Chief Minister, in view of your Government's decision to ensure that Grevillea Park and the facilities there are accessible at all times to all members of the community, thus displacing the recent Aboriginal occupants, do you acknowledge that the ACT is the only governing entity in Australia which does not have a policy of land rights in one form or another? Do you agree that an appropriate space should be made available in Canberra for survivors of the Ngunnawal tribe, and will you have your Environment, Land and Planning Minister examine the availability of a suitable site for the establishment of an Aboriginal keeping place, including a lease over sufficient area for meetings and traditional activities?

MR WOOD: Ms Follett has passed that to me. Mr Jensen, you would be aware that the ACT land tenure system is that of leasehold. Therefore, the provision of land rights is really a matter for the Federal Government, which may, at some time or other, decide to amend its legislation and provide for some measure of land rights. It is a matter that the Labor Government is not unsympathetic to. Historically the Labor Party has been to the forefront of providing land rights to Aboriginal groups.

It is true that there are no provisions in the ACT, for the reason I mentioned. I would point out that there is a quite significant area of land in the ACT - an extensive park at Narrabundah - that is leased to the Aboriginal community. We have been very pleased to do that. It is a measure of government support. Frankly, I do not know which government made that lease available.

Mr Kaine: That would have been the Alliance Government.

MR WOOD: I rather fancy that it predates that, Mr Kaine. I am sure that all members would support that. Mr Jensen, I think that your question has been rather misjudged because it has not taken into account the realities of the situation in the ACT.

MR JENSEN: I ask a supplementary question, Mr Speaker. It is more a supplementary request to have the last part of my question answered in relation to the establishment of an Aboriginal keeping place to include a lease of a sufficient area for meetings and traditional activities. I am fully aware of the land rights situation.

Mr Wood: An Aboriginal what?

MR JENSEN: A keeping place. Read your heritage legislation, Mr Wood.

MR WOOD: That is obviously a matter that will be considered. In the time I have been Minister I have had approaches from at least one Aboriginal group for a particular site. It is one that is presently being considered. As the new legislation comes into place, Mr Jensen, we will be giving full consideration to the matter you raised.

Ms Follett: Mr Speaker - - -

MR SPEAKER: Chief Minister, I beg your indulgence to allow another question from Mr Duby.

Ms Follett: I do not care to be indulgent, Mr Speaker, and I ask that further questions be placed on the notice paper.

MR SPEAKER: The point I was trying to make, Chief Minister, was that I cut Mr Duby off. He was explaining a question and I took it as a supplementary question; so I would ask that we allow him to have that supplementary question.

Public Housing

MR DUBY: Thank you, Mr Speaker. My question is directed to Mr Connolly as Minister for Housing. Let us see whether he can get an academy award.

MR SPEAKER: Order! I thought it was a supplementary question to Mr Berry. I will allow a supplementary question to Mr Berry, but certainly not a second question, Mr Duby.

MR DUBY: My question is: What percentage of tenants in public Housing Trust properties are in receipt of a rental rebate? Do not say that you do not know. You should, if you are a responsible Minister for Housing.

MR SPEAKER: Order! I will not allow that question, Mr Duby. I asked the Chief Minister to give you leniency for a supplementary question to Mr Berry. I thought you were trying to ask that.

MR DUBY: I did not ask the first question to Mr Berry. I did not realise that we could ask supplementary questions 30 minutes later, Mr Speaker.

MR SPEAKER: Thank you for your help, Mr Duby.

SALE AND DISTRIBUTION OF LIQUOR
Discussion of Matter of Public Importance

MR SPEAKER: I have received letters from Mr Connolly, Mr Jensen and Dr Kinloch - - -

Mr Connolly: Mr Speaker, you have not received a letter from Mr Connolly in relation to a matter of public importance, although I may start the practice.

MR SPEAKER: My apologies. I have received letters from Mr Collaery, Mr Jensen and Dr Kinloch, all proposing that a matter of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Dr Kinloch be submitted to the Assembly, namely:

> The need for an early, independent inquiry into the sale and distribution of liquor, including the licensing of premises in the Australian Capital Territory.

DR KINLOCH (3.13): First, I wish to declare an interest. I am a member of three clubs which serve liquor. I therefore note that I am not opposed to the sale and consumption of alcohol. I am not, nor have I ever been - this sounds like America in the 1950s - a teetotaller. Given my multicultural background and genes, I feel at home with beer, wine and spirits, especially Guinness, scotch, bourbon, Irish whisky and my sometimes favourite drink, brandy and dry ginger. Perhaps in this debate, each member will wish to reveal his or her favourite tipple. Yet I am increasingly aware, as the result of the varied responsibilities of life as an MLA in the ACT, of the range of troubles associated with the most dangerous and damaging drug in our society in the ACT - alcohol.

Specifically, I reflect on one completed and one in-process report of the Social Policy Committee. I strongly endorse and restate Mr Wood's statement in his excellent preface to the report on our inquiry into public behaviour, of February 1990:

> Almost universally, where there are problems, they can be attributed to the consequences of the abuse of alcohol.

Mr Wood will recall how, gradually, in that inquiry, all the members of the committee came to see that. I draw attention, in particular, to Mr Wood's prophetic comment:

> There are, also, many more serious problems caused by alcohol abuse beyond those examined by the Committee.

He continued:

> ... we recognise how difficult it is to make any impact on deeply rooted traditions in Australia that excessive use of alcohol and the consequences of that use are acceptable.

On that committee we made many recommendations related to alcohol. Indeed, the majority of the recommendations were about alcohol, although we did not begin the inquiry thinking that we would wind up there. For instance, recommendation 2.2 states:

> the police and the organisers of major public events monitor each event in order to seek means of minimising public behaviour problems in future, especially in relation to crowd congestion and alcohol consumption.

The next one, 2.3, states:

> in terms of safety and control of drinking, the ACT Government should introduce glass container deposit legislation in the ACT.

I quote that one today because of the unhappy case of the young man who was injured by glass in a sandpit, I think, in recent days.

If you look at the findings of that report you will find that recommendations 6.1, 7.1, 7.2, 8.1, 8.2, 8.3, 9.1, 10.1, 11.1, 11.2, 12.1 and 12.2 all dealt with liquor - by far the majority of the committee's recommendations. I note especially 11.2, which states:

> the matter of restricting "on licence" hours be held on notice for the Committee's future consideration.

Now, 18 months later, the committee is again pondering alcohol related problems in its current report on the behavioural problems of young people. Since the time of this report, February 1990, we have had amendments to the Liquor Act, and we now have the legislation proposed by Mr Stefaniak; but the problems are, if anything, worse than ever before.

I turn, for example, to the Social Policy Committee's present inquiry into behavioural disturbance in young people. I do not wish to pre-empt the work of that committee, and I hope Ms Maher will not see me as doing that. Rather, I will draw members' attention to a number of aspects of alcohol problems related to young people. There is a special urgency about this - and I am grateful to Mrs Grassby for stressing that in the committee - because we have a limited number of sitting days left, and we really have only four or five months of effective time in this Assembly, and this is a major problem.

I draw the following points to the Assembly's attention: The first, alas, is that excessive use of alcohol in pregnant mothers affects not only them but also the foetus in embryo. That, of course, is right across the age range. Ponder on the side effects in particular on young teenage girls who become pregnant. Secondly, alcoholism, or excessive use of alcohol in the home, often leading to domestic violence - a matter which all of us are very greatly concerned about - is disastrous not only for the parents but also for their children. Children learn to be alcohol addictive from their parents, and we have had evidence in the committee which raises this problem very dramatically.

Thirdly, we now come to the teenage years, and I have a number of points. I have been at a high school where the previous weekend from 30 to 40 young teenagers had been rounded up by the police in connection with an alcoholic binge, and many members here can give other examples. Where did they get the grog from? Who supplied it? What suppliers broke the law? Further, I have been to a youth refuge where we learned that all the young people had drug problems. "What is the main drug?", we asked. "Alcohol" was the clear reply. We were told that some people as young as 13 or 14 were on alcohol detoxification treatment.

The next point is that I spoke at length to one teacher in one of our colleges. She had made an inquiry of a range of her students about alcohol related problems in their homes. Only a few students out of an entire class did not report such problems; and there was the implication - but that may not be so - that they did not do so because they did not wish to do so. Next, in an earlier existence, as Dean of Students at the ANU, I visited the ANU Union the night after a so-called concert. The vandalism and barbarism of such an event has to be seen to be believed. Those social barbarisms continue. That is not years ago; that is now as well.

That is just teenagers and young people. What about the over-18s up to people of our own age? From extensive anecdotal evidence we learn about problems in bars, clubs, discos, sports arenas and other places of common social interaction in the ACT. We hear about the damaging side effects on people's individual lives, their families and their communities. All social agencies report it, right across the board.

I want here to argue that as a culture our nation Australia is in bad shape. Canberra, we learn, has the highest alcohol intake - possibly along with Darwin - of any city in Australia. There is an old-fashioned description of someone who is badly affected by excessive alcohol; we say that he is "the worse for wear". It is my conclusion, sadly, that our entire culture is the worse for wear.

So, what are we going to do about it? I raise this not in any point scoring way. I do not want to make any political points. I do not want this to be seen as a political area. I hope that all members of the Assembly, especially after the GALA report that we received yesterday, will come at this question anew. The question is urgently necessary as the result of some of the conclusions given in the final report, of July-December 1990, of the Australian Capital Territory Gaming and Liquor Authority.

Let us turn to the section on liquor licensing operations. In particular, let us worry about the section on under-age drinking, pages 23 and 24 of the report. I wish I could restate what was said there, but all members have this report - and I hope that members of the media do too.

In the 1989-90 annual report, the authority had already questioned the effectiveness of the cautioning system as a deterrent to under-age drinking. The authority clearly flags the need for further consultation about this matter. One of the conclusions that one can draw from this report, which we received yesterday, is that some kind of further examination is needed. The GALA report flags the need for a full report and recommendations.

GALA makes the following suggestions in that report: On-the-spot fines, stricter penalties for licensees and the suspension or deferment of young offenders' drivers licences. Another thought - a very dramatic one in the ACT and in Australia generally - is the raising of the legal age for drinking. In the United States, some States have 18, others 20 and others 21. Have we come to the point where we should consider that?

I would argue, though, that the largest problems of all are not with young people - although that is the area that we wish, above all, to address - but with the whole community. We are all the worse for wear. Today we are suggesting an independent inquiry. Why independent? We want to see such an inquiry beyond the direct influence of government, which

depends on licence money for revenue. I think we, ourselves, are hooked on alcohol. We need to come at this subject - similarly with the subject of gambling, but that is not what we are on about today - without any concern about whether or not we are going to get less money out of it. Yes, if we make the laws tighter and tougher we may get less money out of it, but that is not what we ought to be considering. We should consider the benefits of a new approach to the licensing laws - through a new independent inquiry.

We also need to be beyond the influence of the alcohol selling industry. I realise that this request is very late in the life of this Assembly, and it would be difficult now to say to the Social Policy Committee, "Here we are, Social Policy Committee. Remember that statement you made in February 1990? Go ahead and make a report to this Assembly". We do not have time. But an independent inquiry could go ahead immediately, even to cope with this subject by the end of the life of this Assembly.

Meanwhile, alas, there are young people in varied states of disaster. Our laws are not working effectively. I ask, urgently, therefore, for this inquiry. What can we do right now? We surely can ask the Government to have full and effective maintenance of the present laws, no matter what their present deficiencies are, and we can ask all members of the Assembly to support any move to have an independent inquiry.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.24): Mr Speaker, this is an unprecedented vote of no confidence from a member of the Residents Rally in the leader of the Residents Rally. Dr Kinloch today raises a crisis in the inadequate laws - the very laws of which Mr Collaery said, on 21 November last year when he introduced the significant amendments in the Liquor (Amendment) Bill, reported in *Hansard* at page 4428:

> This Bill represents a significant milestone in ensuring that the Liquor Act is updated to reflect present community standards and expectations.

This significant milestone in legislation, introduced by the Residents Rally last year, is now woefully inadequate. We are told that there is a crisis - anything for the front page.

I ask my officers, "What is the crisis in under-age drinking?", and they tell me that indeed there has been a significant movement in the figures of detection. In 1987-88 there were 505 offences detected; in 1988-89, 479 offences detected; in 1989-90, 411 offences detected; and in 1990-91, 353 offences detected. There has been a significant movement, it is true - unfortunately, in rather the opposite direction from that suggested by this sense of pseudo-crisis that the Residents Rally is attempting to generate.

To compound the absurdity of this pseudo-crisis that we are detecting, the solution proposed is an inquiry under the Inquiries Act which is, as we pointed out during debate, for all intents and purposes, a mini-royal commission. Is this the answer to the economic problems in the Territory - a Bernard Collaery, lawyer led recovery? We are going to throw thousands of dollars at a panel of lawyers and pseudo-royal commissioners to cogitate on liquor licensing matters. This is bizarre.

Last year the Alliance Government introduced, with the full support of the Opposition, what they described and what we acknowledged was a significant package of reforms to the liquor laws. There were real problems with the liquor laws - problems identified by Mr Collaery as Attorney and problems stressed by Mr Stefaniak as a person who, as we know, takes a real interest in this subject.

There were problems like an obvious gap in the laws that prevented commercial leaseholders who have properties adjoining licensed premises from objecting. We must remember that in the ACT, contrary to the position in most States, a lot of licensed premises are in commercial areas. So, they do not adjoin residential properties; that is by far the exception rather than the rule. But the liquor licensing Act at the time did not provide any right of objection from a non-resident lessee. You had to be a resident to complain, and that was pointed out as a problem. That was resolved.

I ask my officers, "Have there been complaints following taking up those reforms?". I am told that, in fact, there have not. There is only one matter now before the Liquor Licensing Board and that involves residential lessees near the Kingston Hotel. That matter is proceeding through the appropriate mechanisms.

I would have thought that it was sensible, given what was described by Mr Collaery as a milestone reform of the licensing laws in only November of last year, to let those reforms operate, and to let the Licensing Board see how those laws operate and to see whether there are problems. But, no, Dr Kinloch tells us that there is a crisis. Dr Kinloch wants us to throw thousands upon thousands of dollars at an urgent inquiry. This matter is so urgent that it cannot be dealt with by the Assembly's committees; we have to set up an independent inquiry and throw thousands of dollars at lawyers to solve this problem - a problem that the Alliance Government last year, with full support, had solved.

We had a significant reform; we had a milestone in reform, said Mr Collaery to this chamber and to the media. Now, a member of his party seems to think that the whole position is in disarray. We would share the implied suggestion from Dr Kinloch that his leader does not know what he is up to in most cases, but in this case we actually supported those proposals.

Dr Kinloch: Read the report, Terry.

MR CONNOLLY: Dr Kinloch suggests that I read the report. Is the Residents Rally adopting the most extraordinary proposition in this report that we should raise the drinking age? Are we saying that a person is an adult for all legal purposes but cannot buy a beer? That is extraordinary.

Dr Kinloch: The GALA report suggests that.

MR CONNOLLY: And do you endorse that? I hope you do, because I am sure the voters of the Territory would find that an extraordinary thing. This rather bizarre suggestion about raising the age for drinking, so that one is an adult for all purposes apart from buying a beer, almost goes back to the good old days when the conservatives were prepared to conscript people overseas to be shot at and to shoot, but would not let them vote or drink. We really have gone beyond these sorts of strange suggestions.

I was very interested to read the report of the Northern Territory Assembly committee on alcohol problems because it really recognised the situation there - as I am advised by officers in my department, and I think most people would accept this - that the Northern Territory is an area where alcohol problems are particularly chronic, and where it is apparent, particularly around Alice Springs and within the Aboriginal community, that there are real problems.

The Northern Territory parliament had a fairly wide-ranging parliamentary inquiry on this, which reported only in August of this year. Did that raise this bizarre suggestion of raising the drinking age? Not a bit of it. It does not apply anywhere in Australia. It is a strange suggestion appearing in the GALA report, but apparently it is one endorsed by the Residents Rally. The Residents Rally is desperate for any opportunity to get a bit of media attention, and it has seized upon this. It has seized upon this crisis, this need for an inquiry, not 12 months after - - -

Dr Kinloch: Mr Speaker, I rise on a point of order. Although actual words that are derogatory have not been used, I do take the very greatest exception to Mr Connolly saying that I am putting this forward for political reasons. I am putting it forward as a genuine response.

MR SPEAKER: Order! Dr Kinloch, that is a personal explanation; it is not a point of order. Please proceed, Mr Connolly.

MR CONNOLLY: Thank you, Mr Speaker. This is just an extraordinary proposition. In terms of figures for under-age drinking, in the ACT there is a degree of active detection because of the cautioning scheme which is unique

to this Territory. The licensing inspectors are actively going out and cautioning licensees that they may potentially be dealt with in order to put pressure on them to address the problem.

One of the significant reforms introduced by Mr Collaery, which we welcomed, was to have more flexible penalties. Previously, the only penalty was a little rap over the knuckles or abolition of the licence. Mr Collaery said, and we agreed, that that was an obvious problem, because the board was disinclined to totally take away the livelihood of a licensee. The ability to suspend a licence, which was introduced by those amendments and welcomed by the Opposition at the time, provides a great deal more flexibility. So, the inspectors can go out and caution and, as they give cautions - which record, in fact, infringements by licensees - they can move to that sanction against the licensee. The structure of the law in the ACT is directed to moving against the licensee, rather than necessarily just police action against individuals.

The suggestion was made by GALA that we should move to on-the-spot fines; and, of course, this is seized upon by members of the Residents Rally. There is an obvious problem with that, which the Government is aware of but the Residents Rally is not. It is a bit like the proposal that occasionally comes up that we should have on-the-spot fines for bicycle offences. The problem is identification. Mr Stefaniak said a lot on this matter when the Alliance was in power. Unfortunately, the Government did not take up many of his suggestions, but we are moving in this direction.

To have an effective system of on-the-spot fines you must first of all have identification - and the big problem with under-age drinking is that there is no effective method of identification. The so-called pub card proposal, which was first introduced by the Northern Territory some years ago and was picked up recently in New South Wales, is an effective measure to provide effective identification.

Once you have that, you could potentially look at on-the-spot fines. But how do you give an on-the-spot fine to a person who is illegally under-age drinking? Of course, the tendency at the moment is that you have a - - -

Mr Duby: Are you going to bring in pub cards?

MR CONNOLLY: We are; just wait. The problem at the moment is that under-age drinkers tend to have forged birth certificates or, in fact, a mate's birth certificate. As we know, you can get a birth certificate for $10. If your mate is 18 and you are 17, you wave it around. How do you enforce on-the-spot fines? On-the-spot fines make sense only in the context of driving offences, where the person has a rigorously enforceable form of identification so that you can give them an on-the-spot fine.

On-the-spot fines for under-age drinkers - people who have forged identification saying that they are Bill Smith - mean lots of on-the-spot fines for Bill Smith and the actual offender laughing at the system. It is a facile solution without quite serious work on a form of identification. This Government is doing some work on that.

Dr Kinloch: Is this a facile report, Mr Connolly? Is this a facile report? Is this a facile report?

MR CONNOLLY: That suggestion of on-the-spot fines is facile, Mr Speaker. Dr Kinloch often asks for protection, but I prefer robust debate. So I will let him interject away. I am pleased that he is accepting the vigorous approach of interjection.

I am presently instructing both the Attorney-General's Department and Urban Services to work towards the introduction of a pub card scheme. It would be self-funding. In New South Wales the card is free, but you have to pay for a colour photograph. If you look at the brochure - I am sure Mr Stefaniak would have them - you will see that they specifically say that the passport photograph for a couple of dollars is inadequate. So, it costs you between $5 and $10 to get your photo. We think that we can get the card for around about that cost.

The scheme would be administered by the Motor Vehicle Registry. It has all the facilities and all the equipment; it is there now. It would mean that persons who are 18 or over and who do not have a drivers licence - and there are not that many; most kids of that age are pretty keen to get a drivers licence - would have access to an alternative means of photographic identification.

Once you have that, you can then tighten up in a big way on fines and sanctions against licensed premises, because you can say, "You must produce photographic identification", and licensees must establish that they have a system of requiring photographic identification; otherwise they will be done for breaches of the Act. So, you really have to get that stuff in place.

This Government is quietly working away on that issue. We have not been making great media statements on this. We are just, as I say, quietly working away on it. Because of the GALA report, the Residents Rally thinks, "Shock, horror, crisis! Let us have an MPI". I do not think that Dr Kinloch was aware, when he wrote this MPI, that his own leader had described the amendments, which went through only late last year, as a milestone of reform. It is extraordinary.

What was a milestone of reform a year ago and what we say should be given the opportunity to work - and they were sensible reforms which we supported in opposition - should be given a chance to work. To have a pseudo-royal

commission on this issue at the moment when, as I said, the facts show that there is a reduction in detected offences - there is no particular crisis here - is simply absurd. It is politicking at its worst.

MR STEFANIAK (3.37): Firstly, I will address a few points Mr Connolly raised in relation to on-the-spot fines. While certainly any form of identification would help, on-the-spot fines can operate in a number of ways. It certainly is not something whereby a police officer or a liquor licensing inspector would give someone a piece of paper and take money. They have 21 days to pay it and, if the officer is not satisfied as to a person's identity, the person could be perhaps taken back to a police station, and inquiries could be made of parents and so on.

Of course, if a person has identification, so much the easier; the process is a lot quicker. Obviously, a pub card, a car licence or something like that - and our ACT car licences now, of course, have photographs on them - makes identification all the easier, but it is not essential to have identification to have an effective on-the-spot fine type of situation. Indeed, an on-the-spot fine type of situation can also be varied in terms of other measures to provide that, if there are problems with identification, people who cannot satisfactorily identify themselves can be perhaps charged. It could be done that way. However, the very idea of the GALA report, I think, should be taken on board by this Government regardless of Dr Kinloch's matter of public importance, because there are a number of very good points in there which should be acted on by this Government immediately.

Firstly, on the question of under-age drinking, I am pleased to hear Mr Connolly say that the Government is doing something in relation to a pub card. I talked to him in about June on that. I was getting a little bit tired of nothing happening and, accordingly, I indicate to the Government that unless it does something by 15 October we, the Liberal Party, will bring in the necessary legislation to introduce that very sensible measure. But I am heartened by what Mr Connolly says - that the Government is moving on that - and I will have further discussions with him on that. That certainly will address some of the problems.

Apart from on-the-spot fines identified by GALA - which I think are very sensible because the cautioning system simply is not working - basically, the only thing that seems to make an impression on most people is hitting the old hip-pocket nerve. It is just human nature. If you slap people over the wrist with a wet tram ticket, they just laugh at it and think that it is a big joke. Kids are no different from adults in that regard. The suggestion in the GALA report for on-the-spot fines is very sensible.

I do not think that we should increase the legal age for drinking from 18 to 21. I do not really think that is necessary. GALA, in fact, has given two options in that regard. It states, in the third paragraph on page 24:

> ... other options which could be considered include the suspension or deferment of young offenders' driving licences, or the raising of the legal age for drinking.

I think the suspension or deferral of the young offender's driving licence is preferable. If a 16-year-old is caught under-age drinking and given an on-the-spot fine or whatever, that person's ability to get a car licence should, perhaps, be deferred until the age of, say, 18. That is a deferral of 12 months, which would really bring home to them the stupidity of what they have done, make them that much more responsible, and make them grow up that much more quickly. That would probably be a lot more effective than raising the legal drinking age to 21, because a lot of kids under 18 do not indulge in under-age illegal drinking. In that sense, I think that suggestion by GALA is preferable to that of raising the legal age.

There are a lot of problems in relation to drinking. Dr Kinloch has spoken on a number of the social issues that result from the excessive consumption of alcohol. The Assembly Standing Committee on Social Policy, in its public behaviour inquiry, also detailed some great problems in relation to excessive consumption of alcohol. There are a couple of clear things that I think this Government and this Assembly can do. Rather than again pussyfoot around the issue and look only at one admittedly very important aspect but still only part of the problem - that of the underlying reasons for excessive consumption of alcohol and consumption of alcohol in a totally unsatisfactory manner by under-age drinkers - we can look at a number of immediate steps which can be taken to lessen the problem.

One of those steps, of course, can be addressed by this Assembly passing the very sensible, commonsense Bill I introduced yesterday, which the vast majority of Canberra citizens want to see introduced. By banning the consumption of alcohol around problem spots, some of the problems will be alleviated.

Mr Connolly: I raise a point of order, Mr Speaker. Mr Speaker, it is inappropriate to use an MPI to anticipate discussion and voting on a Bill, which Mr Stefaniak seems now to be advocating.

Mr Collaery: Yes, he can.

MR STEFANIAK: I can; but I have said what I wanted to say, anyway, Mr Connolly, so do not worry about it.

MR SPEAKER: Mr Connolly, I overrule your objection.

MR STEFANIAK: Thank you. Certainly, that is something which I would suggest to members they might like to consider and vote favourably on next week.

Another area which has been touched upon in the Social Policy Committee report - which the Australian Federal Police have been very keen to see, and they are probably backed up by the Gaming and Liquor Authority as well - is a restriction on trading hours. The ACT has had, again since the Kep Enderby days - he really did not do a lot for liquor in the Territory, I think - 24-hour liquor licences. There are some clear problems with that.

In that report, and in evidence given to that Assembly committee, the police identified some big problems as a result of certain establishments trading between about 4.00 am and 10.00 am. I can recall driving through Civic at about 6.00 am and seeing outside one particular establishment about 20 drunks, sitting or lying in the gutter, vomiting in the gutter, some with blood on their faces, some just very, very sick from the effects of alcohol.

The proprietor of Playwell sports store at Weston Creek, outside the Rose and Crown, has had his window broken 45-odd times in the last 20-odd months - a quite intolerable - - -

Mr Kaine: Can he get insurance?

MR STEFANIAK: With difficulty, Trevor. That is just an intolerable situation. Indeed, some of these venues where problems arise are not those that close at 4.00 am; some close at a more sensible hour and the drunks flock to the venues that remain open and a lot of problems occur. This happens especially around the major population centres and shopping centres such as Civic and now, unfortunately, even out in Weston Creek.

Problems are caused not only for the persons who overimbibe themselves, in terms of the damage they might do to themselves, to property or to each other, but also for shoppers, because a lot of these problems occur on a Thursday, Friday, Saturday or Sunday night. I have had a lot of complaints from people in relation to family groups being very badly hassled by drunks coming out of these establishments in Civic at about 8.30 am on a Saturday.

So, I think that is something else that the Government can do now. The Government has sufficient evidence, regardless of any inquiry. It can at least restrict 24-hour licences so that places are open only until about 4.00 am and then can reopen only from 10.00 am. I think that the police would concede that even 8.00 am would be sufficient because at least there is a four-hour period in which the drunks are cleaned out, and once you clean people out in that situation they are not really going to hang around for four hours before they can come back. That is something any government can do.

I suggest to Mr Connolly that he might like to have a chat to John Preston of the Australian Hotels Association, who has some very sensible modifications on what I have suggested which are acceptable to the liquor industry. I would also highlight the fact that, if the Government does not do anything in relation to that particular problem, the Liberal Party might, before the term of this Assembly is out, and in relation to hours of trading as well. Those are certainly problems which I think can be addressed and should be addressed as a matter of urgency.

There are obviously other problems, some of which were picked up by Mr Collaery when he brought in his liquor Bill in December last year, and others which were not. There are, indeed, ongoing problems with this issue, and it seems that Dr Kinloch's matter of public importance has highlighted a number of other continuing problems which perhaps merit this Assembly looking at them further.

I would certainly highlight those points I have made. If they are addressed by this Government, it will certainly go a long way to ensuring that the problems this community suffers as a result of people overindulging in alcohol are addressed to a considerable extent.

MR STEVENSON (3.46): I support Dr Kinloch in relation to the very clear problems he spoke about concerning alcohol. Mr Connolly's allegation that Dr Kinloch's motive was political is unsubstantiated and unparliamentary. In Canberra, all voluntary organisations helping alcoholics are now working to their limit. I would like to highlight one particular action that we can take that will help solve a problem, and that is to reduce the time availability for buying alcohol.

As Dr Kinloch said, the Standing Committee on Social Policy, in the report on its inquiry into public behaviour, referred again and again to the problems caused by alcohol. In an additional comment by Dr Kinloch and me at the end of that report we said:

> The problems related to the excessive use of alcohol are so great that we wish to support the view that current licensing hours are extraordinarily permissive. Alcohol sales are now possible at all hours every day of the week.
>
> It is clear, however, from police and other evidence that there are particular problems in the early hours of the morning, on through normal working hours.
>
> We therefore recommend that licensing hours cease at 4.00 am each day and recommence at 8.00 am.

That was a specific recommendation put forward by the police and echoed by a number of other organisations, perhaps at different times. Mr Stefaniak mentioned the problems out at Weston. One of the difficulties is that, when so many different establishments are closing at different hours and you have drunks rolling out at different hours, police cannot effectively control it.

I have mentioned previously in this Assembly the problem at the Weston all-night service station whereby regular customers have caused problems early in the morning when they are under the influence of alcohol. They are perfectly acceptable when they do their normal shopping or fill their car with petrol, but under the influence of alcohol they have a major problem. I mentioned that one of them is currently serving three months' gaol for serious assault. This is a very simple action that we can take that will constitute a very significant response, I and many other people believe, to the problem.

I wish to raise one other matter that we spoke about in our standing committee report on public behaviour - that of skateboards. We made three recommendations concerning skateboards. We said that the Government should prepare legislation to ban the riding of bicycles and skateboards within 20 metres of an open shopfront, and that the Government should also identify such areas as roads, median strips, car parks, car ramps, et cetera - - -

MR SPEAKER: Order! Mr Stevenson, what is the relevance? We are not discussing that report. We are discussing the matter of public importance.

MR STEVENSON: Indeed, and I am just about to get to the relevance, Mr Speaker. When people are under the influence of alcohol, it makes the problem so much worse.

MR BERRY (Minister for Health and Minister for Sport) (3.50): This is another classic example of the Residents Rally members beating up a crisis on an issue and feeding off it. It is very interesting that now they are competing with Dennis Stevenson for the same ground. I think that is going to make for an interesting race in the next election - Dennis Stevenson and the Residents Rally fighting for the same ground.

What it boils down to is whipping up a storm on the basis of a report - the GALA report. It is very interesting that members of the former Government who were responsible for undoing GALA are now singing the praises of its report. That is a very interesting observation, I think most members would agree. It appears, though, that the industry is well regulated.

Mr Kinloch: Visit a youth refuge, Wayne.

MR BERRY: When you consider that, in conjunction with this Government's positive attitude to health strategies to counter alcohol abuse - and we do those sorts of things through the Health Promotion Fund and, of course, the Federal Labor Government does it through the national health program - it is very obvious that we are trying to ensure the well-being of Canberrans.

Dr Kinloch mentioned the youth refuges. He should talk to some of the other members, in particular, Ms Maher. I understand that she was down at Royal Canberra Hospital recently and talked to the head of accident and emergency down there. I understand that she asked him about the number of young people who were admitted for alcohol abuse and I think the answer was: "Very few".

I am a little unsure what this member wants to achieve out of this inquiry. We have heard it said that there is a declining number of cautions being handed out to young people who are affected by alcohol. Of course, it is very clear now that the Residents Rally members, particularly, are very sensitive about being found out on chasing another populist issue, along with Dennis Stevenson. It is a great race; a great double.

Dr Kinloch: A cheap shot.

MR BERRY: Not a cheap shot; spot on. This is about kicking up a bit of a storm to enhance your chances for election next time.

Dr Kinloch: I used to admire the Labor Party.

MR SPEAKER: Order!

MR BERRY: I do not mind a bit of rowdy debate. Like my colleague Mr Connolly, I can put up with Dr Kinloch's interjections. Perhaps he wants to be able to say that he did his bit to solve the problem of alcohol abuse. The reality is that all he will be able to say is that he has supported punitive and reactionary measures in this place - and I cite the move-on powers as one instance - while this Labor Government is promoting responsible use of alcohol and controlling its sale and distribution.

We are not into the punitive response. We are about sorting the problem out. There are no Bill Stefaniaks in the Labor Party; there are no Bill Stefaniaks in the Labor Party's ACT Assembly team - and may I say that there will not be many of them in the Liberal Party's after the next election. I am also unsure about what recommendations he would hope to achieve from this inquiry. We have seen the support of various members for punitive measures, particularly amongst the Residents Rally. We have also seen Mr Stefaniak's support of dry areas. Perhaps he would like to try to introduce some more punitive measures such as the banning of the sale of alcohol in supermarkets.

We have also seen the unfounded opposition by Dr Kinloch to the Intoxicated Persons (Care and Detention) Bill. Remember that one? You were so concerned about drunks! Your hypocrisy, Dr Kinloch, continues to astound this side of the house. You promote extensive inquiries, pretending to solve alcohol related problems, while also voting to leave the intoxicated people vulnerable in the streets. Your inquiry will achieve nothing, except for making a lot of people fairly wealthy. As my colleague Mr Connolly said, it may well lead to a lawyer led recovery from the Territory's economic problems.

Mr Jensen: What, with one member? You need to appoint only one member. Read the Act.

MR BERRY: I see a motion here, Norm. You have not read it. It is from the Residents Rally, I understand. It says, "Appoint a Board of Inquiry". Is it a board of one?

Mr Jensen: That is correct. Read the Act, Mr Berry.

MR BERRY: You do not even know where you are going. You have jumped on the train and you have not even found out where it is off to yet. Your inquiry will achieve nothing. However, the responsible approach that this Government is taking goes a long way to preventing problems. This inquiry is a reactionary suggestion proposed by somebody who, it appears, is not fully aware of what positive steps this Government is taking to counter the social and economic costs of alcohol abuse. It is a costly suggestion that will achieve little. It should remain nothing more than a suggestion.

Ms Maher: Yes, and the community will thank us for it.

MR BERRY: Listen to all the cockies on the fence over here. Of course, we are taking economic steps to sort out the difficulties with alcohol. The Government is on the right track. We are promoting healthy messages through these positive programs, and we believe that money is more responsibly spent in this way. The people of Canberra also support this policy. They do not support grandstanding by the Residents Rally with Dennis Stevenson. They do not want to pour hundreds of thousands of dollars into a jumbo inquiry into the effects of alcohol. Of course they will not support that.

If you had been watching what has been going on around the place, you would have noticed that last week I launched Alcohol Awareness Week. This is a positive program attempting to get to our young people on the uses of alcohol. We have some good role models who have agreed to be involved in this process. This is the way that you get to young people, not by punitive measures - and that seems to be what you people are suggesting.

Mr Jensen: Who said anything about punitive measures?

MR BERRY: You have already endorsed the punitive measures. What about the move-on powers?

Mr Jensen: Through the Chair, Mr Berry. You should know better than that.

MR BERRY: All you are interested in is pushing young people around.

MR SPEAKER: Order, Mr Jensen!

MR BERRY: This Government is on the right track. It might peeve you, but we are on the right track. This program - which promotes the message that some drinks cost more than money - is a great way of getting to young people. Punitive measures are not the answer - and expensive inquiries are not the answer either.

It is just grandstanding, and I think the people of the ACT have had enough. It was very interesting, I thought, that the first one to get onto the band wagon with them was the greatest grandstander of all, Dennis Stevenson. He was straight onto the band wagon with you. He will be trying to shove you off next, so that he can have it all to himself. But Dr Kinloch will make sure that he keeps his space.

This Government is about promoting responsibility. It is about being positive and implementing programs that improve the well-being of Canberrans, not grandstanding. It is not about taking the reactionary steps that spend ratepayers' money and achieve little for the people that we serve. An inquiry may give some members a warm feeling - I am sure it will - and some hope for next February, but this Government will continue to use the people's money wisely and we will spread healthy messages through positive programs. No more grandstanding.

MR SPEAKER: Mr Berry, before you resume your chair I would ask you to withdraw the statement you made on Dr Kinloch's hypocrisy on this matter. "Hypocrisy" has been ruled unparliamentary in the past and I would ask you to withdraw that statement.

Mr Berry: I replace that with "double-dealing".

Mr Jensen: An unqualified withdrawal.

Mr Berry: I withdraw that and replace it with "doublespeak".

Mr Collaery: No, an unqualified withdrawal.

Mr Berry: How about "furphy"?

MR SPEAKER: "Furphy" has been allowed, but I would think - - -

Mr Collaery: Mr Speaker, the rules of the house require an unqualified withdrawal.

Mr Berry: Mr Speaker, I withdraw it in an unqualified way, but I will replace it by saying that what Dr Kinloch is about is spreading furphies about the problems of alcohol abuse with the view to grandstanding on this issue. This is not a positive measure.

MR COLLAERY (4.00): Mr Speaker, earlier this year a credible report was published estimating that the misuse of alcohol is costing the Australian community at least $6 billion a year. That information comes at a time when we learn from a national survey that ACT people were, as the *Canberra Times* reported, consuming more alcohol, as I understood it, than the rest of Australia on a per capita basis.

This loss to the community of $6 billion a year was put to the Ministerial Council on Drug Strategy on 27 March 1991, which I attended with my colleague Mr Humphries. I think it ill behoves Mr Connolly to speak the way he did, because he will have to take his place at the Ministerial Council on Drug Strategy, and he will find that much of what he said is refuted by the black and white statistical evidence before that council, which is part of the Federal Drug Offensive.

The Rally believes that there should be an early inquiry, independently, into the sale and distribution of liquor, including the licensing of premises in the Australian Capital Territory. This is not a proposal which is restricted solely to legal and legislative reforms. Mr Connolly entirely missed the point of the MPI. It is an appropriate juncture - now that GALA has been abolished, now that law officers are taking on the full responsibilities in this role and at a time when the Territory has recently had self-government - at which to have this inquiry.

It may well result in a different structure for the administration of liquor, and gambling, perhaps. But certainly it is time for an inquiry to see whether the Law Office is the appropriate place for many of these regulatory functions. The inquiry must be independent, because there are strong social links between political parties and the liquor industry. All of us - and I include myself - have friends and acquaintances in that industry, and some of us have indeed been on the boards of directors of licensed premises. And, of course, as a practitioner I have many liquor licenses for clients.

I hasten to say that no-one in the Rally is presently a director of licensed premises; but at least two, to my knowledge, are members of licensed clubs. They are not wowsers, as was implied of Dr Kinloch. As well, the Labor Party has its own

strong and close links in the club industry, and the Liberal Party obviously has its own linkages. They are all proper and correct linkages; but they do suggest that it would be better for all of us here for this inquiry to be conducted outside the public service, which operates under the direction of the Government and can be influenced by this Assembly.

The Inquiries Act 1991 is an effective instrument to ensure an appropriate medium for an historic board of inquiry, and that will give proper protection to the chairperson and the panel conducting any such inquiry.

Mr Connolly: And the panel? Mr Jensen said one; you now talk about the chairperson and the panel - inconsistency.

MR COLLAERY: There will certainly be people assisting any such inquiry. Mr Speaker, we need a fearless inquiry into the deepening concern - - -

Mr Connolly: "Chairperson and the panel", he said.

MR COLLAERY: Mr Speaker, they are treating this as a joke; I cannot hear myself. We need a fearless inquiry into the deepening concern in our community relating to alcohol. For example, a recent survey made available to the Ministerial Council on Drug Strategy, I remind Mr Connolly, indicates that two-thirds of the population believes that more regulation of alcohol advertising is needed.

That figure alone speaks eloquently for the public perception of the alcohol problem. The real issue for an independent inquiry is how problems can be tackled. The first and foremost issue, as my colleague Dr Kinloch has indicated, is the whole culture of alcohol consumption leading to abuse. Dr Kinloch has indicated to the Assembly what the Social Policy Committee's evaluation was, and that evaluation is not at odds with advice put to the Ministerial Council on Drug Strategy last March, which was - and I believe that Mr Connolly should listen to this, as it is his council now - that research conducted by the Federal Drug Offensive indicates a significant heavy exposure of 13- to 17-year-olds to alcohol advertising, particularly for beer and, to an increasing extent, for spirits.

Many of those surveyed saw alcohol advertising as encouraging young people to drink and as leading them to view drinking as glamorous and exciting. Most people surveyed considered that many advertisements for alcohol beverages were inconsistent with the provisions of the alcohol beverage advertising code, and the advertisements that were perceived to contain the highest incidence of inconsistencies with the code were television commercials for beer and spirits. Ominously, the study found that there was a significant increase in the proportion of adolescents drinking beer and spirits over the study period. I know that Mr Connolly does not have adult children, but he should bear in mind the very sincere interests of quite a number of members of this chamber on this issue.

The ministerial council considered that the voluntary co-regulatory system which governs advertising is not working properly insofar as it relates to advertising of alcoholic beverages. That is Mr Connolly's own council. The ministerial council considered whether the Media Council of Australia should act to ameliorate the problem. One thing that was clear from the council meeting in Adelaide was that there is a lack of community awareness of the existence of the voluntary code.

For example, recently the Alcohol Standards Council ruled that an advertisement for an alcoholic beverage appearing in *Tracks* magazine breached provisions of the code simply because it is a magazine directed significantly towards young persons. In other words, we are not facing our community responsibilities by putting alcohol advertising in youth oriented publications. However, this issue requires a national initiative to be effective, and members may note that it will not be included in the motion which I foreshadow.

I have made these comments about advertising to demonstrate the hypocrisy of our generation. We decry under-age drinking; we bemoan the social cost to the community; we apply desperately needed resources to detoxification clinics and the rest. But we permit the glamorous advertising, particularly that connected with sport and sports heroes. The pursuit of heroes is part of youth psyche. It is even part of our own. We get a dangerous concoction when we mix a cocktail of hero and tinnie before the eyes of our children.

The stark reality is that, whilst in my day, prior to television and the glamour alcohol advertising, we had our heroes, we also had our interest in alcohol. What has happened since is a vastly accelerated consumption of alcohol by young persons, and the statistics, which I will not detain this Assembly with, speak eloquently. Mr Connolly can come to my room at any stage and look at the statistics. Really, I was saddened to hear his speech.

What steps can be taken in this Territory? First, our liquor licensing laws were recently amended by the Alliance Government. But let us not kid ourselves; they cannot do everything to tackle under-age drinking, which continues to be a major problem in the Territory. Recent amendments gave some attention to the character of persons involved in the sale of alcohol. We added compliance requirements for the issuing of licences and so on. But there are still problems in that issue. The current Attorney-General dismissed our recent call for an inquiry as a political stunt. He said that the legislation was adequate. He does not understand the problem. It is beyond the lawmakers. This is a problem for the community. It is a matter that we must tack onto our conscience.

There are about 540 liquor licences in the ACT. In Canberra, the most planned city in Australia, we have the least controls from a planning perspective on the issue of licences. My colleague Norm Jensen will expand on that. Liquor laws in other jurisdictions give persons the ability to object to an issue of a licence. The grounds of objection usually centre around the impact of a licence on amenity, both in business centres and in residential areas. However, the ACT liquor system is based on a deliberate policy of having the marketplace determine the supply of liquor. All it has done is determine whether the person is fit and proper to hold a licence, and other regulatory mechanisms come under ancillary legislation.

It was put to me that our marketplace system is the best in Australia. I was told that a liquor licence application in the ACT currently takes three to four weeks. It could be completed without legal assistance. It does require minimum documentation; but if you cross the border you will wait months, and you may well have a hearing as to whether a licence should be issued, and that hearing may hear objections from shopkeepers and residents who may be affected by the proposed licence grant.

When in government previously I was unimpressed with the reaction that my proposals met from my own advisers. I must say that I do hope that they will take another look at this issue. If you look at Manuka now you will see how quickly the social scene can change - I know that Mrs Grassby will agree with me - likewise, Weston and Phillip. It was put to me that the Liquor Licensing Board already had the power to deal with complaints arising from the conduct of patrons, noise and all the rest. But there are legal limitations to that. There is a sports store proprietor in this town, near a tavern, who has had the window broken up to 30 times.

One of the big problems about renewal of licences is that we do not have a hearing. Section 38 of the Act gives an automatic right of renewal, subject to payment of the prescribed fee. There should, therefore, be third party rights of access for the regular renewal of licences. I do not see the wowsers coming out and impeding the industry. We also need to look at the regulatory impact of other old-fashioned laws on the liquor industry itself. Having the Liquor Act prescribe building contents and the styles and manners of barrooms, et cetera, creates a far greater load on proprietors than they need bear. They should put all their time into policing their premises and less time into dealing with all the red tape.

MR SPEAKER: Order! Your time has expired, Mr Collaery.

MRS GRASSBY (4.10): I find it incredible that anybody would want to raise the legal drinking age to solve problems; yet some people in this house would allow them to have guns and do other things. Raising the drinking age is not going to solve the problem; closing down drinking outlets will not improve the problem; nor - - -

Mr Jensen: Terry said that there was not a problem. Now there is a problem.

MR SPEAKER: Mr Jensen, you are continually interjecting today. Please desist.

MRS GRASSBY: Mr Jensen, do you know what you remind me of? You remind me of the fellow who sits in the bar and looks at the ugly woman and says, "I am going to keep on drinking here until you look good". I will tell you what, I reckon I need to keep on drinking here to put up with you. That is what I need, to put up with you, Mr Jensen.

Bringing in a pub card is one of the best ideas, and, as we have already heard, the Minister intends to do this. Educating people is another idea. In many schools in America now there is education on drinking, to stop people going out and binge drinking. But bringing in some of the ideas that the Opposition wants to bring in is not the way to fix the problem. I am always fascinated at how lawyers love inquiries, because they love bits of papers around; it makes them feel secure. The more bits of paper they have around, the more secure they feel. That is not the way to fix the problem. I am sorry, Mr Connolly; do you have lots of paper there?

Mr Connolly: Yes, paper everywhere; I am feeling okay.

MRS GRASSBY: Education is the right approach to the problem - teaching people about the situation with drinking. One of the things that we should be doing is teaching those who serve alcohol to serve more food. This is the way. When you eat in any of the outlets in Europe or anywhere else, you are served food. You cannot drink without food. We do not have any of that here in Australia. And, as for restricting the hours in which people can drink, we can all remember the 6 o'clock swill. My God, that was the way to get drunk - saying that the doors were going to close at 6 o'clock. So, from half past 5 to 6 o'clock they drank twice as much as they normally would.

The nicest thing about living in Canberra, I have always felt, is the fact that you could have a drink at any time if you wanted it, and that most of the drinking areas, for those who wanted to drink, were around residential areas. The one thing that people love about Paddington is that there are 13 pubs within a large residential area, and they all have restaurants attached to them. The only thing is, of course, that most of them close at 11 o'clock. The point is that here in Canberra people can drink at any time, if they want to; that they do not close at 11 o'clock, they do not close at midnight and they do not close at 4 o'clock in the morning. So, the people do not have to binge drink or rush in and drink when the hotels are open.

The problem with under-age drinking can easily be taken care of, as I said, with the pub card. But, as for wanting to have an inquiry into it, we have a Social Policy Committee that can very easily look into this area. We have the HIV committee which can look into this area and which is taking that on.

Mr Moore: No, that is the Legal Affairs Committee.

MRS GRASSBY: I am sorry; the Legal Affairs Committee can take it on. We do not need to set up another organisation, costing more money, to deal with this.

MR SPEAKER: The time for the discussion has expired.

SALE AND DISTRIBUTION OF LIQUOR
Proposed Inquiry

MR COLLAERY (4.13): I seek leave to move a motion relating to this issue before the house.

Leave granted.

MR COLLAERY: I thank members. I move:

That this Assembly calls upon the ACT government to:

(1) Appoint a Board of Inquiry under the *Inquiries Act 1991* into the sale and distribution of liquor and its effect. Such an Inquiry to have terms of reference which are to include, but not necessarily be restricted to:

(a) a review of penalties under the *Liquor Act 1975;*
(b) a review of trading hours for licensed premises;
(c) access to licensed premises;
(d) planning and leasing matters including standing for objection to the granting or renewal of licences under the *Liquor Act 1975;*
(e) a review of services presently available for those affected by alcohol;
(f) safety issues; and
(g) public order issues.

(2) The report of the Inquiry to be submitted by 30 November 1991.

The motion before the house seeks to have a board of inquiry appointed pursuant to the ACT Inquiries Act 1991 and for that board of inquiry to inquire into the sale and distribution of liquor and its effect. The terms of reference of the inquiry will need to be determined carefully, with the assistance of government and other

legal advisers, and we concede that. It will require good advice, much of which relates to information that lies wholly within the domain of the Government, particularly the Government Law Office and its advisers.

It is our view that the inquiry should review a number of principal issues. The first, judging on the recommendations of the recently released and final GALA report, is a possible review of penalties under the ACT Liquor Act. Next is a review of trading hours in relation to licensed premises, and that is, of course, the 24-hour and other hours issue. Mr Speaker, another element that is sought to be examined is access to licensed premises. That would include questions about the alleged open door policy of licensed clubs that may exist. Inquiries would need to be conducted in relation to that. The question of pub cards is an access issue. The inquiry would embrace a study as to whether that should be an appropriate measure.

More importantly, planning and leasing matters must be examined, in our view, as we move towards self-government. There are significant objections within business at times relating to a change in business amenity following the grant of licences allegedly without consultation with adjoining proprietors. I hasten to say that the registrar is not obliged to consult and conduct third party discussions in relation to the grant of licences, so that is a problem. That is an issue as well that should entertain the inquiry. I am sure the Government will agree that we need a review of services presently available for those affected by liquor. My colleague Ms Maher will certainly have more to say about that issue in the debate on this motion.

Mr Speaker, I do want to respond to some suggestions that the Residents Rally, in particular my colleague Dr Kinloch, voted against providing a proclaimed place. That is certainly not the case. A vote was taken in relation to whether a Bill that Mr Berry put forward whilst in opposition was appropriate and practicable. He will by now have had advice from his own department, giving exactly the same advice as was tendered to us when in government about the appropriate matter to bring forward in legislative terms to have a proclaimed place.

As Mr Berry knows, he has not brought forward the Bill now that he is in government. He has had plenty of time. He knows that there are problems with the proposal he put forward before. I saw someone scurrying around and showing a vote that had been taken in this house and a vote by Dr Kinloch on this issue. A squalid little document was being handed around showing, from *Hansard,* a vote. It was an attempt, Mr Speaker - - -

Mr Moore: An Assembly vote is a squalid little document?

Mr Berry: What are you on about?

Mr Connolly: That is a contempt of the Assembly.

Mr Berry: I take a point of order. Mr Collaery has described a record of the Assembly as a squalid document. I think he ought to withdraw that.

MR SPEAKER: Yes, I would ask you to withdraw that, if that is the fact.

MR COLLAERY: Mr Speaker, the circumstances of the circulation of the document were to allegedly prove a statement that Dr Kinloch had voted against proclaimed places. In doing that, it was a squalid document to put out.

MR SPEAKER: Order! I do not accept that, Mr Collaery. I suggest that the document was not the issue. It was the action that you were talking about.

MR COLLAERY: The action was the squalid issue, Mr Speaker.

MR SPEAKER: That is right; so I would ask you to withdraw "squalid document".

MR COLLAERY: I withdraw. If you are suggesting that I said that *Hansard* is a squalid document, I am sure it is not, and I withdraw any such suggestion.

MR SPEAKER: Thank you. Please proceed.

MR COLLAERY: Mr Speaker, it was suggested, from the squalid manner in which that document was issued, that Dr Kinloch had voted against proclaimed places. It ill behoved the government of the day to do that. They have not brought in the same proclaimed place and they have had plenty of opportunity in this house.

Members will note at page 25 of GALA's final report, for July to December 1990, a statement that authority inspectors commenced a program of routine inspections of licensed premises and that a total of some 65 premises were inspected. In other words, 65 out of 500-odd were inspected. The background to this commencement of routine inspections was strong criticism by the then Commonwealth Assistant Auditor-General of the failure of GALA to carry out routine inspections of premises.

I was astounded, as Attorney, Mr Speaker, to find that the Gaming and Liquor Authority did not conduct routine inspections of licensed premises. I sought to set that straight immediately; but the small number of 65 inspected in terms of full inspections over that six-month period does not hold out much hope, given the depleted staffing resources of the Government Law Office, of any better program to come. I accept that the officers are doing their best, but 65 out of 500 over six months is not an impressive figure.

Apart from routine inspections, according to my advice some few months ago, approximately 1,160 licensed premises were inspected over the last financial year; but inspected only in the sense of having a visit from an inspector looking for under-age drinking and aspects of that nature, not the actual suitability of the premises and compliance with the building aspects of licensing under section 18 of the Act. These figures suggest that there has been a visit about four or five times per year to the 200 to 250 premises which I was advised were graded as being possible areas for under-age drinking.

I wish Mr Connolly would listen to this. The written advice given to me as Attorney was that 200 to 250 premises were considered last year to be possible areas for under-age drinking, and he has dismissed this topic. That statistic, Mr Speaker, on my advice, means that about half the licensed premises are considered potential areas for under-age drinking and that each received a small number of visits - four or five. This again reflects the staffing resources of the Law Office to which the GALA functions have been moved following its abolition last December.

Liquor Act amendments moved by the Alliance Government last year gave police the shared role in this activity which I now believe they should take on completely, given the incipient staffing problems of the Law Office. In other words, I no longer see the regulatory functions at this level being properly placed in a Government Law Office. I trust that the Government will move to do something about that shortly.

On the subject of prohibition discos, I copped a lot of flak for questioning the wisdom of sending 13-year-olds into the bar culture of some of our nightspots. Immediately a disinformation campaign was commenced against me by certain licensees. I warn them here in this speech that if that campaign persists I will name their premises and what my advice was in relation to them.

What I was concerned about was that GALA had authorised prohibition discos in terms under the current legislation which did not give an even chance to children who, in my view, were better protected by the New South Wales licensing rules and guidelines issued. In other words, there were drinking prohibitions before and after periods of a half-hour or an hour - I have forgotten the exact details - and no liquor could be sold elsewhere on the premises while the discos were going.

In our case - I am not referring to the clubs whatsoever in this comment - GALA did not take into account an anomaly, in my view, which allows under-18-year-olds into bar areas provided they are in the presence of a responsible adult. So, if you have a bouncer, or an adult behind the bar or an adult somewhere in the area, you can allow young people under the age of 18 years into that area. I was aware that the licensees knew that GALA was uneasy with this, particularly following my concerns.

Mr Connolly knows this. I cannot believe that, knowing that the MPI was coming on, he has not received advice from the police today. The AFP received many complaints relating to certain prohibition discos and nightspots in the Territory. For commercial reasons, I am not naming those spots; but you can guess the names of those places. I stress that those complaints were matters of serious concern.

I was told, in one police report, that the police had found up to 700 young children at one of the premises in the charge of a handful of allegedly responsible adults. I was told that the police observed parents dropping off children who clearly could no longer fit into the premises and that the children were wandering off into town. When I expressed concern about this, I received a very crafty petition circulated around town with the assistance of a certain licensee. Mr Speaker, members would have seen another letter reflecting that campaign in the paper in the last few days. I in no way seek to prevent drinking for 18-year-olds and above.

I also sought the assistance of my colleague Mr Duby in relation to fire matters. I warn this house that this is a most important issue. He very promptly - the record will show this - sent the fire brigade into certain areas of our city, particularly old buildings in the city, and they revealed that some matters needed urgent attention. Members should listen to this. One nightspot that supposedly was under the proper surveillance of GALA, one underground nightspot, crowded with kids, did not have an exit, contrary to the law.

Mr Connolly has dismissed our call for an inquiry. I want to tell Mr Connolly that, in another world, I had a bit to do with a tragedy that occurred at the Whisky Au-Go-Go premises in Brisbane many years ago. A lot of young children died because someone threw a can of petrol down the stairwell. I assure Mr Connolly that I have the deepest concerns about the location presently of certain prohibition discos in this town where many children gather.

Some of those premises are wooden structure buildings. In July 1982, in relation to one such building where I had my office, I was a solicitor for premises that were destroyed by arson in that particular building in a matter of minutes. The floor fell through in minutes. I went there whilst the place was still burning. I could not believe how quickly that place came down.

Mr Speaker, that is the reason why this inquiry is called upon to look at safety issues. I congratulate the fire brigade for the stoic task they are doing in holding the line, but the answers lie in leasehold planning reforms relating to the whole issue of liquor sale in this Territory.

Mr Stefaniak can speak more eloquently about public order issues. We may differ in our final approaches on those issues, but I too share the concerns of people who pass the Woden bus interchange every night. One of my staff told me today that every night she sees those unfortunate people at the Woden bus interchange. They come from various nearby places that we know about as well. They are not liquor or drinking places. It is an unfortunate scene. It needs assistance. It may need the types of assistance that my colleague Ms Maher is talking about, and the types of assistance that Mr Berry presses for - and I applaud his stand for it. They are issues that are getting too big for our community.

I believe that we should have this inquiry. It is on our conscience. We should do it in a hands-off fashion and we should do it as soon as possible. I sincerely recommend that members of this house stop the politicking on this debate right now and that all of us support this inquiry so that it is not seen to be politically prejudiced from the start.

MS MAHER (4.28): Mr Speaker, I welcome this inquiry. I am actually appalled at the Labor Party's attitude towards it. Mr Connolly and Mr Berry obviously have done no community consultation, otherwise they would recognise the problem within the community and the extent of that problem. As for Mr Berry saying across the floor of the house that there must be a better band wagon to get on, I think that is very disappointing.

Ms Follett: You have not found one yet.

MS MAHER: This is a big issue in the community and Ms Follett should go out and speak to some of the people who are concerned. Mr Speaker, alcohol is a legal drug that is socially acceptable for adults. Therefore, we are having problems in stopping our children using it. We need to concentrate on education of the community, parents and adolescents about the dangers of alcohol and the consequences of its abuse. Unfortunately, most adults do not see alcohol as a drug and therefore they do not educate or give appropriate guidance and advice to their children.

Mr Speaker, a pamphlet entitled *Effects of Alcohol* states that alcohol is a depressant. I presume that there are not many people who consider it to be a depressant. It slows thinking, reaction and movements. It also alters moods. Long-term effects of alcohol abuse are heart disease; cancer of the colon, throat and mouth; liver disease; ulcers; permanent brain damage; malnutrition; depression; and sexual impotency. The risk of cancer is increased by drinkers who also smoke.

I think they are horrific problems. The community is facing these problems. There are thousands of people out there in the community who, if not affected directly by

alcohol abuse, are the families and relatives of people affected. Unfortunately, this Government is not doing sufficient.

Mr Speaker, I have had extensive discussions with community organisations and through the inquiry into public behaviour, the police offences move-on powers and, more recently, the inquiry that is under way into behavioural disturbance among young people. I have had a lot of communication and consultation with those who work in the area and who are affected by alcohol.

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.

SALE AND DISTRIBUTION OF LIQUOR
Proposed Inquiry

Debate resumed.

MS MAHER: Mr Speaker, one issue that has been raised continually is under-age drinking. You should speak to some of the school counsellors and the people who work in the refuges. It is a problem. The Labor Party are just denying it, but it exists.

I am going to speak about some of the gaps in services and also the recognition of the alcohol problem. At a breakfast I recently attended on the topic of health and work, which I think Mr Berry launched and which was addressed by a number of speakers, all commented on the increasing problem of employees drinking during working hours.

Ms Follett: Who invited you?

MS MAHER: Not you. This is now a recognised problem and many of the occupational health and safety areas of different organisations and employees are beginning to do something about it. During my consultations it was suggested that more senior executives are relying on alcohol as a coping mechanism for work related stress and home responsibilities.

More resources should be put into education campaigns, as I note Mrs Grassby stated. It is a pity the Government does not put more funding into that area. I believe that the Alcohol and Drug Service has applied for funding for the last two or three years and has been knocked back. The Alcohol and Drug Service, in my view, is underresourced and cannot utilise important programs which it has built up, due to a lack of resources. The TTT Program for teenagers is one. Because of a lack of resources they can do only a certain number each year. The other one is a parents program, Drugs and Kids. These drug education sessions for parents are limited in the number that can be delivered.

Mr Speaker, there are few services for women who are alcohol or drug affected. There is a need for more halfway houses for women and also for child-care. Women are unable to go into detox units and ask for help because they cannot find or afford appropriate child-care. With regard to the detox unit, there is controversy as to whether we should have a separate detox unit for adolescents. Some say that there should be a separate one for women as well, but I acknowledge the fact that funding constraints make this very difficult.

Mr Connolly: But not difficult enough to hold a royal commission.

MS MAHER: It is something that this review would look into, Mr Connolly. With regard to young people, there is a need for more services, especially in counselling, halfway houses and supported accommodation for adolescents affected by alcohol. There is a need to review SAAP funding with regard to accommodation for young people who are often affected by alcohol.

The services cannot give counselling. An example is Lowanna Young Women's Refuge, where 50 per cent of the people between 12 and 18 years that they see are affected by alcohol. The service, because of funding guidelines, cannot or is not supposed to provide counselling. This happens in quite a number of the refuges. There is a need for a residential setting for people who have alcohol related brain damage. The detox unit and also the hospital have said that they find it very difficult to find somewhere to send these affected people.

There is a need for dosshouses or places where intoxicated people can sober up without having them go to gaol for the night. In speaking with one of the youth refuges, it was conveyed to me that there was a need for a safe place for young people who are under the influence of alcohol or other drugs so that they do not have to be taken to either the hospital or gaol. There is a need for the people whom the community generally forgets, as I mentioned earlier - the spouses, partners, children and peers of alcohol affected people.

Mr Speaker, there is a real need when dealing with a person who is affected by alcohol not only to deal with the person as an individual but also to deal with the person as being within the family. The broader issues need to be looked at. As Mr Collaery said, I believe that there should be a tightening of guidelines for the issuing of licences and the reissuing and renewing of licences. The checking of under-age drinking should be tightened. Perhaps penalties should be increased for those who provide alcohol to under-age persons. It is encouraging to note that the Government will be doing some work on a pub card and the issuing of a pub card.

With regard to the distribution and sale of alcohol, there should be stricter controls, especially in supermarkets. They should ensure that the checkout operators selling alcohol are not under age. From talking to community groups I have found that alcohol is a big problem. It is affecting a lot of people within the community. Quite a number of the submissions we have had on behavioural disturbance mention alcohol problems and related problems that the behaviourally disturbed children are having.

The submission from the Alcohol and Drug Service, Special Services Branch, ACT Board of Health, identifies the gaps in service delivery. Possible future directions suggested include the need for the development of prevention programs targeting at-risk youth; the expansion of early intervention strategies and training programs for generalist workers; greater coordination between agencies dealing with at-risk or affected youth; the development of specialist treatment programs for youth and the diversion of youth offenders from the criminal justice system into treatment. They are just a few recommendations from a government service.

MR JENSEN (4.38): Mr Speaker, like a lot of other members in the Assembly today, I was a little surprised to see the ALP's attitude to the issues that were raised by this motion this afternoon. Either they do not understand or they do not appreciate the extent of the concern within the community about the effects of alcohol, particularly on the young. Maybe Mr Connolly and Mr Berry should visit some of the areas in the city and the suburbs used by young under-age drinkers on Saturday evenings and other evenings, to see the extent of the problem. I know that Mr Berry has older children. I am sure he is fully aware of the pressures that are applied on our young people these days from their peers. I think we are fully aware of the issues and the problems in that area.

I have heard it suggested by some here today that an inquiry by an Assembly committee may well be the way to go. However, I think the record for the reports of Assembly committees is unfortunate. The Standing Committee on Social Policy, which for some considerable period was ably led by Mr Wood, produced reports that were far-reaching and far thinking. They covered the issues quite extensively.

Unfortunately, it would appear that successive governments have not taken much interest in implementing some of the most important recommendations of these committees, particularly the Standing Committee on Social Policy which inquired into public behaviour and produced a report in 1990.

My own experience, Mr Speaker, from talking to youth workers and my own children, suggests to me that there is a major problem with drinking within our community. That problem covers a range of areas. There is no simple solution. It is not simply a matter of applying a bandaid here and a bandaid there. It requires a proper, well thought out and coordinated approach.

That is why the Residents Rally considers it appropriate to recommend that the Government establish a board of inquiry under the ACT Inquiries Act to look at those very important issues. The person appointed - it needs to be only one - with assistance from within the ACT Government Service, can direct that inquiry, consider the issues and bring down a report, as we have suggested, by 30 November for consideration by this Assembly and the community. An eminent person, well respected by the community, could bring down such a report.

Despite the good contents of this Assembly report on public behaviour, it has been buried by successive governments. That is the problem with committee reports at the moment, not just in this parliament but in parliaments around Australia. That is why the Rally believes that it is appropriate and important to have an inquiry instituted in this way. That is why we have taken the path we have taken today - not for crass political purposes, as has been suggested by members opposite. As I said before, if they did some homework, really got out into the community, had some proper community consultation and spoke to people and to youth workers, they might adopt a slightly different attitude.

I would like now to discuss some of the planning issues related to such an inquiry, some of the issues that have already been alluded to by my colleague Mr Collaery. Particular concern relates to a lack of any real appeals process on decisions to open more taverns, clubs or liquor outlets, so as to provide opportunities for residents and others at least to have their say about whether such facilities should be allowed for social or commercial reasons.

The other problem relates to the apparent ability to increase the extent of a liquor outlet without any input from the residents who can well be affected by such a decision. Mr Collaery has already referred to a number of incidents in the Manuka area. We have seen a massive increase in the number and size of liquor outlets in that area. That is having an effect on the amenity of not only the residents in that area but also those who operate businesses there.

I will now refer to some specific areas with which I have had some experience. For example, members may recall a degree of controversy in the middle of 1989 when a proposal was put forward to include a tavern in the Isabella Plains local shopping centre, across the road from the Isabella Plains Primary School. At the time I presented to the Assembly a petition on behalf of the residents. The developer had been able to have a slight lease purpose change made to that site to enable him to build a restaurant and had sought to turn that restaurant approval into a tavern.

A tavern in a local neighbourhood centre, across the road from a school, is quite inappropriate, I believe, and not in keeping with the normal planning processes we have seen established in the ACT. Community pressure eventually resulted in the developer changing his plans. A tavern has now been opened in an appropriate location in a group centre which now serves that area. So, that is one of the planning issues related to the location of outlets like this in the ACT.

The day was really won only because of the hard work of the residents. They were able to say that the provision of retail shops and a supermarket, which in this case, as I said, allowed a restaurant, did not include a tavern. As it was, Mr Speaker, the lease had been altered to allow for the restaurant without reference to the community. That was allowed to go ahead without any reference or, if not, it was a very quiet reference, because the community certainly did not know about it. The community, as I understand it, were very lucky to find out about it. The owner of the lease had advertised for someone to operate a tavern in that building and that was the only way the community found out about it.

In another case, Mr Speaker, I received complaints from some residents about the effect on their amenity by traffic going to and from a club nearby, following the extension of a residential area. The problem was in Stirling. It appeared that the extent of the problems relating to lack of amenity to the residents of that area had not been fully taken into account when approval was given for the residential development.

Expensive changes to traffic arrangements seemed necessary to fix up the problem. Attempts were being made by officials to gather information, but the information gathering equipment was being interfered with. We found that the records being sought were inaccurate, so more work had to be done. Mr Connolly grimaces as if he does not understand. Mr Connolly has obviously seen those little rubber tubes that they put across the road to count the vehicles.

On another occasion, Mr Speaker, I received complaints from neighbours who lived across a major road from a club near an overpass which served a group centre and the club. Problems caused by late night revellers in the car park, including foul language and broken bottles, and on the walkway near their residences were of concern. We are talking about amenity, and there is adequate planning case law which identifies this problem. The volume on town planning law and practice refers to this issue.

MR SPEAKER: Order, Mr Jensen! Your time has expired.

MR DUBY (4.49): Mr Speaker, this afternoon's debates on, firstly, the matter of public importance, and, secondly, the motion by Mr Collaery about an inquiry to be established into the effects of alcohol and ways that its effect upon society can be reduced, have been most illuminating and invigorating. To be honest, I must admit that I was not aware that the problem was as severe as it is. Having listened to Mr Collaery, Dr Kinloch and Ms Maher this afternoon, I am quite surprised at the breadth of this problem and its spread throughout our community.

As I said, today's debate has been most illuminating. I think it has demonstrated once and for all just how much attention this Labor rabble opposite pay to social justice and just how much social compassion they are able to demonstrate. Indeed, this afternoon's proceedings, starting with question time, have demonstrated that. We had the Chief Minister, this afternoon in question time, being quite frivolous in regard to matters relating to domestic violence and the issues affecting women. That was further reflected in the comments she made this afternoon in this debate about alcohol.

One of the major issues and problems that alcohol brings into society is that of domestic violence. There is also the effect upon the innocent victims of alcohol abuse. A lot of people have concentrated upon under-age drinkers, but there are the innocent victims - the wives, the battered children of alcoholic husbands and alcoholic wives and women who overindulge. You would think that something that was going to examine those issues, something that would come up with some recommendations which might in some way alleviate the problem, which is a large one - according to Ms Follett, in this morning's paper, it is a large problem - would have the broad support of all members of this Assembly. But, no.

Instead, what have we had this afternoon? We have had Ms Follett, Mr Berry and Mr Connolly sitting there, tittering and laughing and chuckling like young school boys and girls discussing sex education. That is what it has been like.

Mrs Grassby: Oh!

MR DUBY: Yes, and now that has got Mrs Grassby's head raised. That is what it has been like. It has been absolutely puerile and quite disgusting. This is a matter of social justice and social compassion. The problems of alcohol abuse, particularly with our young, and with our women and children in this society, I would have imagined, would have had the concern of all members of this Assembly. I am quite amazed that the Labor Party have chosen to take this course of action and have tried to politicise something which, frankly, is a matter of concern to all members of the whole society.

Mr Berry: It is your motion, not ours.

MR DUBY: It is our motion. How many times this afternoon have we heard that this is political grandstanding on the part of Dr Kinloch, that it is political grandstanding on the part of Ms Maher, of all people, on a matter that she has devoted much time to? I know who is going to political grandstand. It shows just how much social justice, social equity and social compassion you folk have. This is a matter of grave concern to a number of people in the community and it is something that deserves to be investigated.

Indeed, having heard the very lucid arguments put this afternoon, I am embarrassed, frankly, that this inquiry was not instituted some years ago, that the matter has been left to the last part of the life of this Assembly. I actually wonder whether the proposed reporting date for this inquiry is anywhere near sufficient, having listened to the difficulties that have been raised by many speakers this afternoon. We wonder why those opposite are so opposed to the concept of this. I wonder when I look at some of the matters which might be referred to. They include a review of trading hours for licensed premises. Well, I wonder. I wonder whether they have had instructions from the people at the Labor Club and the people at the Tradies - - -

Mr Connolly: I take a point of order, Mr Speaker. It is grossly improper for a member to suggest that members in this Assembly would take instructions on any vote. That is an extraordinarily contentious statement of members, and I would demand that it be withdrawn.

Ms Maher: Isn't that why you went down to the Labor Party convention in Tasmania?

MR SPEAKER: Order!

Mr Connolly: Are you saying that we took instructions from liquor interests in this debate?

MR SPEAKER: Mr Duby, I must say that I was not aware of this point.

MR DUBY: Mr Speaker, does Mr Connolly take instructions from the Labor Party branch?

Mr Berry: I raise a point of order, Mr Speaker. I think Mr Connolly raised a valid point of order. Mr Duby should be required to withdraw the imputation that Labor members take instructions from the liquor industry.

MR SPEAKER: Order! I would like to review the *Hansard* and see what Mr Duby did say and the context in which he said it. Please proceed, Mr Duby.

MR DUBY: I missed the last word of what Mr Berry said and I - - -

Mr Berry: I take a point of order. It was quite clear that Mr Duby imputed that members of this house were taking instructions from liquor interests. That is very clear.

MR SPEAKER: If that is what you said, Mr Duby, I would ask you to withdraw it.

MR DUBY: I did not hear. Are you saying that I said that you got instructions from the Labor Club? Is that it?

Mr Berry: From the Labor Club. You mentioned the Labor Club.

MR DUBY: Okay, I withdraw that imputation completely. There is no question about the fact that the Labor members do get instructions from their Labor Party branches and from the Labor Party organisation on which way to vote. If they are not under instructions, that means that today, on this issue, we will have a conscience vote, I hope. I hope that we will have a conscience vote on this matter. It is not hard to imagine, Mr Speaker, why a review of trading hours for licensed premises, why access to licensed premises and why a review of penalties under the Liquor Act, et cetera, would be of concern to those members opposite. Shall I leave it at that?

Mr Berry: I take a point of order, Mr Speaker. That was a very clear imputation that members of the Labor Party were under some instructions or some liability to liquor interests in this Territory. I demand that that imputation be withdrawn.

MR DUBY: I reject that there was any imputation whatsoever. I am not implying that at all. I am simply saying that they would be very concerned with a review of trading hours for licensed premises, just like I would be.

Mr Berry: There was a clear imputation, Mr Speaker.

MR SPEAKER: I think that is drawing a long bow, if that is the intent of Mr Duby's statement. I do not think it is as pointed as you would imagine, Mr Berry, and I do not uphold your objection.

MR DUBY: Thank you, Mr Speaker. I think the point has been made that this is something that affects all aspects of society and is something which I would anticipate would have the full support of all members of this Assembly. I frankly doubt, as I said, whether the time available for the inquiry and report is sufficient; but at least it might well scratch the surface. It might just show the tip of the iceberg that does exist in this society and might also demonstrate the level of concern that the citizens of the Territory have on this matter. Mr Speaker, I endorse entirely Mr Collaery's motion and I look forward to unanimous support for it from the Assembly.

MR MOORE (4.57): When I was approached earlier today on this motion, I understood that it was going to be a motion to send this inquiry to a committee of this Assembly, and the only question for me was how much time a committee of this first Assembly would have, to deal with this issue properly. I believe, in fact, that it is a long-term issue and not a short-term inquiry. One of the problems with the motion is the notion of an inquiry of this nature reporting by 30 November. In dealing with any drugs there is a huge scope for a range of human behaviours. What appears to be the simple solution, just lifting the penalties and stopping people from doing it, simply does not work. To have another report along those lines would be an absolute disaster.

I believe that the intention of the Residents Rally in raising this issue is not to just politically grandstand at all but to express a serious concern about dealing with these issues. However, the appropriate way for this Assembly to deal with these complicated issues, I believe, is to allow one of its own committees to look at it or to establish a new select committee to look at it. Whatever happens, considering the time we are at with reference to the next election, I believe that any such committee should carry with it a recommendation for the inquiry to carry over into the next Assembly, the next Assembly having the prerogative, naturally, either to take it on or to let it go.

Whenever we are dealing with drugs, in particular, alcohol, which I think is the drug which causes most problems in Australia, we should take the approach that has been adopted by the Ministerial Council on Drug Strategy and the national campaign against drug abuse, and that is to minimise the harm associated with the drugs. That applies to whatever drugs. We have been quite successful in the ACT in beginning to tackle the killer drug tobacco. A great deal of credit for that goes to Mr Humphries for the action he took and the Bills that he brought to this house when he was Minister. We also have made some attack on alcohol through the efforts of Mr Collaery. I believe that quite appropriate and quite effective measures already have been put under way. What we need to do is to assess what the next step is in dealing with these particular problems.

One of the issues raised here is under-age drinking. It is not good enough simply to say to under-age people, "Look, just do not drink; it is bad for you". I find it very hard to believe that any member of this Assembly or even any member of the gallery was allowed to drink prior to the time that they were 18 years of age. In the case of many of us the drinking age was 21, as I am sure Dr Kinloch will recall. Maybe, in your time Dr Kinloch, it was even 25; I do not know.

Dr Kinloch: I may not have reached the age yet.

MR MOORE: Nevertheless, that is an issue that is important about people who are not yet adults and about how to deal with them. There is absolutely no point in increasing penalties if that does not work, and if it is demonstrated that it does not work. A tremendous amount of research has been done on this issue, particularly by Professor Nick Heather at the National Drug and Alcohol Research Centre. Professor Heather's team is recognised not only in Australia but worldwide as a leader in this issue of drug abuse, particularly of alcohol.

A review of trading hours for licensed premises is an appropriate part of such an inquiry; but it has to be done within that context of reducing the harm associated with the use of drugs, particularly alcohol. That associated harm does not stop just at the things that Mr Collaery and Mr Stefaniak have drawn attention to, of people who are drunk and who are causing a public nuisance. That is a great harm that is associated with the use of alcohol and one that does need to be tackled.

It also includes, of course, the health of people who use alcohol to excess and the areas that Ms Maher has drawn attention to - the harm associated with the families of people who use alcohol as a stimulant, domestic violence and other such problems. These are all harms associated with the use and abuse of alcohol. Whatever inquiry we have should concentrate on how to go about reducing those associated harms. It should have that as the major goal, rather than the reduction of the use of alcohol itself.

In fact, one thing that is likely to follow is a reduction in the use of alcohol rather than actually having that as the leading point. This policy of harm reduction that we have adopted in Australia has worked extremely effectively, as far as illegal drugs go, when compared with world standards. Because we have taken this kind of approach with reference to illegal drugs, we have managed to contain far better than almost any other Western country the spread of AIDS.

Similarly, with the problems associated with alcohol and tobacco, we can expect this kind of approach to work very effectively. Already we can see a significant reduction in the use of tobacco; similarly, voters followed a campaign

of reducing the harm associated with it and changing community attitudes. With reference to alcohol, we have already made some headway with community attitudes in ensuring that the people who do drink do not drive. The harm associated with that has improved. Mr Duby was instrumental in reducing the alcohol level from .08 to .05, and that is part of that same battle, concentrating on the reduction of harm associated with the use of alcohol.

I am not inclined to support this move for an inquiry under the ACT Inquiries Act; I am not inclined to support the amount of money that would be involved in an inquiry. By a quick calculation, that could easily go to $400,000, even by November. I think that expenditure to that extent would have to be much more seriously considered than by means of a motion that was drawn to the attention of members of the Assembly just prior to lunch. But, for it to go to an Assembly committee would be most appropriate.

Mr Jensen: It still costs money.

MR MOORE: Mr Jensen interjects that it still costs money. That is true. But it would provide a focus of attention within money that is already there.

Mr Jensen: It would get buried like this one did.

MR MOORE: Mr Jensen interjects and waves a committee report at me. We already have a committee report and we do not need a further inquiry. You are suggesting that we tackle this.

Ms Maher: What about the cost to the community if it continues?

MR MOORE: I will take an interjection from Ms Maher, who says, "What about the cost to the community?". I could not agree more strongly with that perspective. There is a great cost to the community.

The way we can handle this problem is for the Assembly to take it on, not for us to commission a further inquiry outside the Assembly. It is a perfectly appropriate inquiry for the Assembly to take on. If it gets to the stage that we make some headway towards resolving a problem that there are no black-and-white answers for, if a committee of the Assembly brings down a next-step type of report, that will be entirely appropriate, as it would lead the way for the following Assembly to bring down a report on the step after that, and so on.

It is a problem we have to tackle and I believe that the motion has been brought on with the appropriate motives. I just think the methodology that is being adopted is not the most appropriate methodology for us to use, and I think it is a shame that we have not had more time to think about it. Perhaps the appropriate thing to do is to adjourn this debate until tomorrow so that we can have more time to discuss it.

Ms Maher: Tomorrow? Next week.

MR MOORE: Until next week. Other than that, I cannot support the motion to go to a board of inquiry under the ACT Inquiries Act.

MR STEVENSON (5.07): I spoke on the matter of public importance and obviously I am very concerned about the alcohol problem, as are many people in Canberra. I am concerned that Mr Berry assumed, incorrectly, that I would automatically support an inquiry. I have some major difficulties with an inquiry as suggested by Mr Collaery. I feel that if there is to be an inquiry it should have sufficient time to do its job correctly. I do not feel that two months is sufficient time.

There is also another major problem. Anything less than that is not sufficient time. Anything more than that makes it even more difficult for anything to be done by this current Assembly, because we will be into a new election. After the election it could be suggested by a totally new government, with lots and lots of different faces, "We are not particularly concerned about that inquiry at all; we have our own ideas, our own platform, and we think the people want different thoughts", and so on.

So, basically, I do not think this is the right time for it. If there is to be one, it should be long enough. It should also have an indication that its recommendations will largely be supported. To have yet another inquiry with no teeth is not going to help us whatsoever. Another inquiry could make various recommendations, superb or otherwise, and be totally ignored by the Government.

One of the best indications we could give in this Assembly that we feel that alcohol is a problem and that we support these matters being investigated is to take up various recommendations that have been made in this Assembly as a result of inquiries and move that they be followed. There are a lot of people in the Assembly, but it does not appear that anybody is taking the slightest notice of what I am talking about. I think that is unfortunate. How would anybody know my views? It might have helped if I had been consulted about the idea of a motion being put in this Assembly on such an important matter, before that was the case.

Mr Humphries came across to me and said, "No doubt you have seen this", and I said, "Seen what?". Unfortunately, it was the case that I had not seen it. It is an important matter. I think it is highly important.

Mr Humphries: It was on your desk.

MR STEVENSON: Thanks. Prior to coming into this Assembly and becoming a member of the Standing Committee on Social Policy, specifically for the public behaviour inquiry, I had no idea that alcohol was the problem it obviously is. It is one of the major problems facing society and I certainly think something should be done. The first thing that should be done is that the recommendations of this Assembly should be followed before any other inquiry is undertaken. That would suggest that we have good faith about doing something.

I am extremely concerned about the money that another inquiry would take. However, I would be prepared to recommend that that happen under the right circumstances. I just feel at this particular moment that this motion is not it.

MR HUMPHRIES (5.12): Mr Speaker, this motion has caused the Liberal Party some concern. We have discussed this at some length in order to reach a view on the matter. Our view after that discussion is that the motion is fundamentally right in order to raise the question of reviewing the matters in that list under those dot points. Clearly, problems concerning the distribution and availability of alcohol in our community give rise to a whole series of other problems through a ripple effect. It is appropriate in those circumstances for us to address that important question in an appropriately detailed fashion.

The issue, of course, is who conducts the inquiry, what form it should take and what period should be allowed to provide for the inquiry's deliberations and for them to be made available to this Assembly and to the Government for its consideration. The view of the Liberal Party, Mr Speaker, is that this motion should be supported but that the reporting date should be amended. An amendment has been circulated in my name and, with leave, I will speak to that.

Clearly, requiring an inquiry to report by 30 November is too soon. Such a motion is clearly designed to provide for this issue to be an election issue and, as such, we would not support that. We do not believe that there is any need for this matter to be determined within the space of six or seven weeks, as would be the case if the motion, unamended, were passed today. We do, however, acknowledge the value of discussing those issues and of determining whether some action can be taken to address problems in those areas. As a result, we are prepared to move an amendment to that motion to provide for a reporting date of 29 February 1992, after the election due in that month.

The Liberal Party's policy, on police and justice and elsewhere, makes reference on a number of occasions to alcohol and its effects. The policy produced the Bill, moved only yesterday by Mr Stefaniak in this place, dealing with the places in this Territory where people may consume

alcohol outside licensed premises. Our concerns are not limited solely to that area. So, I believe, Mr Speaker, that it is appropriate for us to consider whether we should review more carefully, more thoroughly, the issues that have been raised in the MPI today. We accept that they should be so debated, but believe that the matter should not be handled in such a way as to politicise the issue unnecessarily before the next election. I have been persuaded, Mr Speaker, to foreshadow that amendment, which I will move later on in this debate. That amendment has been circulated. I endorse it and urge members of the house to support it.

MR BERRY (Minister for Health and Minister for Sport) (5.15): I want to make it clear from the outset that Labor recognises the difficulties that flow from the consumption and the abuse of alcohol. There is no question about that. What we are opposed to is grandstanding. I have mentioned that before in debate. You can almost pick what the Residents Rally is going to do by reading the *Canberra Times* on any morning. There it is this morning on the front page of the *Canberra Times;* it sounds like a good idea, so we end up with a motion.

The problems that we have to deal with have all been touched on by various people in the course of this debate. Ms Maher touched on various problems, known problems that flow from alcohol; Mr Duby touched on known problems that flow from alcohol. We all know what the problems are; there is no secret about them. We know of some issues that have been raised by Mr Collaery which were issues that were contrary to law at the time. He mentioned, as a bit of a red herring, the Whisky Au-Go-Go thing. That was an issue that ought to have been dealt with. It was contrary to law and was something that one could not foresee in any of these sorts of inquiries. He talked about there being no exit in a bar somewhere in town. That was contrary to the law and that should have been fixed in that context. No inquiry would fix those sorts of things.

One of the interesting things about this whole business is that, although we are so knowledgeable on this subject, there is no private members' business before the house to address those issues. That is the real issue - whether people are prepared to put their shoulder to the wheel, in terms of developing private members' legislation and so on, to deal with the problems that they know about.

This proposed inquiry is a quick fix. It is a political stunt, and that is to be expected. We are getting close to an election and we can expect that these sorts of things will happen.

Mr Collaery: It is not, Wayne; I am just telling you. I say that it is not.

MR BERRY: Bernard says that it is not. Does anybody believe him?

Mr Jensen: Well, I say that it is not, Wayne.

MR SPEAKER: Order!

MR BERRY: Nobody believes you either, Norm.

Mr Collaery: We have never even discussed the election, about it.

MR BERRY: Why are you so sensitive about it? It is a political stunt. I accept that. Nobody would argue that you are not entitled to do that, but the timing is silly. Look at the reporting date - 30 November 1991. It is a quick fix. Why would you pick 30 November 1991 on such an important issue, if you really think that these things need to be inquired into in detail? A review of penalties under the ACT Liquor Act - I do not know how long that would take. It would take a while, I think. A review of trading hours - - -

Mr Kaine: About three months, I would reckon.

MR BERRY: Yes. It would take a while. Access to licensed premises; planning and leasing matters - a fairly intensive inquiry would be required there, I suspect. A review of services presently available for those affected by alcohol; safety issues; and public order issues - if you were serious about these issues it would take several months to address them. There are perhaps six very serious issues of great weight which would have to be inquired into, if you in fact need an inquiry.

I argue that we do not need an inquiry. We know about the problems. What we have to do is work out ways to address them. Political stunts like this do not lead us anywhere because we will have an inquiry and a quick fix that does not address all the issues properly, and the people who have to deal with them will not have any faith in the outcome. It might be all right for the Residents Rally to do these sorts of things for political purposes, but what will happen next year when other people are elected to this Assembly? They will be left with the recommendations to deal with in some way.

My view about this is that if you want an inquiry, if you are desperate to have an inquiry, it ought to be a sensible inquiry that addresses the issues, gets to the bottom of the problems and comes up with sensible recommendations. It is quite proper for this house to deal with an inquiry within its own committee structure. There seems to be no reason why that could not happen. If you were really serious about an inquiry you would be very keen to address this issue yourself and make recommendations to this Assembly. This all points to a political stunt.

My colleague Mr Connolly later on will move an amendment to address the issue of the need for an Assembly committee to look at the matter; and I think that is the most appropriate course, if that is what you have to have. I do not believe that you need an inquiry. You ought to know the answers by now. There has been enough said on alcohol to keep us going for some time. It seems to me that if there is a need for inquiry, if you are desperate to have an inquiry, it ought to be an inquiry looked at within our own structure. It seems to me that the Standing Committee on Social Policy could address this issue, take their time about it and do it properly, and not lumber the government of the day with a quick fix which results in outcomes which nobody has any confidence in. That is the real problem you have.

Then we have to look at the cost of the process. Nobody has attempted to do that and this, I think everybody will agree, is a very expensive process. If you set up one of these inquiries you have to do it with the aim of getting a credible result. That means that you have to have the best people and as many of them as are required to get it done by 30 November.

Mr Moore: And the best terms of reference.

MR BERRY: The terms of reference might be another issue. To get it done by 30 November, I suggest, is a pretty tall order if you want a credible report. I think we are being led up the garden path on this issue. I do not think there is a need for an inquiry at all. I think, essentially, the motion ought to be defeated; but, if the house demands an inquiry, then it ought to be an inquiry conducted by a committee of this Assembly.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.23), by leave: I move:

(1) Omit "this Assembly calls upon the ACT government to:
(1) Appoint a Board of Inquiry under the *Inquiries Act 1991* into the sale and distribution of liquor and its effect. Such an Inquiry to have terms of reference which are to include, but not necessarily be restricted to:",
substitute: "this Assembly refers to the Standing Committee on Social Policy the question of the sale and distribution of liquor and its effect and that, without prejudice to the generality of the foregoing, the inquiry include:".

(2) Omit "(2) The report of the inquiry be submitted by 30 November 1991.".

As Mr Berry said in foreshadowing the amendments, the Labor Government believes that this is just a stunt by the Residents Rally, and this will put you to the test. If this Assembly is fair dinkum about wanting an inquiry into alcohol and liquor, it will vote for these amendments and take on the inquiry. The proper procedure for a parliamentary initiated inquiry is a parliamentary committee. Inquiries and royal commissions are there for the Executive to refer matters to.

Members know that it is lawful for the Government to ignore a resolution of this parliament calling for an inquiry, and we think we can smell a set-up. We think you are not fair dinkum about wanting an inquiry; you want to grandstand and you are quite happy for us to ignore it.

Ms Maher: Rubbish!

MR CONNOLLY: If you really want an inquiry, Ms Maher, you can have one. The parliament can have an inquiry. We are happy for you to have an inquiry, but we are not happy for you to grandstand. It is absurd. You are going to inquire into planning procedures. We have planning legislation coming up. You are going to inquire into social behaviour, human relationships. This could be the royal commission to end all royal commissions; it could last for 20 years.

This has been thought up by Mr Collaery, as Mr Berry noted, in response to a bit of publicity in the newspaper this morning because a clever *Canberra Times* reporter noted a throwaway line in a GALA report. We suspect that this is a stunt; but, if you are fair dinkum, if you really want an inquiry - particularly Ms Maher, as she is the chair of this committee - here is your opportunity. You can have an inquiry if you really want it. If this Assembly rejects the amendment to refer this to an Assembly committee, we will know, and the community will know, that you are not fair dinkum about this issue, that you are grandstanding and engaging in a stunt.

So, there it is. It is on the table; it is before the Assembly. If the Assembly wants an inquiry into alcohol and its effects, the Assembly can have one through the proper procedures. If, however, you reject this, we will know that you are onto a stunt.

MR STEVENSON (5.26): I wish to speak to the amendments. If there is an inquiry that does not involve the new parliament, there may be a problem with the new parliament having no ownership of that inquiry. The extension suggested by Mr Humphries, to the end of February, would not extend it far enough; December, January and February are the worst times for any inquiry to operate. It would need to go to at least the end of April, if such a thing is going to happen.

Mr Jensen: Why do you say that?

MR STEVENSON: It is not necessarily good to run it over Christmastime; that is all. The availability of people, as we well know, is not good. If there are overtime requirements and so on, that just makes it more expensive. If you are going to have the inquiry, and if you are going to extend the time of that inquiry, I believe that it should go to the end of April. However, what should happen is what Mr Connolly recommended, and I was going to suggest that the same thing could be done. We have the advantage in the Social Policy Committee that we have already looked fairly long and hard at this matter. In a couple of our inquiries we have heard about the problem of alcohol. We fairly readily could pick up the problem.

Mr Jensen: How many of these recommendations have been implemented?

MR STEVENSON: I will get to that in a minute. Four of the original five people on the Social Policy Committee are still on that committee. We do not need to spend much time in revamping a great deal of what we did. Mr Speaker, once again one wonders why one speaks in this Assembly. The Labor Party are taking absolutely no notice whatsoever; the people on the other side of the house are taking precious little notice as well.

Mr Duby: But the guard is fascinated.

MR STEVENSON: That is an interesting point. Which guard is that? One would wonder about some of the statements in this house about political manoeuvring or genuine concern about matters. I am very concerned about the suggestions that members' motives are not genuine.

Mr Duby: Dennis, it is just that you have no-one to caucus with.

MR STEVENSON: That is a good point; but one wonders.

MR SPEAKER: Order, members! Please keep your voices down.

MR STEVENSON: It is hard to know who is talking, with so many people on their feet and so many conversations going on. The absolutely remarkable thing is that standing order 39 states:

> When a Member is speaking, no other Member may converse or make any noise or disturbance to interrupt that Member.

I know that that has long been forgotten and I doubt whether, on a quick survey of that, had I not read it out, it would have been known by any single person in this Assembly, perhaps even including the Speaker and the guard, who probably takes a lot more notice, not being able to caucus with anybody, than some of the members.

However, to continue: It is a very - perhaps I can adjourn my speech until there is - - -

MR SPEAKER: Order!

MR STEVENSON: Why am I doing this? Am I doing it to record it in *Hansard,* so that at the end of the year it can say that Stevenson spoke on alcohol at some time?

MR SPEAKER: Please continue, Mr Stevenson.

MR STEVENSON: I wonder about the value of continuing. I wonder whether anybody around this place really cares.

If the inquiry that has been proposed by Mr Collaery is to go ahead, I believe that the date should be the end of April next year. That would give some ownership for the new Assembly and also allow time for the job to be done properly. Secondly, I suggest that a better course would be to follow the amendment suggested - it is to omit all words after "that", is it not? - by Mr Connolly. Mr Speaker, could we possibly invoke standing order 39?

MR SPEAKER: Mr Stevenson, you are being heard. I do agree with you, though, about the noise level.

MR STEVENSON: I can hardly hear myself, and I talk fairly loudly. I suggest that the Social Policy Committee, though we are in the middle of an inquiry and though we have the Estimates Committee hearings as well, could fairly readily make some recommendations, and some have already been made. We can just write them out again. That will not take too long.

Mr Collaery: It is too late in the parliamentary session.

MR STEVENSON: To have an inquiry? You say that it is too late in the parliamentary session, yet the original suggestion was to have an inquiry that reports at the end of November. One wonders about the planning of these things.

Mr Connolly: It is a stunt.

MR STEVENSON: Mr Connolly says that it is a stunt. I am not sure that his other amendment is not also a stunt. Nevertheless, what I try to do is get the best out of these things.

The Social Policy Committee could very quickly run over the recommendations we have already made, add a couple to them, take reports from other parties in this Assembly and put out something that will have a beneficial effect. It could report in the very near future - perhaps in a month or a month and a half - with time for this Assembly to vote well before Christmas, regardless of what the Labor Party wants to do in the Assembly, and for this Assembly to implement actions that will have a beneficial effect as a Christmas present to the people of Canberra.

MS MAHER (5.34): As chairman of the Social Policy Committee, I would love to take on this reference; but I have problems with taking recommendations from other reports. Those recommendations should have been implemented from the reports already submitted. I also have a problem with the fact that our committee does not expect to report on its inquiry into behavioural disturbance among young people until the end of October. We would then have only November and early December to do a report.

People are complaining about lack of time. There will not be time for this present committee to do a report, and there is no guarantee that the next Social Policy Committee will take on the same terms of reference. There is no guarantee that, if this matter is put to the Social Policy Committee, it will ever be completed.

Mr Wood: You are the chair; you can crack the whip.

MS MAHER: You do not know what it is like to do any work on a committee. You have no idea of the problems, especially coming into an election and especially when we have the Estimates Committee in front of us. We have a lot of work to do. I do not agree with Mr Connolly's amendment. I think an independent inquiry will have more success.

DR KINLOCH (5.35): I am sorry that there is so much politicking going on on this issue. I had hoped, perhaps unreasonably, that this would be a matter everyone in the Assembly would approve of, and I find it strange that that is not so. I would like to back up Ms Maher's comments. I do not in any way impugn Mr Connolly's motives. He has impugned mine; I do not impugn his, and I ask him to read standing order 55. There are just some impossibilities about the Social Policy Committee taking this on. I am only echoing Ms Maher.

Ms Maher: They are going to have the same problem.

DR KINLOCH: Ms Maher, I am happy for you to look at our appointments book, but we already have meeting after meeting to lead up to the report we are now working on. From my point of view, this emerged from a discussion in the Social Policy Committee. Ms Maher was there; Mrs Grassby was there; I do not remember whether Mrs Nolan was there or not; Mr Stevenson was there. We all agreed that the question of youth and alcohol was absolutely vital. We were passionate about it. As a result, this particular matter has emerged.

It is absolutely nothing to do with a sentence in today's newspaper. This topic was in our minds over the week or so since the committee met, and it was a question of when we put it in. We would have put it in on Tuesday. The GALA report came out only yesterday and it confirmed the need

for an independent committee - I stress "independent" - not an internal committee that has not got time; not a government inquiry, which would be too conscious of the revenue implications; not a liquor industry inquiry; but an independent inquiry. I realise that there are problems with the date and time, and I think Mr Humphries' foreshadowed amendment is very helpful.

I understand Mr Connolly's point. He wants to put his proposal up as some kind of challenge. I do not accept that. You do not know how hard we are working already on that committee; you do not realise how few days are left for us to do it. An independent inquiry - and I remind you of the Hudson inquiry, which we all appreciated, once it had been appointed - is the nature of the inquiry we have in mind.

In the politicking that went on, which I thought was most unfortunate, I wish to acknowledge some things: I think the pub card idea is excellent; I think the kind of educational material Mr Berry has with him is excellent; but I do not think we should dismiss the GALA report as facile, purely for political reasons. It is most unfortunate that the Labor Party does not take seriously a report from a public body, especially as it is its final report.

I also make the point that the reason for an inquiry is not to say that our notion is this, this, this and this. We are not saying that GALA's recommendations should be carried out. We are saying that GALA has raised these matters and they should be looked at. For example - and I said this earlier - one thought from the GALA inquiry is the raising of the legal age for drinking. That was seized on as though we had recommended the raising of the legal age for drinking. No-one said that. That was a complete misunderstanding of what was said.

GALA has raised a number of issues. The way to look at issues is to get an independent person or persons, or whatever it happens to be, to examine them, to inquire into them. Hudson acted independently, although he had some public service backup. That is the kind of inquiry we have in mind. We are not grandstanding about it. I think it is such an important issue that it deserves the support of everyone in the Assembly.

MR COLLAERY (5.41): I cannot add much to Dr Kinloch's remarks. They were heartfelt and well said. I simply want to make a few clarifications. I think Dr Kinloch did all the refutations. I see Mr Connolly still mouthing off and saying that it is a stunt. I do not think anyone in the Rally thought it was a stunt. I understood that the idea for an inquiry came from Ms Maher. I cannot remember where it started today, but certainly two weeks ago I issued a press release from the youth centre calling for an inquiry.

I issued a written press release - and I will stand on this - and Mr Connolly went on television that evening and said that we did not need an inquiry. That was filmed by WIN, and the proof lies on film. I think Mr Connolly owes us an apology. I called for an independent public inquiry into liquor in that press release because I was at the youth centre - - -

MR SPEAKER: Order! Mr Collaery, I have given you the opportunity to speak to the amendments. You are actually summing up, by the sound of things. I ask you to speak to the amendments.

MR COLLAERY: Mr Speaker, I am indicating why there should be an independent inquiry. I take your point and I will ration my remarks. All I see this board of inquiry doing, as distinct from the Assembly committee that Mr Connolly seeks in his amendment, is to tie together a lot of the issues that have already been researched. Since self-government, the one and only inquiry we have had under the Inquiries Act 1938 was the one to which Mr Kaine appointed John Enfield. I thought he did a fairly quick job; it was a fairly voluminous report. I do not know what it cost; but I am sure it did not cost so much that it would concern the community, given the important issues that were involved.

I do not see this inquiry as going any higher than that. There is a mass of information available in the community and within this Assembly in the Assembly reports, particularly from Mr Moore's committee and Ms Maher's committee. The stage is set for a very good and adequate flow of information to someone who will conduct an inquiry and look at those issues.

We have not been prescriptive; we have just said that the terms of reference could include the points raised. It is ultimately up to the Government, which would give this commission under the Inquiries Act, to set the terms of reference so that they have the cost of the committee under their control. They should not take cheap shots and suggest that they cannot have a board of inquiry because it will cost too much and that it should be an Assembly standing committee.

Those Assembly committees cost a fair amount of money too. It would need to be specially resourced, I would suggest, and you may find it costing even more than the sort of one-off inquiry that John Enfield did for us in another area. It may well be that the Government would seek that the inquiry set the stage for a series of issues for any incoming government, rather than produce an enormous range of reports and the rest. It may point up the need to do a number of things in government.

I reject totally the notion that this was a stunt. I asked Mr Jensen today to speak to various people and sort out a motion. He drafted it; he put the date on it. I did not have anything to do with the 30 November date. I supported whatever our whip had sorted out. I entirely agree, on reflection, that there is not sufficient time; but that defeats the very argument that we should use an Assembly standing committee. If the formal inquiry to 30 November did not have sufficient time, as Labor said, why do they think an Assembly committee would have any more time, given the short span left in the Assembly?

I recommend that the Assembly to cool this argument a little, be reasonable, and allow us to have the inquiry. I think Mr Moore should reflect a little and see that it will not go to the HIV committee. How about supporting this inquiry on a clear understanding that it is not going to take up a lot of public funds?

MR BERRY (Minister for Health and Minister for Sport) (5.46): It will take up a lot of public funds. If you are going to have an inquiry such as this, it has to be done properly. Let us not forget that there have been any number of these sorts of inquiries in the past. Who has got the answers so far?

Ms Maher: What about the money from Ainslie tip?

MR BERRY: Ms Maher asks, "What about the money from Ainslie tip?". That is one of the big mistakes of Craig Duby, and thankfully that has been rectified.

Mr Kaine: You cannot take the money from the Duby Dome because that is already up.

MR BERRY: I am very glad that he picked up the recommendations in our 1989 report. That was wise of him.

The real problem for the Assembly is how much money it is prepared to commit to this independent inquiry. None of the supporters of the inquiry knows how much it will cost; none of them has suggested where the money will come from or what services will have to be cut to accommodate it. There is not one mention of that. This is totally irresponsible, and they ought to reflect on their thinking. Mr Collaery made it quite clear that this is a stunt and no more than that. It is about the lead-up to an election, so that he can dig up something that he might be able to run on.

Mr Duby: This is the fourth time you have run this argument. Have you any fresh opinions?

MR BERRY: Mr Duby complains about this issue being raised over and over again. I hope he does not try no self-government again. It probably will not work this time. We will find out next Monday what his next stunt is.

This is an important issue, but it is one that the Government is aware of and is acting on. However, if you decide that you must have an inquiry, for whatever reasons you choose to justify it, then that inquiry ought to be taken up by the Assembly processes. If you do not agree to take up this inquiry under the Assembly processes, we have flushed you out. You are not serious about this issue if you are not prepared to do the job yourselves. You have been flushed out.

The chair of the Social Policy Committee does not want her committee to look at this issue - an issue clearly of interest to that committee. She will not have a go. Let us be serious about this. If you really must have an inquiry, why not let the Social Policy Committee do it. Why do you not agree?

Dr Kinloch: We have already explained that.

MR BERRY: I know that you are overworked, Hector. Have a couple of days off. Leave it to the able-bodied ones to get on with the inquiry.

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

> That the question be now put.

Question put:

> That the amendments (**Mr Connolly's**) be agreed to.

A vote having been called for and the bells having been rung -

MR SPEAKER: I will give a ruling under standing order 155. Two members, Mr Berry and Mr Collaery, called for the vote at the same time. Mr Collaery was virtually out of order in that I had already called that the Noes had it. He then called that the Noes had it. Under standing order 155, in normal circumstances that would mean that Mr Collaery should vote with the Ayes. However, as Mr Berry called at the same time "The Ayes have it", I will rule that Mr Collaery can vote with the Noes if he so desires.

The Assembly voted -

AYES, 7	*NOES, 9*
Mr Berry	Mr Collaery
Mr Connolly	Mr Duby
Ms Follett	Mr Humphries
Mrs Grassby	Mr Jensen
Mr Moore	Mr Kaine
Mr Stevenson	Dr Kinloch
Mr Wood	Ms Maher
	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

MR HUMPHRIES (5.54), by leave: I move:

Omit "30 November 1991", substitute "29 February 1992".

I do not need to speak to the amendment. It has been discussed pretty well before, and I commend it to the house.

MR SPEAKER: I draw your attention to another issue, Mr Humphries. You got leave to speak a second time. You need leave under standing order 142 to move that amendment.

Leave granted.

MR MOORE (5.55): This amendment improves the original motion somewhat. However, I am disappointed that this has not been sent to an Assembly committee. I think there is a great misunderstanding about a committee of inquiry looking into alcohol and planning and leasing matters, safety issues and all those associated things, and coming out with a concrete answer in a short time. Investigations into drug use and other areas have not found that an appropriate and profitable way to operate. The most sensible way to operate is for a long-term committee to take the problems step by step.

Anybody who thinks there are going to be simple black-and-white answers to problems associated with alcohol is wrong. It does not work that way. In many countries where penalties have been tightened up the impact has been just the opposite. It requires not a clean sweep but a very sensible approach and, I would argue, by a parliament, with recommendations to take things a bit at a time.

I believe that this inquiry has the potential to cost a significant amount of money without really making a major contribution to a solution to the problems. If the terms of reference are reworked - and there is room for that - perhaps something can be gained by it, but I wonder at what price. I think the methodology being employed by the Assembly is entirely inappropriate. The appropriate thing to do, before we consider this motion, is to come up with proper terms of reference.

An hour-and-a-half ago we should have adjourned the debate and ensured that we had a sensible discussion on the best terms of reference. Instead, within five minutes of coming into the Assembly this afternoon we had the final form of this motion. Even with the amendments and the juggling on the floor of the house, it is the wrong way to operate. The motion should have been adjourned. I therefore think it is appropriate that we actually now move to adjourn the debate, and I do so.

MR SPEAKER: You have already spoken, so you do not have the right to do that, Mr Moore.

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

That the question be now put.

Amendment (**Mr Humphries'**) agreed to.

MR STEVENSON (5.59), by leave: I move:

Omit "29 February 1992", substitute "30 April 1992".

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

That the question be now put.

Amendment (**Mr Stevenson's**) negatived.

Question put:

That the motion (**Mr Collaery's**), as amended, be agreed to.

The Assembly voted -

AYES, 10	*NOES, 6*
Mr Collaery	Mr Berry
Mr Duby	Mr Connolly
Mr Humphries	Ms Follett
Mr Jensen	Mrs Grassby
Mr Kaine	Mr Moore
Dr Kinloch	Mr Wood
Ms Maher	
Mr Prowse	
Mr Stefaniak	
Mr Stevenson	

Question so resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 6.03 pm until Tuesday, 17 September 1991, at 2.30 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 421

Ambulance Service

Mr Moore - asked the Minister for Health on notice on 28 May 1991:

1. How many ambulances are available for use at sporting events.

2. How many of these ambulances are booked regularly and/or in advance.

3. What fees are charged for attendance at these events.

4. Have these ambulances been unable to attend or have been late in arriving at these sporting events; if so, (a) on how many occasions has this occurred; (b) what are the reasons for these late arrivals or absences; (c) will the number of ambulance units, and consequently crews, be increased to counteract this insufficiency; (d) what refunds or waiving of fees are offered as a result of this lack of service; (e) how many complaints have you received from sporting bodies about the late arrival of emergency vehicles; (f) what responses have you made to those complaints.

5. What injuries to livestock and humans have resulted from poor attendance of emergency vehicles at sporting venues.

MR BERRY - The answer to Mr Moores question is as follows:

1. There is no specific set number of ambulances assigned to sporting events. The ACT Ambulance Service operates four operational units, staffed by two Officers on each unit. Should a sporting body or organisation require an Ambulance to attend their event, then arrangements outside the four restated units are made. That is, additional staff are restated on duty to specifically attend sporting commitments. The number of events will determine the number of additional crews restated on duty to attend.

2. The ACT Ambulance Service has two sporting bodies who regularly contract the Service to attend. These are the ACT Racing Club and the ACT Harness Association. The ACT Racing Club has 31 race meetings for 1991 and 10 Barrier Trials per year (1991): The ACT Harness Club events during .1991 consist of 13 Saturday nights, 1 Saturday afternoon, 2 Friday nights and 1 Sunday afternoon.

3315

3. The ambulance fees are determined through the ACT Special Gazette No 554, Monday, 1 July 1991, Health Services Act 1990 Board of Health Determination of Fees and Charges, ACT Determination No 21 of 1991. These are:

Where on the provision of the ambulance service for a person:. (a) the distance necessarily travelled by the ambulance from its station and in returning to its station exceeds 16 kilometres: $160.00 per service plus $4.60 for every kilometre exceeding 16 kilometres. (b) in any other case: $160.00 per service.

Where 3 or more persons are transported together in an ambulance: The amount payable by each person is equal to three quarters of the amount that would otherwise be payable under this Determination.

Where the ambulance vehicle is made available at the request of a person or organisation conducting a sporting event or other public function and: (a) the vehicle is so made available for 4 hours or less: $328.00 per service, (b) the vehicle is made available for more than 4 hours; the aggregate of $328.00 per service and amount calculated at the rate of $82.00 for each hour or part of an hour by which the period during which the vehicle is so made available exceeds four hours.

4. Yes there have been occasions when the ACT Ambulance Service have not been able to attend sporting events.

(a) the ACT Ambulance Services records show two separate incidents where they did not provide a unit. These incidents were the Gaelic Football Test Match in November 1990 and the Harness Races in November 1990.

(b) On both the above occasions the Service was involved in industrial disputation action. Due to industrial bans the Service was unable to attend.

(c) It is not planned to increase the number of crews to be available sporting events throughout the year.

(d) As the Service did not attend the above functions there were no fees charged to the organizations.

(e) On 27 October 1990, the ACT Racing Club expressed concern at the late arrival of the Ambulance although the ambulance was in fact not late. The first race is 1.30 pm and the ambulance arrived at 1.25 pm.

(f) On the occasions where the Service did not attend due to industrial bans, the Service formerly wrote to the organisations prior to the event, with an explanation as to our absences.

5. There have been no injuries to humans or livestock resulting from poor attendance of emergency vehicles at sporting venues.

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 432

Private Hospital in Belconnen

Mr Humphries - asked the Minister for Health on Notice on 6 August 1991:

1. How many expressions of interest were received for the proposed private hospital in Belconnen.

2. How does the Minister intend to proceed with the tendering process.

Mr Berry - The answer to Mr Humphries question is:

1. This information is "Commercial-in-Confidence" and therefore not available.

2. The Government has decided not to proceed with the private hospital.

3317

MINISTER FOR HEALTH

LEGISLATIVE ASSEMNLY QUESTION

QUESTION No: 436

Ambulance Service

Mr Humphries - asked the Minister for Health, Sport a Industrial Relations on Notice on 6 August 1991:

1 On what occasions since June 6 have there been less than four ambulances and crews available to response to emergencies in the A.C.T. and surrounding regions?

2 Will the Minister provide a monthly update providing details of occasions when there were less than four ambulances and crews available to respond to emergencies in the A.C.T. if not, why not.

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

1 On all occasions since June 6 1991 there have been four onduty ambulances deployed throughout the Territory.

Four on-duty ambulances at any time, is the current agreed crewing level for the service.

2 As the ambulance service has now returned to full operational strength, it is anticipated that the service will not be forced to operate at a level lower than the four on-duty ambulances. Accordingly, I do not consider it necessary to report this operational status on a monthly basis. I of course am monitoring the performance of the service closely.

3316

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 440

Public Hospital Beds .

Mr Humphries - asked the Minister for Health

How may beds, by speciality, were available in the public hospital system when the Minister came to office in early June.

Will the Minister provide the Assembly with monthly updates on public hospital bed availability.

Mr Berry - The answer to Mr Humphries question is:

1. The average number of available beds in the ACT Public Hospital system in may .1991 was 894 and in June 1991 was 891.

There is no allocation of specific numbers of beds to the different specialities; any further breakdown as requested is therefore not available.

2. I will give due consideration to future Assembly questions which seek information along these lines.

3319

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 441

Public Hospital Waiting Lists

Mr Humphries - asked the Minister for Health

1. How many people were on public hospital waiting lists, by speciality, when the Minister took office in early June.

2. Will the Minister undertake to provide the Assembly with a monthly breakdown of waiting lists by speciality.

Mr Berry - The answer to Mr Humphries question is:

1. The number of people on public hospital booking lists at the end of May was 1789.

The attached listing shows number of people on public hospital booking lists by speciality.

2. I will give due consideration to future Assembly questions which seek information along these lines.

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BOOKING LISTS FOR ELECTIVE SURGERY BY SPECIALITY
ROYAL CANBERRA AND CALVARY HOSPITALS

May
1991

Orthopaedic 363
Ear, Nose and Throat 154
Gynaecology 261
Urology 111
Plastic surgery 202
Paediatric surgery 80
Ophthalmology 31
Neurosurgery 95
General surgery 267
Thoracic 0
Vascular 65
Dental 88
maxillary 72
TOTAL 1789

NB. Dental patients under the care of the maxillary sugeons are now counted under dental.

3321

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 474

Law Courts Building - Police Accommodation

Mr Stefaniak: To ask the Attorney-General - With regard to the accommodation in the Courts -

(1) Will the Attorney-General give to the Police a room on the same floor as the Magistrate and Supreme Courts.

(2) If so, when is the earliest it will be provided.

(3) If not, why not. What more suitable accommodation is available for Police on these premises.

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

(1), (2) and (3) The ACT Law Courts building is occupied by both the Magistrates and Supreme Courts. Responsibility for the Supreme Court and the Law Courts building itself rest with the Commonwealth and will not be handed over to the ACT until 1 July 1992 at the latest.

I understand that the Supreme Court have formally offered a room to the Australian Federal Police (AFP). The room will have to be shared by the AFP and Magistrates Court staff as there is a general shortage of space in the building. While there is apparent co-operation from both parties to the joint use of the room, the AFP have yet to respond to the offer.

3322

Minister for Health

Legislative Assembly Question

Question No: 494

Health Promotion Fund

Mr Stefaniak - asked the Minister for Health

With regard to the Health Promotion Fund (HPF).
(1) What monies have been allocated from the HPF during the period 1 March 1991 to the present.
(2) What organisations were they allocated to and for what purposes.
(3) What were the health messages used.
(4) What organisations have applied and been refused allocations of money from the HPF. What amounts did they request and for what purposes.

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

(1)

Since 1 March 1991 to present the following monies have been allocated from the Health Promotion Fund;
Health category $198 121
Sport and recreation category $201 400
Arts and culture category $42 935
Research category $10 970

A number of these allocations extend into the financial years 1991/92 and 1992/93.

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(2 & 3)

Under the health grant category the following organisations were allocated monies from the Fund for a range of purposes:

$9 072 to Sistertrust to offer twenty scholarships for women of low socio-economic background to attend the NOW course at the ACT TAFE.

$23 500 to the National Heart Foundation, ACT Division for the Health Heart campaign supporting sporting sponsorship proposals recommended by the Fund.

$46 000 to the ACT Cancer Society for QUIT and Sun Smart campaigns supporting sponsorship proposals recommended by the Fund.

$10 000 to University of the 3rd Age to extend and promote their education opportunities and activities for older people in Canberra.

$8 400 to the Australian Lions Drug Awareness Foundation to conduct alcohol and drug in-service courses for teachers in ACT schools.

$11 000 to the Community Nutrition Section, ACT Board of Health to revise and reprint "Cheap Thrills in the Kitchen", a recipe book for young people with limited resources.

$11850 to the ACT Cancer Society to conduct four "QUITS" - facilitators" in-service courses for youth workers, community workers, teachers and occupational health and safety officers.

$3 950 to the Canberra Senior Citizens Club to conduct a health promotion campaign for senior citizens in Canberra.

$5 000 to Diabetes Australia - ACT to conduct a diabetes awareness campaign to support sport sponsorship proposals recommended by the Fund.

$1 980 to the Arthritis Foundation of Australia - ACT to conduct an Arthritis awareness program supporting sport sponsorship proposals by the Fund.

$5 000 to the ACT Asthma Association to conduct an asthma awareness program supporting sport sponsorship proposals by the Fund.

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$4 500 to the National Council of Women ACT to conduct a seminar on Budgeting for Health for care givers who work with people who are at risk of disease and illness in the ACT community.
$40 000 to the ACT Life Education Centre to support operational costs of the centres alcohol and drug information and education program for young people in the ACT.
$15 000 to Assisting Drug Dependants Inc. to revise and reprint Is it worth the risk a basic guide on the effects of drug use in pregnancy.
$42 869 to the ACT Community Health Association for continued support of the Healthy Cities project.
$13 100 to the Australian Nutrition Foundation to conduct the Carnival of Food, Fun and Fitness.

Under the sport and recreation category the following movies were allocated, using a variety of health messages.

$7 500 to ACT Minor Rugby League for sponsorship of the 1991 minor rugby league football season under the ACT Smart, Dont Start smoking campaign.
$11 400 to the Canberra Harness Racing Club for sponsorship of the 1991 Canberra Cup under the Diabetes awareness campaign.
$7 000 to the Fitness Leader Network for sponsorship of the National Capital Aerobic Championships under the Heart Health campaign.
$30 040 to the Confederation of Australian Sport in 1991, 1992 and 1993 for QUIT sponsorship of the ACT Conference program.
$2 500 to the ACT Womens Cricket Association for sponsorship of the 1991/92 season under the Sun Smart campaign.
$45 000 to the Wheelchair Sports Club for sponsorship of Wheelchair Basketball over three years under a nutrition campaign.
$8 000 to the Calisthenics Association for sponsorship of the 4th Australian Calisthenics Federation National Championships under a nutrition message.

3325

$10 000 to the ACT Water Polo Association for sponsorship of the 1991 ACT Water Polo program sponsored under an Asthma awareness campaign.
$2 000 to the ACT Table Tennis Association for sponsorship of the 1991 Table Tennis Open Championships. The Championships will be sponsored under an Arthritis Message - Move it or lose it.
$1 000 to the ACT Bocce Association for sponsorship of signal at local Bocce clubs with safe drink - drive and QUIT messages.
$18 000 to the ACT Orienteering Association for sponsorship of local and national events held in Canberra over 18 months in 1991 and 1992. The program is sponsored under the Heart Health campaign.
$25 000 to the ACT Soccer Federation for sponsorship of components of the 1991 ACT Soccer season under the QUIT campaign.
$20 000 to ACT Netball Association for sponsorship of the 1991/92 notable season conducted through . the ACT Netball Centre. The program is sponsored under the Heart Health campaign.
$8 000 to the Kippax Amateur Swimming Club for Sponsorship of the 1992 NSW Country Swimming Championships through the Heart Health campaign.
$1 000 to the ACT Veterans Athletic Club for sponsorship of the 1991 Fun Run under a Diabetes awareness campaign.
$5 000 to the ACT Badminton Association for sponsorship of the 19991 schools program under the Heart Health program.
Under the arts and culture category the following

organisations were allocated monies for grants and sponsorship. The sponsorship messages varied for each campaign.

$500 to the Canberra Art Workshop to replace tobacco sponsorship of the Workshops exhibitions and program under the QUIT campaign.
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$10 000 to the Australian National Eisteddfod Society for sponsorship of the 1991 Eisteddfod in the ACT, under Heart Health campaign.

$13 935 to the Eureka Theatre Company to produce a play which addresses issues of blindness, paralysis and schizophrenia.

$18 500 to the Canberra Youth Theatre Company to produce two radio-dramas which focus on diabetes and alcohol.

Under the research category the following monies was allocated.

$10 970 to the National Centre for Epidemiology and Population Health to investigate the determinants of dietary change.

(4)

The following organisations have applied and been refused allocations of monies from the Fund.

National Capital Motorsports applied for $7 500 for sponsorship of safe driving program for young drivers.

ACT Australian Football League applied for $80 000 for sponsorship of the 1991 football season.

ACT Council of the Ageing applied for $69 400 to conduct a retirement planning program.

Belconnen Health Centre applied for $10 540 to employ a nurse to work with the Chronic Pain group at the Centre.

Open Family Foundation applied for $92 367 to conduct an ACT streetwork project for young people.

ACT Occupational Health and Safety Office, Chief Ministers Department applied for $50 000 to conduct a smoke free work environment project.

Community Nutrition Section, ACT Board of Health applied for $22 500 to produce a range of nutrition fact sheets.

Canberra Contemporary Art Space applied for $6 800 to assist in the costs of developing an exhibition on death and dying.

Gilmore Community House applied for $1 560 to conduct a Body, Food and Emotion program.

Belconnen community Centre applied for $4 100 to implement a project called Fabric of our Lives.

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ACT Red Cross Society applied for $1 895 to conduct a QUITS in-service course for youth workers in the ACT.

Apossiblic Theatre applied for $6 706 to contribute to the cost of producing a community theatre production entitled A Sampling of Souls.

illegals Access Arts applied for $10 100 to develop and produce occupational health and safety poster for artists in the ACT.

Radio Station, FM 104.7 applied for $60 000 to continue to conduct a community phone-in program.

Belconnen Youth Centre applied for $14 740 to conduct a group for young unemployed people in the Belconnen region.

ACT TAFE - School of Tourism and Hospitality applied for $17 952 to conduct three courses called "Cooking for Health".

Ministry for Health, Education and the Arts applied for $100 152 over three years to employ a health project liaison officer.

Australian Sports Drug Agency applied for $65 985 to conduct an ACT community awareness program on drugs in sport.

Youth Adventure Holidays applied for $5 095 to conduct a holiday camp for children.

National Heart Foundation - ACT.Division applied for $26 832 to conduct a Heart Health umbrella campaign.

Family Planning Association ACT applied for $23 802 for the development and production of a sexual health resource kit.

3328

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 504 .

Department of Health - Employee Statistics

Mr Collaery - asked the Minister for Health:

How many employees were there in each Division and Branch of his Department and each of the agencies that report to it, and what is the breakdown by classification level, by permanent or casual, and by full or part time.

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

1 The breakdown of classification levels by permanent or casual, and by full or part-time staff on 1 July 1991 is as follow:

ACT Health Staffing

	Permanent		Casual	Total
Staff Category	F/T	P/T		
Ambulance Officers	62	1	-	63
Technical Officers	197	33	14	244
Dental Staff	52	6	15	73
Medical Staff	208	9	22	239
Health Service Officer	396	186	197	779
Professional Officers	439	91	38	568
ASO, SO & SES Staff	854	84	77	1015
Nursing Staff	1096	745	342	2183
Miscellaneous	10	-	1	11
Compensation (Various)	72	4	2	78
Gen Service Officer	181	7	12	200
	3567	1166	720	5453

Less - Intellectual Disability Services 246

5207

2 ACT Health are unable to provide staffing figure breakdowns at Division and Branch level.

3329

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 510

Kambah Health Centre

Mr Humphries: To ask the Minister for Health:

1. Is it the case that occupants of the Kambah Health Centre have been complaining about hygiene problems resulting from the presence of possums in the Centres roof.

2. When was the first complaint received.

3. What are the public health implications of the presence of the possums in the centres roof.

4. What action has been taken to humanely remove the possums and clean up the mess they have created.

5. Why has action not been taken earlier.

Mr Berry - The answer to Mr Humphries question is:

1. I regret that it is the case that occupants of Kambah Health Centre have been complaining about hygiene problems resulting from possums in the roof.

2. Unfortunately, possums have been gaining access to the space between the roof and ceiling for some two years.

3. The public health implications are that the continued presence of excreta in the space above the ceiling causes unpleasant odours and is a focus of attraction for further infestation.

4. The procedure for removal of the possums as recommended by Parks and Conservation is to trap the possums and hold them whilst the holes allowing access to the roof - ceiling space are plugged to prevent future access; excreta is removed; ventilation ducts are covered with wire mesh and the area is cleaned. Possums are then released.

I should point out that possums are a significant feature of Canberra suburban life. Every effort has been taken to treat them humanely.

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5. The procedure described has been carried out repeatedly over the last two years. Unfortunately, because of the large roof area of Kambah Health Centre, not all the holes have so far been plugged to completely prevent access by the possums. With the continued help and advice of the Parks and Conservation Service, I am confident the problem will be solved.

3331

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 528

Health Portfolio - Public Relations Staff

MR KAINE - Asked the Minister for Health:

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 is as follows:

(a) 1 x Public Affairs Officer Grp - part time (mornings) shared
with Hospitals
(b) nil

(c) 1 x Senior Public Affairs Officer Gel
2 x Public Affairs Officer Grp
1 x ASO 5 (Promotions Officer)
2 x ASO 3 (1 Graphic Artist, 1 Administration)
1 x ASO 1 (Administration)

1 x Public Affairs Officer Grp - shared with Ministers Office [see (a) above].

The Public Relations Section attends to media liaison, public relations, publications preparation and promotional matters.

Woden Valley Hospital/Royal Canberra Hospital has a Public Affairs Officer Grade 3 who attends to public relations and media matters relating to the hospitals day to day needs. This officer also spends approximately twenty hours a week in my office as a hospital redevelopment liaison person.

Personal staff in my office also handle public relations and media matters.

Staff involved in advertising are not included above. Regular advertising for positions vacant are handled by the Personnel area. Public notices and advertisements for seminars and courses run by the Organisational Development, Health Advancement and Community Nursing areas, to mention a few, are produced by relevant project officers. Advertising is not co-ordinated by one area.

3332

ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 531

Attorney-General Portfolio - Public Relations Staff

MR KAINE - Asked the Attorney General upon notice on 6 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 CONNOLLY - The answer to the members question is as follows:

(a) Part of the responsibilities of the Private Secretary (ASO 6) is to co-ordinate media releases.

(b) Consumer Affairs Bureau

1 x Senior Officer Grade B - 10% of duties. 1 x Administrative Officer Grade 6 - 50% of duties.

The above staff are primarily involved in promoting fair trading in the ACT.

(c) Australian Federal Police (ACT Region)

1 x Journalist
1 x Media Liaison Officer
1 x Sergeant
2 x Constables

In addition, the duties of another 18 persons deployed to ACT Region include, to varying degrees, tasks of a public relations nature, although these do not represent their major function. These personnel are employed in the Crime Prevention, Neighbourhood Watch and Safety Education Unit of the Region and as School Resource Officers.

3333

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 532

**Housing and Community Services Portfolio -
Public Relations Staff**

MR KAINE.- asked the Minister for Housing and Community Services - 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 CONNOLLY - the answer to the Members question is as follows:

(a) Part of the responsibilities of the Private Secretary (AS06) is to coordinate media releases.

(b) Senior Officer Grade C - 50% of duties.

(c) Nil.

3334

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 543

Sport Portfolio - Public Relations Consultants

MR KAINE - asked the Minister for Sport upon notice on 7 August 1991:

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

MR BERRY - The answer to the Members question is no consultants have been or are engaged in public relations, media, advertising, promotional and related tasks in the Office of Sport and Recreation.

3335

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 544

Health Portfolio - Public Relations Consultants

Mr Kaine - Asked the Minister for Health:

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 BERRY - The answer to the Members question is as follows:

(a) nil

(b) nil

(c) Rearm Research Pty Ltd a community survey in connection with the hospitals redevelopment project.

3336

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 555

Sport Portfolio - Consultants

MR KAINE - asked the Minister for Sport upon notice on 7 August 1991:

(1) In the period from 6 June 1991 to 6 August 1991, what consultants were employed by (a) the Minister; and (b) each agency in the Ministers portfolio.

(2) For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy. -

MR BERRY - The answer to the Members question is no consultants were employed by the Office of Sport and Recreation in the period 6 June 1991 to 6 August 1991.

3337

Mr Speaker

Question No. 563

Members and Staff - Office Rent

Mr Jensen - Asked the Speaker upon notice on 8 August 1991.

What was the amount of rent paid each month for that part of the ACTAC building used (a) prior to 6 June 1991 and (b) after 6 June 1991 for offices of non executive Members and staff excluding that space provided for the Speaker.

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

Funds were included in the Secretariats 1990-91 Budget to cover rent and utility services (such as cleaning and electricity) for the members (including the Speaker) and staff other than Ministers located on levels 0, 1 and 5 of the ACTAC Building.

This funding was paid to the ACT Accommodation Services Section within the ACT Public Works and Services Group, Department of Urban Services. They are the central area within the ACT Government Service responsible for accommodation services. They administer all contractual payments in respect of rent and utility services associated with the ACTAC Building.

During the year, two payments were made to ACT Accommodation Services, as follows:

Date of payment Amount

29 November 1990 475,493

7 February 1991 475,493

Based on the above expenditure, average monthly accommodation costs in 1990-91 were $78,833.

Being so close to the end of the 1990-91 financial year, no Budget adjustments were made to the Program to reflect new accommodation arrangements following the change in Government on 6 June 1991. Estimates for accommodation for 1991-92 are still being negotiated. Appropriate financial adjustments will be reflected in 1991-92.

3338