DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 December 1991

Thursday, 12 December 1991

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

POSTPONEMENT OF ORDER OF THE DAY

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

> That order of the day No. 1, Assembly business, be postponed until a later hour this day.

SOCIAL POLICY - STANDING COMMITTEE
Report on Behavioural Disturbance among Young People

MS MAHER (10.32): I present the report of the Standing Committee on Social Policy entitled "Behavioural Disturbance Among Young People", together with extracts of the relevant minutes of proceedings. I move:

> That the report be noted.

I feel a sense of relief with the tabling of what I feel is a very important report of the Social Policy Committee's inquiry into behavioural disturbance among young people. Firstly, I thank the other members of the committee - Mrs Nolan, Mrs Grassby, Dr Kinloch and Mr Stevenson - for their contribution. I also thank Mr Wood for all the work he did as chairman of the committee up until June this year. I also thank all those who contributed to the report, formally or informally, especially the young people who spoke to us about their personal experiences.

I wish to acknowledge the work of research officer Anna Pagel; Vicki Salkin especially for her research into youth suicide; and administrative assistants Kim Blackburn, Fiona O'Brien and Brigid Barry for the hours they put into typing and formatting, amongst other things. Last but not least, I express my gratitude to committee secretary Judith Henderson, whose expertise in this area has been invaluable. Her dedication not only to the report but also to the young people in the community in general has been beyond question. I thank Judy for her support and take this opportunity to wish her well as this afternoon she leaves to go and live in Tasmania. It is a big loss to the committee and to the Assembly.

Mr Speaker, children are great. They are our future. We as parents bring them into this world. They deserve to be given the opportunity to enjoy life to the full and to develop into well-adjusted adults. We need to acknowledge that children are unique and should be allowed to develop their individuality. It is widely acknowledged that the first few years of a child's life are the most important. These first years have a major impact and influence the child throughout life. At the time the committee established its terms of reference, we had no idea just how broad they were or how far-reaching the problem was. A behaviour problem can affect all aspects of a young person's life, that is, home and family, school, employment, health, welfare and social development.

The committee was very much aware of the financial constraints within the Government and, where possible, suggested redirection or prioritising of funds to accommodate recommendations. Some members of the committee considered the 39 recommendations to be a wish list. Maybe it is a wish list, but we are talking about the lives of our children. The Government needs to acknowledge, as do most professionals, that in the long run it is cost-effective to invest funding in prevention and early intervention rather than in crisis situations and solutions, not to mention the quality of life that our children are entitled to.

Unfortunately, the results in most instances of preventative measures and early intervention cannot quickly be measured. Many of the guidelines for those receiving funding are dependent on statistics, outcomes and solutions. In many cases this means that support comes too late, and the effects can be devastating and lifelong - again, not only for the young person but for all those involved. An article in the *Canberra Times* on 21 June put it very simply:

> Today if something cannot be seen, measured and labelled then it does not exist.

I think attitudes are slowly changing, but we have a long way to go. The committee received many different definitions of behavioural disturbance among young people. Some were general, while others were more specific. There is no one standard definition. The definition adopted by the committee is set out on page 8 of the report:

> *Behavioural disturbance* in this report is defined as behaviour that is, or may lead to, behaviour that is seriously disruptive and/or dangerous either to the young person and/or others in the community.

The committee also defined the term "young person" as being young people from birth to the age of 18 years.

Behavioural disturbance among young people is a complex issue which can have one or more causes and can manifest itself in various types of behaviour, including, and I quote from page 9:

violence against family members, peers and those seen as authority figures;
depression;
inability to maintain friendships;
lack of concentration;
lack of social skills;
petty crime;
emotional disturbance;
truancy;
antisocial behaviour;
alcohol abuse;
drug abuse;
uncontrollable acting out;
defiance of authority;
extreme withdrawal.

Biological, psychological and family and cultural influences can be related to behavioural disturbance. Naturally, family and culture have a major influence on behavioural disturbance. In relation to research, I quote from page 12:

> ... the quality of care given to children is the most important influence on child development.

A recent study by Shaw and Scott, published this year in the *Australian Journal of Psychology*, found a relationship between parental disciplinary style and adolescent delinquent behaviour. It concluded that, where parents explained to a child the causes, effects and consequences of his behaviour, this would have a positive effect and the child would develop a sense of personal control over events in his life and his own behaviour; whereas, if parenting was, as the study puts it, punitive and the withdrawal of love was used as a disciplinary technique, this would have a negative effect which would diminish the child's sense of personal control and increase the likelihood of delinquent behaviour.

In many cases such as family breakdown, lone parenthood and poverty, it is not the actual situation that has an adverse effect on the behaviour of children but all the associated stress that goes with it and how those situations are handled by the adults involved. I was quite surprised at the amount of evidence which referred to the lack of effective parenting as a major cause of behavioural disturbance in children and young people.

Maurice Balson's book *Becoming Better Parents* refers to today's parents as the first generation of parents who are not parenting by tradition. Previously, parenting was carried out in an autocratic social system of "You do as I say, not as I do". With women's liberation, equal rights and

opportunities, et cetera, parents are having to cope with a more democratic social system. In fact, some do not know whether they are being good parents or not because they have no models to work from.

We are not born with parenting skills. They are skills we have to learn - and, boy, does it hit home once you have had your child. Parents need to be taught "people skills", how to negotiate and communicate, the fact that you do not need to be an authoritarian figure all the time. It is okay to discuss things; it is okay to admit that you have made mistakes or you do not know everything. These skills need to be built into the learning process right through our education system, from preschool to college and in TAFE, so that the next generation have them.

For those who are already parents or becoming parents, there are various parenting programs available. Unfortunately, at present they are not well attended. Maybe they are not advertised effectively. What came out in the evidence is that people do not attend them because of the stigma attached. The committee's recommendation, on page 103, acknowledges the need for parenting programs.

Evidence also identified teenage mothers as a high risk group prone to ineffective parenting. While the committee was visiting Westmead Hospital in Sydney, we were briefed on the hospital's clinic for teenage mothers. On page 102, the committee has recommended that the Department of Health establish a pre- and post-natal program for unsupported teenage mothers. Parenting has a major effect on a child's life.

Child abuse was seen as another major issue. Much of the evidence and research shows that there is a strong relationship between abuse and the onset of behaviour problems. During our visits to refuges we were informed that the majority of young people who go through the refuge system have been abused.

Due to the glaring absence of ACT data, right through the report, the committee used, where necessary, national and international research and has recommended that research be undertaken in the ACT. Recommendation 5.29 recommends research into prevalence data and recommendation 11.43 recommends research into the effects of ACT early intervention programs. For information on prevalence data the committee used a Queensland study because of its similarity and was able to relate it to the ACT.

At paragraph 5.6 the report states that, based on 1990 population forecasts, the ACT could have between 13,000 and 15,500 children under the age of 18 with psychiatric problems ranging from mild to severe. The number of children who are presenting at child-care services and preschools with behaviour problems is increasing at an alarming rate. The report states at page 26:

> Preschools and childcare centres have extremely limited access to support services to assist them in dealing with children with behavioural disturbance.

There is only one preschool resource teacher and no formal allocation of counselling time to preschools. In evidence, the deputy secretary of the Department of Education and the Arts indicated that there was little hope for additional counselling resources for preschools, part of the reason being that preschools are out of the mainstream schooling system, that is, six to 15 years of age compulsory schooling. Basically, I think it is a feeble excuse and attitudes need to change.

The committee has recommended at paragraph 11.43 that the Department of Education and the Arts redirect adequate resources to early intervention programs for children with behavioural disturbance at the preschool level. I cannot overstress the importance, as the evidence indicated, of early intervention, especially in the early childhood years. The committee acknowledges that the Government is beginning to address these problems; but we have a long way to go, especially if we are to reduce the number of children falling through the system.

In 1989, due to concerns of ACT preschool teachers, the play therapy program was established with Commonwealth - not ACT, but Commonwealth - funds, and a part-time therapist was employed. In 1990, 21 children were referred to the program, but due to a lack of resources only 13 were accepted. What happened to the other eight? The program relies on an annual Commonwealth grant and has no guarantee of continuation. I personally urge the ACT Government to ensure that the program continues and, if possible, expands.

The committee made two recommendations, on page 26, with regard to the developmental screening of three-year-olds. The first recommendation is that the service be publicised and the second is that we ensure that community nurses receive ongoing training in administration of the three-year-old development test. The service is available on request and is extremely important for parents, teachers, child-care workers and health professionals who have concerns with a child's development.

As I mentioned earlier, child-care services have limited access to support services. Children's Day Care Services has acknowledged this and has appointed a special needs worker to work with children with behavioural disturbance. Considering that there are over 3,500 child-care places, additional resources need to be allocated, which is our recommendation on page 104.

Students with behavioural disturbance are found at all levels of the government school system and the problem is growing. Education identified three broad groups: the first is males from 12 to 15, who are aggressive, have low academic functioning, are verbally intimidating, and have erratic attendance; the second is females, typically in years 8, 9 and 10, who are resentful of authority, difficult to control, and engage in at-risk behaviour; the third is chronic non-attenders, although precise numbers in high schools are unknown.

Other groups the committee identified included quiet and withdrawn students, gifted and talented students and those who are unmotivated; and also those with depression who may need special help. It was estimated that there are between 1,200 and 2,000 children with disruptive behaviour across the ACT government school system. There would be at least one or two students in every school who are extremely emotionally disturbed. The committee recommends, on page 37, that the development of effective student management policies be given a high priority. At present, only 23 primary schools have resource teachers. The report states at page 34:

> The Deputy Secretary of the Department of Education and the Arts told the Committee that the Department is hoping to increase the number of resource teachers in the coming year to one to every two primary schools.

I hope that the Government sticks with this and it is done. There is a severe shortage of counsellors right across the ACT school system. The department has difficulty in recruiting counsellors as they need to be highly trained. *(Extension of time granted)* The committee's recommendation appears at page 37:

> the ACT Department of Education and the Arts
>
> ... ...
>
> increase the support available to classroom teachers ... and the provision of more school counsellors and resource teachers;
>
> ... ...
>
> develop incentives and options to encourage more teachers to undertake training as school counsellors or resource teachers.

Throughout the evidence it was acknowledged that not all children fit into the normal school system and that off-line programs need to be developed with emphasis on development of basic skills and self-esteem. The behaviour management support program has a primary and secondary unit. In 1990, 229 students attended; 158 had assistance within their own school; and 71 were enrolled in a withdrawal class.

Mr Speaker, over the last year you would be aware of the controversy over the secondary unit, which is in the process of being reviewed and moved to Dairy Flat. Some evidence suggested that the primary unit also needs to be reviewed. Concerns were raised regarding the waiting time to enrol students into the unit. Generally, when a school applies they are in a crisis situation and consider it inappropriate to have to wait weeks and weeks.

Schools reported that students were being reintegrated into the school system too early and were not provided with sufficient back-up support. Also, the location of the unit and transport to and from the unit pose a problem and need to be considered when being reviewed.

Truancy, or absence from school without permission, was identified as a serious problem by both government organisations and the community. In each high school it is considered that there would be up to five or six students truanting each day. The committee found it difficult to believe that the Department of Education and the Arts was unable to provide precise numbers of students truanting and that there is only limited follow-up if a child is found to be truanting. Presently, truanting is covered under two pieces of legislation and administered by two different agencies. Considering that the consequences of truanting are devastating, the committee has recommended, at page 51:

> the ACT Government review the legislation relating to non school attendance;

In New South Wales truancy had become a serious problem and a successful home-school liaison program was established to deal with it. The ACT would be well advised to follow the example.

The committee's attention was repeatedly drawn to the fact that categorisation and diagnosis, or the lack of diagnosis, created difficulty for people to access services. There is insufficient professional mental health support available for children and adolescents in the ACT and there are no appropriate psychiatric facilities for young people. Young people with psychiatric conditions are admitted to an adult ward, which is inappropriate, and the committee was told that often staff are not sympathetic.

The committee visited the adolescent ward at Westmead Hospital, and recommends, on page 56, that a similar ward be established in the ACT public hospital system. The cost would be minimal, as the beds are already there, and the benefits would be immeasurable. Staff who are sympathetic to the special needs of adolescents would need to be specially trained. The committee is disappointed that the Government has not seen fit to go ahead with the adolescent ward during the hospital redevelopment as it is an ideal time to do it.

The report points out at page 61 that there are extremely limited services outside the education system for adolescents with behavioural disturbance. The planned adolescent day-care unit and the structured day-care program will go some way to filling the identified gaps in this area.

The committee was of the impression that sufficient funds were being injected into the adolescent area in these times of economic constraint, but considered that a review of coordination of funding should be undertaken so that priorities can be re-examined and funds redirected, where appropriate. At page 61 the report states:

> A behaviourally disturbed adolescent usually displays a number of inappropriate behaviours rather than just one which may be seen as inappropriate.

This makes the whole issue of behavioural disturbance in adolescents an even more complex issue to address appropriately.

Generally, adolescents who present themselves at refuges are in crisis and need appropriate counselling; otherwise they are at risk of developing more serious problems. The committee has recommended that the appropriate Minister request the Commonwealth Government to review SAAP-funded services, particularly in relation to including professional support such as counselling. Due to SAAP funding guidelines at the moment, youth refuges are not able to employ a range of professionally qualified staff. Although staff do their best, many adolescents fall through the system.

I turn to youth suicide, which is seen as a serious problem in the ACT. It is increasingly being seen by young people as an alternative to life's problems. This is a matter of deep concern. Like other forms of behavioural disturbance, the underlying causes are complex, making it a perplexing issue to deal with in the ACT, as in other parts of Australia. For those left behind, the sense of loss and the depth of emotional stress is immeasurable. After traffic accidents, suicide is now the greatest killer of young people in Australia, which I think is horrific. The problem of attempted suicide is also quite serious.

Up until March this year there was a social work crisis service located at Royal Canberra Hospital. The committee sees this service as being crucial and has recommended, on page 85, that the service be re-established. The committee was also concerned with regard to hospital procedures after suicide attempts. These concerns centred on the adolescent being placed in an adult psychiatric ward and the lack of family support. The committee was also told of young people being inappropriately treated by medical professionals and that medication, too, was sometimes inappropriate.

Generally, the Government needs to have a good look at the services related to suicide and attempted suicide. The committee acknowledges the work of the Prevention and Management of Youth Suicide Group and recommends, on page 95, that the Government continue to support it, along with coordination of government and non-government groups working in the area. *(Extension of time granted)*

A major issue that was raised in both formal and informal evidence was organisation and coordination of services. I quote from the preface:

> As children do not fit neatly into categories, service providers need to take an holistic approach. That is essential, especially in a climate of fiscal constraint.

Mr Speaker, what I consider to be a major recommendation of the report is on page 111, where the committee recommends:

> the Government establish an interdepartmental Committee to develop and implement an interagency referral process for young people with behavioural disturbance;
>
> the interagency referral process be developed and implemented first for school aged students and in the second stage be extended to include all children and young people with behavioural disturbance.

The committee visited South Australia and met with some of the people involved with the development and implementation of the South Australian interagency referral process. The referral process was set up in response to social and behaviour problems of schoolchildren in South Australia. In the other recommendation which refers to coordination of services, on page 59, we recommend:

> the ACT Government review the organisation of Health, Welfare, Education and Intellectual Disability services and develop a more integrated model of service delivery.

I believe that these recommendations are extremely important.

The recommendations bring me to the five-year strategy, which involves a whole range of recommendations. The report states at page 112:

> The Territory is geographically compact and has a dedicated and skilled workforce both in the government and non-government sectors. The ACT ought to be able to develop a system of service provision and delivery that leads the nation.

I really believe that we are in a position to do that. As I have already said, in considering the recommendations the committee was mindful of the need to ensure that the implementation occurred within existing funding levels.

In closing, I point out that the committee became aware in the course of its inquiry of two major issues which, in its view, warrant separate inquiries; namely, the provision of youth services and drug and alcohol abuse. I look forward to those matters being taken up by the Second Assembly. Mr Speaker, once again I thank all those involved. I commend the report to the Assembly and hope that the Government takes up the recommendations.

MRS NOLAN (10.58): Mr Speaker, I can say at the outset that I will not be quite as long as Ms Maher. I submitted a dissenting report, and I did so for many reasons. I want, first of all, to address some of the issues in relation to behavioural disturbance among young people. I then want to read parts of that dissenting report, because I think it clearly explains my reasons.

One of the things I have to say in relation to any committee report is that it is not the size of the report and the number of recommendations that are important. I was a little horrified to see a media release yesterday which stipulated the number of pages of a committee report. I do not think that is the issue. The report should clearly outline the deliberations of the committee and make the necessary recommendations for making changes in a specific area. I do not think the number of pages or the number of recommendations is relevant.

A lot of the work done by this committee and the bulk of the committee report, I support. Clearly, I think the emphasis was placed a little wrongly. While the original reference related to behavioural disturbance, the committee did not look closely at prevention but rather at the situation once people had behavioural disturbances.

I have already stated that, to deal with emotional and behavioural disturbances and social misconduct in our society's young people, it is necessary to start at a very early age. There is a long list of people who are affected, including people such as carers, parents, teachers, siblings, school peers, to name but a few. I am of the opinion that it is because of early unsuspected, unintentional negative conditioning that the number of people with behavioural disturbance is on the increase.

Currently in the ACT not enough emphasis is being placed on services to prevent and diagnose emotional health problems, and there is insufficient assistance to parents, who are primarily responsible for the personality development of infants and young children. Parents who talk with their children and help them develop ways of understanding the

world and managing its complexities make a child feel supported. As a consequence, they raise the child's self-esteem and diminish possibilities of the child becoming depressed, leading on to all sorts of other problems, and possibly ending up with behavioural disturbance.

There is a wide range of behavioural problems evident among young people in the ACT. Research has shown that behavioural disturbance can be in one of two forms. The first is the externalised type, which is probably the type most of us can clearly identify and includes things such as anger and defiance. The other is the internalised form, which is apathy or withdrawal. Some of that behaviour is identified in the committee's report. It includes violence against family members, peers and those seen as authority figures; depression; inability to maintain friendships; lack of concentration; lack of social skills; petty crime; emotional disturbance; truancy; antisocial behaviour; alcohol abuse; drug abuse; uncontrollable acting out; defiance of authority; and extreme withdrawal.

Most of the behaviours I have listed are of the externalised type and they cause significantly more disruption than the internalised type and on the surface are more difficult to deal with. Internalised behavioural disturbance is largely exhibited by girls, or so the evidence indicates, and their needs are largely being overlooked.

There are many causes of behavioural disturbance in the young, some of which are known and some of which are not known. Research, both in Australia and overseas, shows that there are biological, psychological, family and cultural influences that are related to or may contribute towards behavioural disturbance. Therefore, each case needs careful consideration. Specific behaviour disorders such as hyperactivity, distractability and childhood psychosis are suspected to have a biological base. Brain damage or dysfunction, evident either at birth or as a result of an accident or illness later on, can often cause or contribute to behavioural disturbance. For the most part, the great majority of these instances really do happen at a very young age.

Intellectual disability is also often related to behavioural disturbance and there is also some relationship between gender and behavioural disturbance, as I mentioned a little earlier. At the psychological level, it has been found that those of school age have higher frequencies of mental retardation and attention deficient disorder, with or without hyperactivity, when compared with rates for non-school-age children. In the field of mental health, it is generally agreed that abnormal patterns of behaviour, as well as any emotional problems established early in life, are very difficult to reverse in adulthood. I think that is a very important point. It is very difficult to reverse those problems established early in life. They must be identified early, rather than trying to change them later.

The very important point is that children are not born with behavioural disturbance. It is imperative that early detection and prevention be made possible. This was certainly an area where much more emphasis needed to be placed by the inquiry. The correlation between learning difficulties and behavioural disturbance has been demonstrated. It has also been concluded that personality characteristics are different in children with conduct disorders than in others.

I heard Mr Jensen mention that children are not necessarily born with behavioural disturbance. I would say to Mr Jensen that they are not born with behavioural disturbance. Sometimes there are disabilities at birth which then contribute to behavioural disturbance later on, but no child is born with behavioural disturbance.

Doctors, teachers, counsellors and community workers have identified a strong relationship between effective parenting skills and behavioural disturbance in children and young people. A lot of people who came before us and some members of the committee cried out for more parenting skills classes to be made available. I put it to the Assembly that there are a range of parenting classes available. It is unfortunate that most parents do not see the necessity to make use of those classes. I am aware of some classes where they have not had enough numbers and have not been able to continue.

Again, it is an attitudinal thing. We have to try to instil in parents the importance of taking those sorts of classes. We should not just go out and make more classes available. The attitudinal problem is the one we have to contend with, and that is making parents recognise the need to be part of that process. You can have as many classes as you like; but, unfortunately, very often they will not be well attended.

I mentioned earlier, when I answered a statement Mr Jensen made, that there are other causes, such as a single traumatic incident or disabilities the child is born with, that can contribute to behavioural disturbance; but I have to stress that no child is born with behavioural disturbance. Things such as family and cultural influences also have some effect.

The quality of care received is another factor. Several studies have indicated that ongoing excessive unresolved and maladaptive conflict in families can contribute to behavioural disturbance, and I acknowledge that point. In some cases that does happen, and certainly it would contribute to behavioural disturbance at a later age rather than at an early age.

The report has identified specific issues relating to adolescents with behavioural disturbance, and I think that is very important. It deals with such things as accommodation, and it also identifies problems in relation

to poor literacy and numeracy skills, drug and alcohol abuse and teenage pregnancy. I acknowledge that there are extremely limited services outside the education system specifically for adolescents with behavioural disturbance.

I also acknowledge that in times of tight fiscal constraint it is a matter of how best the dollar can be directed, and I think the emphasis needs to be placed on the young children coming through. That is not to say that adolescents should not receive some assistance. They should. A lot has been done in relation to providing accommodation; but it is unfortunate that the youth refuges in particular, which provide crisis accommodation, are not equipped with trained staff to give specialised support. A lot of money is spent on accommodation and staffing. This is not a criticism of the staff at any of the refuges; it is a criticism of the system. They are not properly trained to deal with young people with behavioural disturbance.

The majority of behavioural problems that occur in the classroom and playground are caused by underlying and undiagnosed learning problems. Early intervention is crucial for these children; therefore, the main thrust of available sources in future should be phased into early childhood, preschool and primary school. Special education exists for those with learning difficulties; but children at the other end of the scale, and I am referring to the gifted and talented, need special consideration as well. Identification of gifted and talented children is not always easy. They often act up, get bored, give up and develop behavioural problems. Many teachers can identify gifted and talented children as long as they do not play up.

Currently, there are quite a few schools in the ACT attempting to cater for the needs of the gifted and talented. However, I fear that there are many gifted and talented children who are not being identified. The stigma towards the child who has above average potential in certain areas is a tragedy to our nation. It is essential that any program that is implemented to cater for gifted and talented children should not be considered elitist. These children often become bored with conventional lessons and look for other outlets to release their energies. By creating challenges for these young people, they may well remain attentive and productive.

The concept being considered by the New South Wales Education Department, enabling the early completion of the Higher School Certificate by gifted and talented young people requiring university admission, certainly has merit. We should look at offering similar opportunities here in the ACT. In fact, consideration should be give to early entry into preschool, primary school and high school for those young people who need that extra challenge.

The needs of children who are quiet and withdrawn are very different yet again. I do not think enough emphasis was placed on either of those groups of young people, but in particular the quiet and withdrawn. Just because behavioural disturbance is not easily identified as the externalised type, that does not mean that those young people are not going to have serious problems as they continue on in their lives.

Drug and alcohol abuse is seen by those working with young people as a serious problem. Again, it is a problem that often is not recognised. There is a limited range of services available for young people, and this certainly came up when I was on another committee looking into illegal drugs. It was put to us continually that, in terms of legal drugs such as alcohol, there were problems in relation to services, particularly for young females and women, and in this report young females are the ones I am referring to. Again, there are significant gaps, and the problems of most young people who present at specialist drug and alcohol treatment services are well advanced. There needs to be more emphasis on teachers and general health and community service workers, in terms of prevention and early intervention, so that they receive the necessary training in drug and alcohol related issues.

I have mentioned numerous times already the need for early intervention as a means of preventing the development of secondary problems. This is because behavioural disturbance is often evident from a very young age, although I acknowledge that the development of behavioural disturbance can occur at other times during a child's life. In relation to providing appropriate early intervention programs, it is a case of redirection of those funds that are already available, and I think that is very important. To date, most of the early intervention programs have been only piecemeal, and that is very unsatisfactory. *(Extension of time granted)*

I urge the ACT Government to recognise the value of and give priority to the development and implementation of such programs for children and young people. As I said at the outset, the report concentrated almost exclusively on behavioural disturbance. It is absolutely essential that we look at programs to identify the needs of young people prior to their being identified as young people with behavioural disturbance. I should like to quote a couple of paragraphs from my dissenting report:

> The needs of other classroom students were not given attention, the needs of the gifted and talented young people were not sufficiently addressed, the needs of the shy, quiet students very often not learning were also not addressed in the necessary detail.

Diet in particular, particularly for young children, was almost exclusively avoided; but I think it is very important for young children. We see a hyperactive child go into a clinic over and over again, and it is unfortunate that the parent is told that the child is just growing up. There is a lot more to it than just growing up, and in terms of diet it is unfortunate that we did not address this issue for young people, because it is very important.

There will also be some people who will question, and rightly so, why the value or otherwise of religious education, unemployment, the social cost of higher education retention rates in the ACT and the changing patterns of society's awareness of many of these associated issues were not sufficiently addressed. School discipline but, perhaps more importantly, acceptable behaviour for a young toddler should have received attention during the committee's deliberations.

I think the point is worth reiterating that often professionals reassure parents that their son's or daughter's behaviour is only part of growing up. Evidence was given to the committee, by parents of now teenage young people with behavioural disturbance, that repeated requests for help at an early age went unnoticed and were ignored. Many of the submissions came from primary schools, and I think more emphasis should have been placed on speaking with and taking evidence from parents and carers of young people with behavioural disturbance. Also, attempts should have been made to speak with, even on an informal basis, young people with behavioural disturbance and young people in the classroom.

I think the evidence focused very much on the education professional, and perhaps the focus should have related to the health professionals. In my view, most of the problems are there from the child's very first years. I urge the Government to put more focus on the coordination of services rather than on the provision of services. I went on in my dissenting report to mention the non-government sector and the large problem provided by bureaucratic red tape. While I would not normally single out any individual organisation, I would like particularly to place on record the work of Marymead and Barnardo's. They do excellent work in this very complex area.

I have said, in conclusion, that the report lacks vision and a comprehensive five-year strategy, and will do little to change the status quo. Behavioural problems will continue to be a major issue in our community, and I hope that this report will be the beginning of the problem receiving the attention it rightly deserves.

In conclusion, I should like to thank the other members of the committee, as well as the previous committee chairman, Bill Wood. The inquiry received considerable attention from many people who were very hopeful of an outcome that

would clearly redefine the way this issue needs to be looked at. I am not sure that that has happened. I particularly thank the committee secretary, Judy Henderson, and wish her well in her new place in Tasmania.

This certainly was not an easy inquiry. I have now sat on many committees of inquiry in this Assembly, and I have to say that this was a very difficult one. It is unfortunate that we could not get a consensus report. I always think that that is much more important than a report that ends up with some people dissenting. I hope that this is the beginning of a process of addressing the issue appropriately.

DR KINLOCH (11.19): First of all, this has been a most interesting committee with which to work, beginning with Mr Wood - father of four, with a background in primary education, among many other activities. I want to show the ways in which the committee came to this inquiry with special interests.

We had a young grandmother with a background of nursing experience, namely, Mrs Grassby. We had a mother with two children who are in the age group we are looking at and are in non-government schools. We had a mother with a son in this age group in a government school. We had a father of three, all of whose children have left school, but he remembers those days very well indeed. Finally, to give a contrast, we had a bachelor with another point of view and a different philosophical position on the question of what the state does in relation to the child. Should the state be parental, patriarchal, matriarchal, or should the state keep hands off?

We had, over the term of the inquiry, a great range of views and a great range of experience. Above all, we had the experience of Judith Henderson, herself a mother of two and with a good recognition of the problems in this arena, but also with a professional, competent background in the literature, in the reality of the schools and the reality of the problems we face. I want to endorse what Ms Maher has already said about Mrs Henderson. It was a tremendous effort on her part. We were eternally grateful to her, and she showed that great quality of grace under pressure. Before we completed the report, I believe, we had something like 15 meetings - perhaps it was more.

May I also add my congratulations to the second chair of the committee. Bill Wood started it off well but took on other responsibilities, and we are very glad that he is there to receive this report. Ms Maher took it on capably, at full tilt. She was always prepared to work hard with us, discussing the report with us, in cooperation with Judith Henderson. I thought it was an excellent effort. I have to disagree with some of the remarks made by Mrs Nolan, although I want to say some positive things there too.

What comes out of the report most strongly is the stress on early intervention. We came across that time and time again. It is no good waiting for the bandaids, the remedial measures, for the 14-, 15-, 16-year-olds. You have to have those remedial measures - you cannot do without them - but what you must have is a society that begins to deal with these problems of behavioural disturbance in the cradle and then in preschool and kindergarten. It is that area to which the report devotes a considerable amount of attention. Again, I cannot agree with Mrs Nolan that attention is not given there. I would have thought it was one of the main areas of the report.

Another area of the report I was very conscious of was that we had not time to deal with particular social problems - for example, the problem of alcohol. Committee members soon realised the huge impact those alcohol problems had on the kinds of general problems we were dealing with, but we were not able to deal with them. That was one reason why some of us asked that an inquiry into alcohol be undertaken separately by the Assembly as a whole or by the Government or by an independent inquiry - any or all of those. That was not passing the buck. It was recognising a very special dilemma out of which many of the problems came.

I am very pleased to say that the report is based on careful evidence. I regard it as a scholarly piece of work, not in every respect but certainly in most respects. It is based on written, oral and field trip evidence of a considerable range, both in the range of places where the written material comes from and the range of places to which we went to take evidence.

The willingness of people to come to give evidence before this inquiry was most heartening, including some people for whom it must have been very painful indeed. Their evidence is somewhat disguised in the report. The committee members had a good understanding of the issues, especially as a result of direct contact with professionals, including a varied range of students who could be called behaviourally disturbed. I want to stress the benefit of the direct contact with professionals, whether in South Australia, Sydney, or on the way to Sydney at Tallong, or in the ACT. There is just so much time available and there is just so much evidence you can take. I agree and disagree with Mrs Nolan's comments about working with students, and I will come to that later.

I think the report is very detailed, as anyone who reads it can see. I think we should be proud of it and pleased that we have been able to pass this advice on to the Government. I recognise the wish list element in the report, as Mrs Grassby recognised; but it was not our business to cost everything. It was our business to say, "Look at these problems about youth suicide, early intervention and the teenage years, and make appropriate recommendations". That is what we did.

I now come specifically to Mrs Nolan's points, because if they are read without additional comment I think she has considerably damaged our report. She claims that the report does not have vision. I ask her to read chapter 13 again, both the realistic and idealistic aims in that section. The future is considered in the five-year plan, but it is considered in the light of what can really be done. I look especially at the recommendation in chapter 15. Mrs Nolan says, on page 130, that there was not nearly enough time. There is never enough time; we all recognise that. Would that we could have had more time on a number of points.

Mrs Nolan: I did not say that there was not enough time.

DR KINLOCH: Well, I am looking at what you have said here. Would that we could have had more time, but we did not. We used a great deal of time and it is my belief that we used that time effectively. I am very puzzled by this sentence:

> Equity for all young people seemingly was not given the necessary consideration.

I just do not believe that. Not fully knowing what it means, I cannot fully comment; but we did try to look at a whole range of young people. Had we had time, we could have visited 10, 15 or 20 schools. We did not have time; would that we had time. Nevertheless, we did have a fair understanding of a range of schools and we did go to some schools and some places where there were young people in a state that we might call behaviourally disturbed.

I very much agree, though, with her comments on page 130 about not taking into concern other classroom students. This is a problem. We were directing our attention to the question of the behaviourally disturbed students. Quite rightly, as Mrs Nolan points out, what about all the other students who are affected by behaviourally disturbed students? If there were to be another report, I think that is an area that should be addressed, whether in the government or non-government schools. I congratulate her on that particular point.

I would argue, looking again at page 130, that many of these issues that are claimed here not to have been discussed - religious education, unemployment, the social cost of higher education retention rates - we did discuss, one way or another, whether on a plane, or in a car, or on a field trip, or between ourselves, or in meetings. To be sure, one could have done more, and I would like to have done more in relation to religious education; but we did consider that matter. Again, time runs out on you; there are not enough hours in the day.

I would agree and disagree about visiting. It would have been good, would it not, if we had been able to see at first hand every situation in the ACT; but we did visit

Ainslie House, Bruce Hostel, Hawker College, the Holder Remedial Centre, the Yarralumla Remedial Centre and elsewhere. I am thinking in particular of the very successful program at Tallong in New South Wales. *(Extension of time granted)* We did try to touch - - -

Mrs Nolan: Did we talk to the students?

DR KINLOCH: Yes, we did talk to students in each of those places - Ainslie House, Bruce Hostel, Hawker College, the Holder Remedial Centre, where I talked to a young man who was trying to set the place on fire, and at Tallong, which was one of the most enjoyable and fascinating places that we went to. Of course, one could do more. I thought we did what we could in the time we had.

In making these criticisms of Mrs Nolan's dissenting report, I do recognise that she sees that most of what we did was excellent, and I would say that she played her part in that. She has a keen mind; she looks carefully at paragraph after paragraph; she picks up errors. I think the excellence of the entire report is very much due to her, the two chairs and the other members of the committee. I do commend the report. Again, to conclude, I wish Judith Henderson well. May this Assembly be served by as excellent and competent a public servant as she is in this committee in future.

MRS GRASSBY (11.20): I wish to make a few comments on the report. We have been working on the inquiry into behavioural disturbance among young people for a long time. My colleague Mr Wood was the first chairman of this committee. He recognised this problem. I wish to comment that, of the many committees on which I have served, it is very difficult not to have been personally affected by this particular inquiry.

At times the amount of material in front of us seemed overwhelming. Eighty-seven written submissions were received and over 50 people gave evidence. They represented schools, both primary and secondary, and the community organisations which deal with children and parents. We visited 12 hostels and schools in the ACT, and the early committee travelled to New South Wales to visit seven organisations dealing with problem children. The extent of the problem seems enormous, and I am left with much sadness that this type of inquiry is even necessary.

However, Mr Speaker, if ever I felt the weight of the inquiry I would stop for a minute and think about those who have to cope with disturbed youngsters day in and day out, and they are the teachers in schools and the parents who have to deal with these children. The impact upon society is enormous and expensive. The demands placed upon parents is never ending and the effect on teachers and other children in the school system is disruptive and damaging. But never can we ignore it because it is too hard and too expensive, or turn our backs and hope that it will go away. It will not.

Therefore, our Social Policy Committee did what was only right and proper - it examined an issue that will not go away and will not be tackled unless society and government deal with it. I put society first because I think a lot of the blame lies at society's doorstep. There have always been children whose behaviour has been at odds with their parents and with older society. There is no lack of comments on this matter in history.

I was brought up in a very strict and disciplined era in society. I feel at times that we are overlooking the fact that children have this right to be able to do whatever they like. We have to reach a point where we teach children that they have responsibilities as well as rights. I lay this at the feet of the parents. If parents are not prepared to take responsibility for their children they cannot expect society to do it. However, I feel that it is not always the parents' fault. The point is that parents need a lot of teaching.

The measure of the increase in significant behavioural disturbance is presented in the evidence of this important inquiry. Unquestionably, trends associated with society today are such as to place much greater pressure on families; hence the need for a greater look at the problem. I share the community's concern about the extent of behavioural disturbance and I strongly support the recommendations which attempt to alleviate this problem.

There are some recommendations of particular importance. One of these is the urgent need to identify children with behavioural problems as early as possible in their preschool and school life. The earlier that attention can be paid to these children, the better the prospect that there will be some successful outcome. Very often, Mr Speaker, the trend is to attend to the most urgent problems which are usually surrounding the older students. This is a great mistake. Because the younger child or a child at preschool can be easily contained, the problem is often overlooked.

Mr Speaker, I believe that it is very important that links between the home and the school be strengthened considerably. Where a child is disturbed in his or her behaviour, it is very difficult to make any improvement unless the home is fully involved and totally committed in this process. It is essential, therefore, that family counselling be available for parents who are already under severe stress because of the demands placed upon them by society, and who suffer enormously from the further disturbance caused to their lives by the children who are unable to behave acceptably.

Mr Speaker, I also give high commendation to the teachers in the ACT who are called upon to handle these students, and to do so while providing a full program for 30 other children in their classes. Indeed, they may well have more than one student with quite severe problems. I acknowledge

the stress under which many teachers work and applaud them for their dedication to the task. While I have sympathy for the parents, I feel that the problem may be due to the fact that parenting skills are not taught in schools. When we ask, "When should parenting skills be taught?" we are told, "At the family planning stage". I believe that they should be taught in schools.

I firmly believe that there are no bad children born. There are children born with problems, but they are not bad. But there are inadequate and hopeless parents, in many cases. When a psychiatrist was asked why people ended up in asylums, he said: "The trouble is the schools. They teach too much geometry, physiology and science; not one of the subjects you need to get into a madhouse". He said, "What they should be teaching is how to get a good discount". Maybe he was Scottish.

The fact is that both parents today choose to work because they wish to have every moving gadget in their homes. This I find incredible. My parents waited until they could afford to buy things and they bought them as they were needed. We were a long time before we had a record player. I remember that my mother paid off the piano that we learnt to play on at two shillings and sixpence a week. We were very grateful when it was paid for. The fact that parents believe that they should have all these things is a cause of a lot of the problem. Of course, there are the single parents who have to work, and we need to be giving assistance to these areas in order to maintain a stable home for the children.

Mr Speaker, unfortunately, teachers are expected not only to teach but to be childminders, mother, father, and family to their students. This is far too great a burden to place on teachers. I look forward to this report being widely discussed in the community and serving as a springboard for further work. I am very aware that the report is extremely wide ranging in its recommendations. In fact, you could almost call it a Christmas wish list. However, if we do not look after our children now, and take from the report the most urgent and important recommendations, we are going to have a very sad and sorry future generation.

Finally, Mr Speaker, I wish to express my appreciation to the hardworking committee secretary, Judith Henderson, and to her research and administration team, without whose patience - and I emphasise patience - and expert guidance this committee would not have functioned. Mr Speaker, one of the things that Mrs Nolan made a comment about was private schools. We did not really get any - - -

Mrs Nolan: I never mentioned the words "private schools".

MRS GRASSBY: No, but you did in the committee. We did not really get very much work from private schools. I went to a private school; I spent 10 years at a boarding school. It was a school that was on television just recently in *Brides of Christ* - Santa Sabina. I can tell you right now that

when children cannot be handled in private schools they are sent to a state school. The state school ends up with all the problems. The point is that you do not really find out what goes on in private schools because they do not tell you. That is why we have the problem. I think that this all comes back on the government and the fact that government schools then have to tackle this problem. I think that young people are wonderful. I feel that we are faulty because we do not teach parenting, as I said in the report. We do not do enough to teach young people to be parents.

One of the things that really upset me tremendously during the inquiry was to meet some very beautiful young people at Hawker public school who had tried to take their life. This really upset me because I considered them the most beautiful young people I had met and I felt that they had a lot to live for. I would like to say that the two people I found incredible were Mike Owner and Wendy Pearse, who not only spent a lot of their time at school dealing with these children but also spent many hours afterwards dealing with the children and the parents.

I would also like to say that we need to put a little more time into teaching children whose ethnic culture background is not the same as that in many schools. We need to spend some time to this effect. When a child has to live in two cultures, a culture at home and a different culture at school, it has a great effect. This must be a tremendous stress for the child and I think we should be looking into this. Maybe we should be looking into teachers in that area that could handle this.

Mr Speaker, I thank my fellow committee members. I think they did a great job. I think it was one of the most interesting committees I have spent time on, but in many ways a very sad committee because of some of the things that were brought to us. If things are not handled now we may have, as I said, a very sad generation coming on. I would like to think that this ACT Government - this is why there was a need for this Government - will be able to combat any of those problems that will happen in the future.

MR STEVENSON (11.40): I dissent from the report because I do not believe that it will achieve the job that we set out to do. At the beginning of the inquiry, in our terms of reference, we made No. 1 "measures to reduce or prevent behavioural disturbance". I was particularly concerned about preventing behavioural disturbance. There is certainly ample evidence, as we have heard today, as we heard during the course of the inquiry, and as reported in this report, that there are serious problems with our youth of today. There is an ever increasing suicide rate, and there are more and more people who are unemployed. I think that there are many more people who to some degree are unemployable. There are huge numbers of functionally illiterate children, and indeed, as we understand, all these things can result in behavioural disturbances.

What is the answer? Is the answer to spend more money on the problem? Is the answer to hire more welfare staff? Is the answer to hire more psychologists? Is the answer to have more refuges of one form or another where children can go when they leave home? I do not believe that the answer is any of those things. We hear about early intervention and what children are being taught. It is clear that children are being taught every moment of their lives. The point is: What are they being taught and how are they being taught it?

I think it has been well recorded that the average child watches some 23 hours of television a week. One in five children watch over 40 hours of television. After an education, a normal education, of some 11,500 hours, the average child has watched 15,000 hours of television. So, the question we would ask is: Does this have an effect on children's behaviour? The answer to that, of course, must be yes. What effect? Who can know? But look at the sorts of things that are being shown on television during that time. When I was a lad we used to have *Leave it to Beaver, Father Knows Best*, the *Brady Bunch* and so on. I felt that these shows presented some decent values for our kids to watch and to learn from.

We have heard that the so-called autocratic method of controlling children has been replaced by a more social democratic system. I would debate that. I wonder whether children are benefiting from the changes that are being presented on television, whether they are benefiting from the changes that are being presented in our schools.

I find that what children are being taught in life is rights to the exclusion of their responsibilities. I think that if you teach someone that they have this right, and this right, and this right, and do not ever let them know the vital point that they have a responsibility, the idea that a child has a right to a job could be debated. Every time we say that a child or anybody has a right to a job we have to point to someone else and say, "You have an obligation to supply that person with a job".

I would wonder whether many people in business feel that they have that obligation. They may feel some responsibility in life to further the benefits in this country and so on. But is that a divine obligation they have or is that something they take on in a free society to benefit all of us, including themselves and their own families? I would think it is. They do not have an obligation that someone then has a right to.

In Australia the Federal Government last year introduced the UN Convention on the Rights of the Child. Clauses 12 to 16 of that UN convention were taken almost directly word for word from another UN convention pertaining to adults. What has happened is that the children, we are told by our Government, have to be given adult rights under clauses 12 to 16. What is the result of telling children that they

have the right to associate with whomever they like, that they have the right to view, read, listen, or talk about any subject? What is the result of telling children that they have the right to privacy and saying that their parents, as a corollary to this, have no rights in the area themselves?

Let me tell you a story I heard a couple of weeks ago. Someone told me about a good friend of hers who has a 12-year-old daughter. The parents came home and the 12-year-old was in bed with a 16-year-old boy. The parents had something to say about this and the child said, "You cannot tell me who I can associate with". The word "associate" was used. That is the word that is used in the UN Convention on the Rights of the Child.

I am hearing of more and more cases where children are telling their parents, "You cannot tell me when I can go out; who I can go out with; when I can come home". I have heard of children threatening their parents with reporting them to the police. This is certainly not suggesting that children should be abused. But it goes a lot further than that when you teach children rights but not responsibilities.

When I talk about child abuse, is there something that we can do about child abuse? Yes, there is, in the ACT; but unfortunately, as an Assembly, we have abrogated our responsibility to do that. The proliferation of pornography has an effect on children. The juvenile squads in Victoria and Queensland have both indicated that in excess of 90 per cent of the children that come into contact with those squads have watched pornography. There are many forms of problems that pornography causes. On the children themselves, directly, it suggests a way of behaviour, a way of acting, a way of relating to members of the opposite sex that is unreal, that is false. Your children see these things fairly regularly. While there may not be pornography on the television, we certainly see a similar situation.

We also understand, from looking at the research, that with an increase in pornography we have an increase in rape and sexual offences. Some men, particularly, are driven to acting out what they see. Some men become addicted to pornography. Some men commit rape, child abuse and child molestation, and, of course, have far less regard for women than would be useful in a sane society.

One of the other difficulties that we have in Australia is that so many children have reported that they feel that there is no hope for the future. Why is this? It is because of what we tell them in society. We tell them things such as that there are going to be catastrophic, environmentally destructive, global eliminating problems out there. That is not to say that there are not problems. I have spoken in this house, in detail, on what is called the enhanced greenhouse effect which, when you look at the

evidence, does not stand up to scientific research. There was a program recently called the *Greenhouse Conspiracy* shown on SBS, and shown again because so many people were interested, that put the case very well. I have a transcript if anybody would like to read it.

Children are taught at school how to get unemployment benefits. *(Extension of time granted)* Thank you. I feel that all too often they are not taught how to get employment. I have had occasion to teach a number of young people how to get employment. I have been successful. I have not taught that many people, but in every case where I have taught someone they have actually gone out and got a job. I actually never teach people to get any job, but to get a job that they want, and, if they are not ready for that, to work and prepare themselves for that.

Without an understanding of goals in society and life, none of us are going to get anywhere. Something we lack in Australia is a national goal. Some people have goals within Australia, but as a nation I do not believe we do. Goals are vital. Children must be given encouragement for the future. They must have an ideal. They must have a vision, if you like. Who is this supplied by? Certainly the parents, but society as a whole. Watching as much television as they do, if this does not come across on television how will they get one?

Children also are not being taught respect for authority. We all know that too well. Many people here with children would understand that far better than I. Children are placed under enormous pressures. I mentioned pornography. Instead of being told the dangers of illicit drugs, in many cases children are supplied with needles, free needles, and are told how to use drugs supposedly safely. Instead of being encouraged not to have sex, because there is no such thing as safe sex, as, increasingly, the scientific evidence shows us, instead of being told to abstain, our society in general is suggesting that it is perfectly okay to hop into bed with just about anybody and to do it often.

I feel that there are major problems that we have not addressed to do with diet, or the lack of a nutritious diet in our children's lives. The number of chemicals that are eaten by people every day could well run into thousands. I say that deliberately. It could be literally thousands of different chemicals. Who would suggest that these chemicals, or drugs if you like, have no effect on the behaviour of children? A number of people presented to our inquiry behavioural problems that came after sugar hits, as they were referred to in one area.

In my dissenting report I list a number of references. One of them is to do with hyperactivity and your child. It goes into quite good detail as to exactly how these types of drugs, colours, flavours and so on can cause problems. We all know that alcohol is a problem. Unfortunately, more of us should tell our children not to do as we say, but to

do as we do. We should modify our own behaviour. That is teaching children the wrong way. As I mentioned earlier, children learn constantly. They learn from what we do, not very often from what we say they should do. They see that as hypocritical.

Children in the past have been protected by the family unit. The family unit has come under tremendous pressure. I think an earlier speaker said something about both parents choosing to work. There are a lot of situations where both parents do not choose to work but because of economic pressures they are both forced to work. That is just two jobs. What about the number of people who are working in two and more jobs, both people in a family? How does that allow mum to stay home and look after the kids, if they want her to, and to bring them up as they so choose?

So, there are many major areas, and I have spoken about a dozen, that could well be addressed to handle the prevention of behavioural disturbances in young people. Unfortunately, not one recommendation of our inquiry handled any of them directly. I think we have been placing bandaids at the bottom of a cliff instead of a safety net at the top.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (11.55): I want to congratulate the committee on what seems to me, at a quick look, to be a very sensible and practical report that will accommodate the range of problems that exist. I want to indicate that both Mr Connolly and I will be requiring our respective departments to have a very careful look at it because it is our departments that are most involved.

Ms Maher: And Health.

MR WOOD: Yes, I have no doubt that they will too. The good proposals made in that, bearing in mind always the cost factors, I guess, will be very carefully considered.

MR DUBY (11.55): I feel compelled to rise after listening to Mr Stevenson's hocus-pocus and mumbo jumbo that he went on with when he was addressing the report. He has put out a dissenting report and I think the record of *Hansard* should show that he has also listed additional further reading. Amongst the things that he discussed were rights and not responsibilities.

I think it is my responsibility to let the record show what Mr Stevenson's recommended further reading includes. Remember that this is a report on behavioural disturbance amongst young people. Mr Stevenson has recommended that we read *The Story of the Commonwealth Bank*, published by Veridas Publishing, which of course is the publishing arm of the Australian League of Rights; *Hand Over Our Loot*, by Mr Len Clampett, whom we have all heard of before; and finally, *Your Will Be Done*, by Chresby and published by ACEC, which I assume is the Australian Citizens Electoral Council.

Mr Stevenson: Notwithstanding that I have already told you that it is not.

MR DUBY: Mr Stevenson cannot tell me what it is, though, unfortunately. It is published from Toowoomba. What those particular items have to do with the matter of behavioural disturbance amongst young people I do not know. I think it indicates just where Mr Stevenson's dissenting report has stemmed from. It is all League of Rights rubbish.

Question resolved in the affirmative.

MRS NOLAN: I seek leave to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MRS NOLAN: Yes. During the course of the debate both Dr Kinloch and Mrs Grassby made statements which were totally untrue. I have to say that the seriousness may not be all that great, but I do not like any member coming into this house and making a statement that is not correct. Dr Kinloch made reference to page 130 of my report and he quoted only part of it. He said that I said that not enough time was spent. I had made reference to not enough time being spent on two particular sections of what I consider to be very important issues. It was not in relation to not enough time being spent in relation to this inquiry.

Mrs Grassby made mention of my making some mention of private schools. I do not use the words "private schools", to start off with; I use the words "non-government schools". I made no such reference at all today during my speech in relation to this committee report, and I think it is totally inappropriate that members can come in and do exactly that.

MR STEVENSON: I also seek to make an explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR STEVENSON: It is not a claim actually; but, yes, I will speak on it.

MR SPEAKER: Please proceed.

MR STEVENSON: Mr Duby said that I had mentioned recommended reading. He mentioned a couple of points. He mentioned *Hand Over Our Loot.* As I have mentioned in this house before, that talks about the financial pressures that are brought on families that do not need to be - - -

Mr Berry: I raise a point of order, Mr Speaker. This is not a personal explanation. This is debating the issue. If he wants to debate the issue and go for Mr Duby, he ought to do it by way of a substantive motion.

MR SPEAKER: Yes, I would ask you to address the points where you feel you have been maligned, Mr Stevenson.

MR STEVENSON: That is exactly the case. These financial areas place unnecessary and huge burdens on the family unit.

MR SPEAKER: Yes, but the point is that you are debating an issue. If Mr Duby could not understand your point of view, that is between you and him for a later debate. If you have been misrepresented in some area - - -

MR STEVENSON: It was an entire misrepresentation because he said that it had nothing whatsoever to do with this. What I am doing is showing that it has something to do with it. I would recommend people to read them. Indeed, nothing of the other books I referred to, such as *Diet and Behaviour, The Child Abuse Industry, Sourcebook on Pornography, Why Your Child Is Hyperactive,* or any of the support groups - - -

MR SPEAKER: Order! Mr Stevenson, you are debating the issue. If you would like to take issue with a particular statement made by Mr Duby and clear it, you can do so; but you cannot go through the full argument. Please draw to your conclusion.

MR STEVENSON: Thank you, Mr Speaker. I think I have made the point. A reading of the information would handle the problem.

STAMP DUTIES AND TAXES (AMENDMENT) BILL 1991

MS FOLLETT (Chief Minister and Treasurer) (12.01): Mr Speaker, I present the Stamp Duties and Taxes (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

The Stamp Duties and Taxes (Amendment) Bill 1991 is a budget initiative which amends the Stamp Duties and Taxes Act 1987 to abolish duty on residential tenancy agreements and shifts the liability for the payment of duty on non-residential leases from the lessee to the lessor.

The abolition of duty on residential leases will bring the ACT into line with the practice in other jurisdictions and will be welcomed by Canberra residents renting homes. It will also provide administrative savings to the Revenue Office by reducing the number of low yield documents processed.

The impetus for shifting the liability from lessee to lessor is to bring within the stamp duty net buildings leased out to the Commonwealth and Territory governments which are currently not liable for stamp duty. By making the lessor liable, duty will be collected and passed on indirectly through increased rents.

The change from lessee to lessor will take the ACT out of alignment with other States. This can be justified on the basis of the overwhelming presence of government tenants in the ACT. An estimated $400,000 will be raised in a full year from this change. Those lessors who completed negotiations with government agencies prior to my budget announcement on 17 September but have not yet executed the lease agreements before the commencement of the proposed Bill will not be disadvantaged as the Commissioner for ACT Revenue will be empowered to exempt such transactions from duty.

Mr Speaker, following representations from the Building Owners and Managers Association, BOMA, a joint Treasury/BOMA review was undertaken on the effect of the shift in liability from lessee to lessor. BOMA had been concerned that the move would provide a disincentive to commercial development projects as well as requiring a building owner to pay duty in a lump sum prior to the receipt of any rent. The joint Treasury/BOMA study revealed that, while investment in property was currently depressed, the ACT remained one of the most attractive centres because of the stable and expanding demand for office space, low vacancy rates and higher than average rental returns. On the other hand, it was agreed that the immediate up-front payment of duty could pose a problem for building owners.

Under the provisions of the Taxation (Administration) Act 1987 the Commissioner for ACT Revenue is able to give favourable consideration to requests from lessors for the periodic payment of stamp duty where the term of the lease exceeds three years. Under this arrangement a building owner who negotiates a lease for say, 12 years, will be able to initially have the document stamped but pay only the stamp duty in relation to the first three years. Every three years thereafter the document will be returned to the Revenue Office for further payment of the appropriate duty. Such an arrangement will overcome the problem of an immediate up-front payment and has the support of BOMA. I now present the explanatory memorandum for the Bill.

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

TAXATION (ADMINISTRATION) (AMENDMENT) BILL (NO. 2) 1991

MS FOLLETT (Chief Minister and Treasurer) (12.05): I present the Taxation (Administration) (Amendment) Bill (No. 2) 1991. I move:

> That this Bill be agreed to in principle.

This Bill amends the Taxation (Administration) Act 1987. The Taxation (Administration) Act provides a single system of administration for a majority of the ACT's taxation

laws. A number of technical and housekeeping amendments to the Act are now proposed which will clarify certain provisions, rectify some anomalies, generally streamline the administration of ACT tax laws and, where appropriate, bring the legislation into line with other State jurisdictions.

The proposals will amend the grouping provisions for payroll tax which group together associated businesses for the purpose of overcoming minimisation schemes. They will allow the Commissioner for ACT Revenue to decide whether a business is operated "substantially independently" and not just "independently" from other members of a group, to group those companies whose directors themselves have a controlling interest by majority voting power at company meetings, and provide other more specific criteria to be applied when deciding whether to exclude a business from a group.

The provisions will enable exclusion from a group to occur retrospectively and remove the requirement of having to publicly identify taxpayers who have been excluded from a group, thus ensuring privacy. The proposals will also allow the Commissioner for ACT Revenue, with agreement from the taxpayer, to issue a compromise assessment where it is difficult or impracticable to ascertain the exact amount of tax without undue delay or expense for both commissioner and taxpayer.

At present there is some doubt about the commissioner's ability to remit penalties imposed for failure to lodge a return or instrument for assessment. This could lead to the unsatisfactory situation where the maximum penalty of 200 per cent is automatically applied and cannot be remitted in whole or part by the commissioner. The proposed amendments will remove such doubt by enabling the commissioner to remit penalty tax in any circumstance where it has been imposed.

It has been suggested by the ACT Government Solicitor that, should the commissioner wish to inquire into a person's potential liability, and that person has not lodged a return or instrument for assessment, then the commissioner may be able to obtain that information from only third parties and not the potential taxpayer themselves. An amendment will remove this doubt and overcome a possible weakness in the commissioner's information seeking powers. In addition, the proposals will authorise the Minister to make determinations in respect of interest rates applicable on overpaid and underpaid assessments and provide for the introduction of the Supreme Court of the ACT into the structure of appeals against taxation assessments.

The proposed amendments will also provide for the binding of the Crown. By operation of the Interpretation Act 1967, the legislation will bind the ACT, the States and the Northern Territory. It is not proposed to seek to bind the

Commonwealth. As these amendments are only of a general housekeeping nature, no significant additional revenue is expected. I now present the explanatory memorandum for the Bill.

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

LIQUOR TAX BILL 1991

MS FOLLETT (Chief Minister and Treasurer) (12.09): I present the Liquor Tax Bill 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, liquor licensing fees imposed in the Territory are currently administered under the Liquor Act 1975. Under the existing legislation liquor fees are assessed annually on purchases by licensees during the previous financial year. This, in effect, allows licensees to trade for up to 17 months before tax liability passed on to consumers becomes payable to the Territory. Therefore, the Territory is presently exposed to losses through bankruptcies and bad debts in the liquor industry. In the past this exposure has led to significant amounts of lost revenue.

To overcome this problem, the Liquor Tax Bill provides for quarterly collection of liquor tax in advance of alcohol purchases by new licensees. Licensees will be required to pay an amount on initial grant of a licence, based on estimated purchases during the first two quarterly periods of operations. The estimated tax payable in advance of each subsequent quarterly period will be based on purchases during the quarter commencing six months prior to the quarter for which the tax is paid. In other words, tax due in advance of each quarter will be an estimate of the tax based on past transactions. This estimated tax will then be adjusted in accordance with actual purchases when the details are known. To further protect ACT revenues and ensure that the Territory receives all tax passed on to consumers, the Bill will ensure that any tax liability incurred in the last period of trading before termination of a licence is due and payable to the Territory.

Mr Speaker, it is impossible to bring existing licensees who are currently paying liquor fees up to 17 months in arrears into an advanced payment scheme without imposing a heavy financial burden on these licensees. Therefore, under the proposed legislation, existing licensees will be required to pay tax before the commencement of each quarterly period in respect of purchases in the quarter 15 months prior to the period to which the tax is paid. Such a scheme will reduce the arrears to 11 months. The Territory's exposure to bad debts would also be reduced through more timely and smaller payments by these licensees.

As a further safeguard against revenue losses due to bad debts, the Liquor Tax Bill provides that all licence transfers, including existing licences, will require the discharge of any outstanding licensing debt by the transferee of the licence, who will then be required to pay liquor tax in advance on estimated purchases, as with new licensees.

Mr Speaker, as the Liquor Act is principally a regulatory enactment, the Liquor Tax Bill has been created to specifically provide for the assessment and payment of liquor tax. The proposed taxing Act will be incorporated under the Taxation (Administration) Act 1987 so that the enforcement powers and administrative mechanisms under that Act which apply to other tax laws will also apply to the liquor tax legislation.

Members of the Assembly should note that the scheme proposed by the Liquor Tax Bill is revenue neutral, designed merely to reduce the Territory's exposure to revenue losses. After considerable negotiation, objections by the liquor industry to a scheme proposed by the former Government have been addressed in developing the new legislation. I present the explanatory memorandum for the Bill.

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

LIQUOR TAX (CONSEQUENTIAL PROVISIONS) BILL 1991

MS FOLLETT (Chief Minister and Treasurer) (12.13): I present the Liquor Tax (Consequential Provisions) Bill 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Liquor Act 1975 is principally a regulatory enactment but at present also provides for the taxing of liquor transactions in the Territory. As part of the legislative package that abolished the ACT Gaming and Liquor Authority, the revenue collection powers under the Liquor Act became the responsibility of the Commissioner for ACT Revenue.

The existing provisions of the Liquor Act in respect of the collection of liquor fees are not as comprehensive as or consistent with the provisions applying to the collection of other ACT taxes which, other than rates, land tax and gambling taxes, are administered under the general umbrella provisions of the Taxation (Administration) Act 1987.

To incorporate the collection of liquor fees as a tax law under the Taxation (Administration) Act, the Liquor Tax (Consequential Provisions) Bill will remove all relevant provisions from the Liquor Act. Accordingly, liquor tax

will then be imposed under the Liquor Tax Bill I have just presented to the Assembly. The consequential provisions Bill will amend the Taxation (Administration) Act to incorporate the new liquor tax legislation as a tax law, with the two Acts to be read as one.

This will enhance the anti-avoidance provisions of the liquor tax collection scheme and facilitate the introduction of self-assessment. Further, the collection of liquor tax will be aligned more closely with that of other ACT taxes and duties, including tobacco and petroleum licence fees, thereby increasing the equity of the ACT tax system. The Bill will also provide transitional arrangements to bring existing licensees under the new liquor tax regime.

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

CASINO CONTROL (AMENDMENT) BILL 1991

MS FOLLETT (Chief Minister and Treasurer) (12.15): I present the Casino Control (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

Before I outline the provisions of the Bill, Mr Speaker, I wish to advise the Assembly of the results of the casino selection process. Consistent with my undertaking to the Estimates Committee earlier this year, I present an estimate of ACT Government expenditure on the selection process since May 1991, the date on which the current process commenced.

As members are aware, my Government has continued a process commenced by the former Government to identify a consortium to construct and operate a casino in the Territory. This process has involved thorough and complete examination of all proposals put forward by consortia, and the Government is now in a position to announce a successful tenderer.

In reaching its decision, the Government has received advice from the interdepartmental committee oversighting the project which, in turn, has been advised by independent finance and design panels. In addition, the Casino Surveillance Authority has advised that, in accordance with the provisions of the Casino Control Act, the successful tenderer satisfies the suitability requirements of a developer and operator of a casino. The authority will continue to oversight all contractual and operating aspects associated with the casino in accordance with the provisions of the Casino Control Act 1988.

Having considered all of the advice available to the Government, it gives me great pleasure to announce Casinos Austria as the successful tenderer for the ACT casino. Mr Speaker, Casinos Austria International is a very

substantial organisation which operates more than 100 casinos spread over 14 countries. Casinos Austria will be the developer, owner and operator of the casino, which will be constructed adjacent to the Capital Parkroyal Hotel.

The Government looks forward to the benefits the Territory will receive as a result, and these are: An up-front payment of $19m will be allocated to community facilities; and 20 per cent of casino revenue will be payable to the Territory and is estimated to commence at over $6m per annum, rising to around $11m in the fifth year of operation. In addition, a super tax will be received over the first four years of the casino's operation. The construction phase, over approximately two years, involves expenditure of $31m and will lead to the creation of around 280 new jobs. In addition, the operations of the casino itself will create an estimated 500 new jobs, many of which will benefit our young people. Clearly, Mr Speaker, tourism and the ACT economy generally will benefit greatly from the casino.

As a consequence of this announcement, there will need to be a number of steps undertaken over the coming months to ensure that the momentum of this project is maintained. These include finalisation of a development agreement and the release for public consultation of a draft variation to the Territory Plan to enable the casino to be located adjacent to the Capital Parkroyal Hotel. The Territory Plan variation will also provide for an interim casino in the National Convention Centre. In addition, several amendments to the Casino Control Act 1988 are required and I will now provide details with the Bill.

Mr Speaker, this Bill will amend the Casino Control Act 1988 by providing power for the establishment of an interim casino. The Government has decided to support a proposal for the establishment of an interim casino by the successful tenderer. The Government has taken this decision as it considers that a professionally operated and rigorously controlled interim casino will provide both a lift in the Territory's tax revenue, tourism and employment and also the opportunity to establish a position in the casino market pending the opening of the permanent casino. The interim casino will be operated by Casinos Austria in the National Convention Centre while the permanent casino is being built.

Advice from the ACT Attorney-General's Department has suggested that there is some doubt whether the current provisions of the Casino Control Act 1988 provide power for the establishment of an interim casino in the Territory. This Bill provides for the lawful establishment of an interim casino and its enactment will provide certainty for both the Government and the successful tenderer.

The principles that have guided the preparation of the Bill are the need to ensure that all security and surveillance requirements will be as rigid as those proposed for the

permanent casino, and that the Government will only consider issuing the interim casino licence to the successful tenderer for the permanent casino.

The Bill provides for the issuing of both an interim casino licence and a casino licence, being a licence for a permanent casino. The Bill establishes a maximum period of three years that the interim casino licence can be in force. It is the Government's intention that the actual period of the interim licence be closely aligned to the successful tenderer's construction timetable for the permanent casino. The Bill provides power to suspend or cancel an interim licence if the developer is in breach of a development agreement for either the interim or permanent casino. A development agreement under section 40 of the Casino Control Act 1988 is an agreement that the Minister may enter into with the successful tenderer for the development and ownership of a casino.

In addition, the Bill overcomes some anomalies that have resulted from the proposed casino site being chosen by the developer rather than being mandatorily located on the section 19 City site as was proposed with the original Civic Square casino project. The ACT Attorney-General's Department has advised that for the purposes of the Casino Control Act the Minister may not be able to designate a site other than section 19 for the permanent or interim casino unless the Territory Plan has been varied. There is also some doubt whether the Minister can approve a developer under the Act unless the plan has been changed.

The Bill amends the Act so that the Minister may designate an area where the Territory Plan currently does not allow a casino. The Bill provides that the designation is not to be taken to be inconsistent with the plan. However, Mr Speaker, before the casino may be constructed or operated, it will be necessary for the plan to be varied in the normal way. This will involve full public consultation and, because of the importance of this variation, the normal 21-day period will be extended considerably. The Bill will also allow the development agreement to be entered into, thereby securing the proposed casino developer.

The amendment Bill will also modify the specification that key casino personnel must be Australian citizens or eligible for permanent residency in Australia. This will allow expert staff employed by Casinos Austria to be covered by the regulatory system established by the ACT and to assist with the set-up of the Canberra casino and training of local staff.

The passing of the Bill will allow the developer of the permanent casino and the interim casino to begin preparatory work under the Casino Control Act. Such work would include negotiations with planning authorities, finalisation of the development agreement, and matters

relating to the requirements of the Casino Surveillance Authority, including employee training and casino layouts. The Bill would not permit construction to commence or a lease to be issued until the Territory Plan has been varied. I present the explanatory memorandum for the Bill.

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

Sitting suspended from 12.24 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Ministerial Travel Expenditure

MR KAINE: I address a question to the Chief Minister. Can she confirm that on her trip, at public expense, to the Labor Party conference in Hobart she stayed at the Wrest Point casino; and, if so, could she tell us how much it cost per day, at public expense, to stay there?

MS FOLLETT: Yes, I can confirm that that was where I stayed. Indeed, that was where pretty well everybody at the conference stayed.

Mr Berry: Bar me.

MS FOLLETT: Bar Mr Berry, who could not get in. I do not recall the details of the tariff, Mr Speaker; but I do know that it was met within my normal travelling allowance. I believe that I paid it in cash from within that allowance.

Casino Project

MR DUBY: My question is also addressed to the Chief Minister. It also has a casino link. I refer to the statement that you made this morning about the premium that is to be paid by the developers of the casino in the ACT. In your presentation speech this morning on the casino legislation you said, "An up-front payment of $19m will be allocated to community facilities". Will you be keeping to your commitment that money from the premium will be directed to cultural activities on section 19 in Civic rather than community facilities such as the Tuggeranong pool?

MS FOLLETT: Mr Speaker, I can certainly confirm that the up-front payment of $19m will be used for community facilities. At this point, the Government has made no decision as to how that $19m will be allocated. I should say at this point that in such close proximity to an election we will not be making that decision yet. I believe that it is a matter that is perhaps best looked at in the context of the budget next year by the incoming government.

I think Mr Duby has raised an interesting point about cultural facilities on section 19. I believe, Mr Speaker, that that commitment was given in the context of a casino on section 19 and that it does not necessarily apply in the current circumstances. But I can certainly confirm that it is this Government's intention that the whole $19m be used for community facilities.

MR DUBY: I ask a supplementary question to clarify the issue. Does that mean that the $19m will not be spent on cultural activities?

MS FOLLETT: Mr Speaker, I can confirm that it will be spent on community facilities. I think that is the best I can do in the circumstances.

Driver Training Centre

MRS NOLAN: Mr Speaker, my question is addressed to the Chief Minister, I think in her capacity as Minister for economic development. The issue relates to the driver training centre at Sutton Park. In fact, it relates to a report that was commissioned by the former Alliance Government in May 1991. I ask the Chief Minister: When will we in the Assembly and when will the community see the report?

MS FOLLETT: I thank Mrs Nolan for the question. Let me apprise her of the answer. Mr Speaker, following the rejection of a motor racing circuit proposal, the former Government requested a report on the viability of utilising the Sutton Road site in the long term as a full-time driver training centre, and I presume that that is the report that Mrs Nolan refers to. Since coming into office, my Government has agreed to continue that investigation, and we have been considering a number of alternative uses for that site. So, the report that Mrs Nolan refers to, to the best of my knowledge, is not complete and that investigation is ongoing.

In the meantime, Mr Speaker, we have agreed that the site be used for an interim period as a driver training facility and for some very limited motor sport activities. That interim period will continue until the Government has fully evaluated the proposals for the future use of the complex.

MRS NOLAN: As a supplementary question, I ask that we be advised when it is likely that that report will be completed.

MS FOLLETT: Certainly, Mr Speaker. I will take that part of Mrs Nolan's question on notice.

Casino Project

MR JENSEN: Mr Speaker, my question is directed to the Chief Minister. She may wish to defer to the Minister for Planning, but because she is responsible for the casino legislation it is probably appropriate for her to answer it. Can she assure the Assembly that the proposal to circumvent the ACT interim planning legislation via the amendment to the Casino Control Act introduced today, which removes the requirement for future public consultation on any changes to the Territory Plan as it stands at the moment, does not offend section 26 of the Australian Capital Territory (Planning and Land Management) Act 1988, which of course, as we know, is a Federal Act and cannot be changed by the ACT?

MS FOLLETT: Mr Speaker, I do not have with me the detail of the Acts that he refers to, so I will give him later advice on the detail of the matter that he has asked about. But I certainly confirm that, in looking at the plan variation that would be needed for construction of a casino adjacent to the Parkroyal Hotel, all of the planning procedures that are in place will be adhered to. That includes, of course, a period of public consultation - a chance for people to offer their views on the planning variation proposal. I can give Mr Jensen that undertaking. The part of the question on the exact detail, particularly of the Commonwealth Act that he referred to, I will have to take on notice.

MR JENSEN: I ask a supplementary question, Mr Speaker. I am now totally confused because, as I understand it, the proposal outlined today will allow a Minister or the Executive to make a decision before the draft variation plan has gone through the process of community consultation. So, it seems to me that what the Chief Minister is proposing is to allow a decision to be taken before the completion of the normal planning process, and that is why the amendment has been made to the casino planning legislation. The Chief Minister may wish to reconsider her answer in light of that fact.

MS FOLLETT: I do not think so. The draft variation, Mr Jensen, will be released for public consultation; there is no doubt about that. That public consultation period will be as is provided for under the legislation.

Land Tax

MR HUMPHRIES: My question of the Chief Minister and Treasurer concerns the land tax. Where property on which land tax has been paid part way through the financial year is sold to a person who is not liable to pay land tax, what arrangements has the Government made for the reimbursement of the unused portion of the year's tax to the taxpayer?

MS FOLLETT: To my knowledge, there is no arrangement for reimbursement part way through. The tax is paid up front.

MR HUMPHRIES: I ask a supplementary question. Does the Chief Minister consider that a fair arrangement, given that people have paid tax in respect of the land that they no longer own and may have owned for only one month of the 12 months of the financial year?

MS FOLLETT: People may not feel that it is a fair arrangement, but it is the arrangement that applies at the moment. I think it would be very difficult to involve the Commissioner for Revenue in making adjustments throughout the year to people's land tax liability. Mr Speaker, as I say, that is the arrangement that applies at the present, and we currently have no reconsideration of that under way.

John Curtin School of Medical Research

DR KINLOCH: My question is addressed to Mr Wood in his role as Minister for Education. I recognise one difficulty in this question; but I want to put the view that there are hundreds, if not thousands, of Canberrans who are present or past graduates or staff of the Australian National University and who are very distressed indeed about actions of the Federal Government, of Mr Dawkins and Mr Baldwin, in relation to the John Curtin School of Medical Research. Is there any way in which our Government, which has been excluded from these relationships with universities, can bring pressure to bear or act or speak directly to help resolve this very unfortunate situation?

MR WOOD: As Dr Kinloch suggests, the Australian National University is under Commonwealth legislation and is very much the responsibility of the Commonwealth Government. I am aware of the concern about the John Curtin School of Medical Research. It is true that, as an important local institution, we could bring some pressure to bear. For example, I recently visited Mr Baldwin concerning enrolments at our universities next year. Whether the Government or I as the Minister would intrude on this occasion is a matter I have not given consideration to, but I will do so.

Member's Facsimile Equipment

MRS GRASSBY: Mr Speaker, I direct a question to you. Could you advise the Assembly whether it is true that Mr Stevenson has special fax equipment in his Assembly office? Could you also tell us the nature of this equipment, whether it is connected to the Assembly telephone lines and whether the Assembly is paying for these lines?

MR SPEAKER: I can, Mrs Grassby, because that question was basically asked during the Estimates Committee review. I advise that extra equipment was purchased by Mr Stevenson - a Macintosh system that had a higher transmission rate. A Netcomm modem was purchased and an optical scanner was also purchased. Mr Stevenson requested permission of the Speaker to hook up this equipment. In my absence, the Deputy Speaker refused permission on the basis that it might be an uncontrollable debt to the Assembly, in that we did not know what rates were applicable to that equipment.

I have been told by Mr Stevenson - in fact, I have it on paper over his signature - that he conducted a test to see whether the equipment did work. It was disconnected after the test. He then applied for permission, permission was denied and he did not thereafter use that equipment. I inform members that I have personally checked this day, and the equipment is sitting in Mr Stevenson's office not hooked up.

Member's Facsimile Equipment

MR MOORE: Mr Speaker, my question has to do with the same matter and is addressed to you. I have with me a copy of a piece of information put out by Mr Stevenson's office that was referred to this morning on the *Morning Show* of Matthew Abraham - a piece of CEC campaign headquarters information with the fax number of Mr Stevenson on it and including the name of one Lex Stuart, who I believe actually worked for Mr Stevenson at one time. Mr Speaker, is it appropriate that members use taxpayers' facilities for a political campaign for somebody outside the ACT?

MR SPEAKER: That is a difficult question to answer on the information available to me. Of course, we all have various staff working in our offices, and it would be a different issue if the member himself did not transmit this notice but one of his staff did. I must say that it would seem inappropriate and, unless I did an in-depth analysis of the situation, I would not intend to take the matter further.

MR MOORE: I have a supplementary question. Mr Speaker, of course the fuss has been over one fax and there is no evidence that the facility was used more than once. Nevertheless, considering the seriousness of the matter, do you believe that this matter warrants further investigation?

MR SPEAKER: At this stage I would have to take that on notice, Mr Moore.

Training Facilities for Water-skiers

MRS NOLAN: My question is directed to Mr Wood in his capacity as Minister for the Environment, Land and Planning. It refers, in fact, to a sport related matter, but I think he is the one who has responsibility. I remind Assembly members that the ACT Sportswoman of the Year named last Friday evening was a barefoot skier. I ask the Minister: Currently, what are the training facilities available for water-skiers, not only for barefoot skiing but also for tournament skiing, and has the Minister received a request for additional training facilities to be made available?

MR WOOD: Are you asking me whether I have?

Mrs Nolan: Yes. What is available and have you received a request?

MR WOOD: I recall that I have seen a letter of this nature pass through my hands. I have referred it to the department for advice, and that is where things are at the moment.

MRS NOLAN: I ask a supplementary question. What are the currently available facilities?

MR WOOD: To my knowledge, the current facility is that large area across Dairy Flat Bridge. I do not know of any other area, within our boundaries, available to water-skiers.

Condoms

MR STEVENSON: My question is addressed to Mr Berry. The sexually transmitted diseases clinic at Woden, commonly referred to as the STD clinic, has no information on the breakage rate of condoms, I am informed. The AIDS Action Council at Braddon only have information from *Choice* magazine which is five or six years old. They believe that the failure rate is about one in 10. With such a high failure rate and in view of the fact that the AIDS disease is still raging out of control and with no cure in sight, does Mr Berry believe that current information on the vitally important matter of the testing of condoms should be given to all medical groups who deal with HIV?

MR BERRY: This is a very serious question, and it goes to what Mr Stevenson said this morning about matters sexual. Mr Stevenson, of course, promotes abstinence as the answer to all of the problems. Of course, the promotion of abstinence has not worked over the centuries, and I do not expect that it is going to start working magically now. Condoms are known to be the most effective way, aside from abstinence, to prevent the transmission of sexually transmitted diseases. There are instances of condom failure, and it is appropriate that the community be advised of the failure rate of condoms.

But I think that what we have to be very careful of when we talk about this matter is that we do not put up an argument against the use of condoms and start a fear campaign that condoms will fail, on some silly notion that comes out of some redneck American magazine from somebody connected with some of the weird organisations like those which Mr Stevenson has been recently connected with. Condoms are very definitely the best option for the prevention of transmission of sexually transmitted diseases, outside of abstinence. Abstinence does not work. Condoms have been proven to prevent the transmission of disease, and Mr Stevenson should promote their use.

MR STEVENSON: I ask a supplementary question. Is Mr Berry referring to *Choice* magazine as "some redneck American magazine" and, if so, is it a good idea that the AIDS Action Council at Braddon get their information from that area? Basically, the whole point I made was - - -

MR SPEAKER: Order! There can be no debate on a supplementary question. Thank you, Mr Stevenson; we have the point.

MR BERRY: Mr Speaker, I am not going to respond any more on this issue, because it is quite clear to me that what Mr Stevenson is attempting to do is to start a scare campaign about the failure rate of condoms. It is a stupid notion. He will do anything at all to get his name in the headlines. For him to get involved in this sort of activity is absolutely outrageous, and it demonstrates how unfit he is to be in this place. This is the most outrageous thing that has happened in the three years that I have been in this Assembly. For him to attack what is well known as a life saving device and one which, if used properly, will protect the community's health in the long term and for him to take a stand which would generate fear about the use of condoms, I think, is outrageous, and he ought to desist.

Health Budget

MR HUMPHRIES: Can the Minister for Health advise when he expects to receive the monthly health budget report for the month of November, and what arrangements he will make to provide members of the Assembly with that information in accordance with his undertakings, particularly if the Assembly is not sitting at the time?

MR BERRY: Mr Speaker, my guess is that I will receive the figures around about the middle of the month. If it is five or six days the other side of that - it will not be this side of it - I will not be that perturbed. Members will be provided with the figures in the same way as they have been before.

Tuggeranong Swimming Centre

MR STEFANIAK: My question of the Minister for Sport is: Given that the Government is honouring an Alliance Government pledge to build a swimming pool in Tuggeranong, will that swimming pool, when completed, be able to host international standard swimming meets?

MR BERRY: Mr Speaker, I think I have fully answered this question.

North Building - Proposed Food Outlet

MR DUBY: Mr Speaker, I am not too sure whom I should address this question to, but I think I will start with Mr Wood. I refer to an advertisement in today's newspaper calling for expressions of interest in a food operations site on the ground floor of the North Building, in Civic. It calls for expressions from people who are interested in establishing a business in that area. The ad actually says:

> Opportunity to establish new outlet in the revitalised Civic Square area.

My question is: Firstly, what revitalisation has occurred in the Civic Square area and, secondly, what portion of the ground floor of North Building will be used as a food operations site? I believe that Mr Connolly is going to rise to the occasion.

MR CONNOLLY: The future of North Building, of course, is a matter for Asset Management Services within the Department of Urban Services, which is why I am taking the question. Following the failure of the original casino project, the decision to vacate that building had to be revisited. The Government considered a range of options. We looked very long and hard at the possibility of using that building for cultural facilities. We engaged a consultant. I believe that it was L.J. Hooker Pty Ltd, well-known property developers and consultants. They provided us with a report on the viability of using that building for cultural purposes - for commercial cultural purposes, I should stress.

The outcome of that was that it was unlikely that there would be any interest in that building at commercial rates. There would obviously be interest in it for free, but at the moment the ACT Government is paying considerable dollars - as Mr Duby would know, as the former Minister - in rent for commercial buildings around town and we own this large empty building. The Government has decided that we will redevelop it for a range of ACT Government purposes which will revitalise the area in so far as it brings a

large number of employees back into the area. One little area, the corner opposite where the Seasons restaurant used to be, will be a cafe, milk bar, food outlet, as mentioned in the ad. That will essentially service the employment base of the new office accommodation in North Building.

Public Housing Tenants - Eviction Process

MR MOORE: My question of Mr Connolly as Minister for Housing follows an article about public housing in this morning's paper that appeared opposite the letters to the editor. Can you tell us, Minister, when you believe there will be an implementation of a socially just eviction process for public housing?

MR CONNOLLY: I believe that there is a socially just policy on eviction from public housing in the Territory. Unfortunately, a computer error some weeks ago, which has been referred to on a number of occasions in this place and which I have already applied the rod to my back for and apologised profusely for, resulted in letters being sent to people which indicated that eviction was a possibility. Appallingly, that would have been the final letter in the ordinary course of events. There is obviously a problem in the system, and I have asked people to look at the matter very closely and report to me fully on what the problem is.

I wrote to the ACT Council of Social Service on 11 November, setting out what our policy will be on eviction. Essentially, it is that it is absolutely and totally the last option. But, of course, it is necessary to retain eviction as a last option, because otherwise some public housing tenants may simply choose to flout the system and not make a contribution by way of rent, which would of course be unfair.

One issue that is of relevance to this is that the Commonwealth Government has recently indicated that it is now prepared to cooperate with the States on the long-awaited proposal to allow direct deductions from social security payments for public housing rent, which would mean that a lot of people would no longer fall into arrears. There would be an automatic direct deduction at source, only of course with the consent of the tenant. It is a move that has been long awaited.

At the moment notices for eviction, if and when they occur, are delivered in person or by certified mail. That was one of the issues called for in Mr Wensing's article in this morning's paper. I am satisfied that the procedures now in place are adequate, but there was clearly a breakdown in the procedures, and we will ensure that that will not happen again.

MR MOORE: I ask a supplementary question, Mr Speaker. I presume that Mr Connolly was referring in his answer to the same letter that I have a copy of to Dr John Tomlinson, director of ACTCOSS. You assured Dr Tomlinson at that time:

> As an interim measure you can be assured that the trust will advise all tenants facing eviction that they can appeal the decision to evict.

Yet when I look at a copy of one of the 20 November letters from the Housing Trust I can see no advice to tenants facing eviction that they can appeal the decision to evict. Can you explain that matter?

MR CONNOLLY: Until I get the report as to how these letters were sent out in error and why they were wrong, no, I cannot. But, clearly, the policy is that people should be advised, and for some reason that letter says otherwise. Yes, it is in error. Again, we apologise. I will advise the trust to ensure that that does not happen again.

Youth Refuge

MR KAINE: I address a question to Mr Connolly. It is in connection with a house in Beirne Street in Monash. Let me say that I have no objection to the use to which it is proposed that that house be put. There has been a complaint from some of the residents there that they found out by accident what was planned for that house, and when they asked about consultation they were told that, because it was not required by law, no consultation would take place. Is that an accurate reflection of this consultative Government's opinion?

MR CONNOLLY: It is an accurate reflection of the process that has applied under successive governments for the provision of services such as women's shelters or youth refuges in suburban areas. There was a very hostile meeting organised by Monash residents last Thursday - which I was unable to attend because I was attending a community consultation meeting at Curtin - at which a number of extraordinary rabid comments were made about compulsory AIDS testing of young people who are going to use this facility, and there were allegations of impropriety in the process by which this house was provided to the Open Family Foundation. The ACT Ombudsman has investigated complaints by certain Monash residents and has given a totally clean bill of health to the process by which the house was selected and the process by which the house was allocated to the Open Family Foundation.

Alcohol and drug abuse amongst young people is a community problem. Alcohol abuse is a community problem which members opposite were whipping up some degree of political frenzy about some weeks ago. The provision of services by groups such as Open Family - I think members would all be

aware of the eminent persons on the senior board of Open Family - is a community response to a community problem. I think the provision of such services in the suburbs is appropriate. Indeed, at least two such services are provided by that organisation in my suburb.

Mr Kaine would be well aware that governments, when they provide women's shelters, do not go through an open community consultation process, because that would defeat the purpose of women's shelters. The same process traditionally has applied, and I expect always would apply, in relation to facilities such as this. I can assure Mr Kaine, as I have assured Monash residents, and as the Ombudsman has assured Monash residents, that the Housing Trust will very closely monitor the operations of this house and, if it appears that Open Family is not being a good tenant, steps will be taken against Open Family.

MR KAINE: I have a supplementary question, Mr Speaker. When this was brought to your attention, Minister, you replied:

> This is a community problem and the community must provide services to these young people.

Do you believe that that statement is consistent with the fact that the very community in which this house is located is now alienated because they were not consulted in any way, and you are not going to get much cooperation from them?

MR CONNOLLY: I think it is unfortunate that there has been an element of hysteria in this. I think I was reported in the article that you are referring to as saying that this really is a case of nimbyism. The letter that I got from the community acknowledged that there is a need for this sort of facility, acknowledged that alcohol abuse by young people is a problem, acknowledged that we needed organisations such as Open Family doing some work but "not next to my place, thank you very much". That is not an acceptable response that government should respond to.

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

Domiciliary Oxygen Service

MR BERRY: Yesterday Mr Humphries asked me a question in relation to the domiciliary oxygen program. There has been an increase in demand for domiciliary oxygen over the past 12 months, with referrals increasing from 56 in 1988-89 to 67 in 1989-90 and 90 in June 1991. In anticipation that the demand would exceed the allocated budget of $55,000, the referral criteria were revised in consultation with the thoracic medicine department at Woden Valley Hospital, and strict guidelines for management and monitoring clients on

the program were introduced in November 1991. So, immediately following the formation of the second Labor Government, action was taken to address this problem. Although these measures have resulted in a reduction of the number of clients, options for supplementing resources for the domiciliary oxygen scheme are currently being considered.

Policy Plan Changes

MR WOOD: Mr Speaker, Mr Jensen asked me a question yesterday. I table the answer, which is a bit long, and seek leave to incorporate it in *Hansard.*

Leave granted.

Document incorporated at Appendix 3.

ECONOMIC PLANNING : CASINO
Discussion of Matter of Public Importance

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

> The failure of the Labor-Liberal coalition to provide constructive long-term economic planning for the ACT and, specifically, the inappropriateness of a short-term "fix", a gambling casino, for the ACT economy.

DR KINLOCH (3.03): Might I say immediately in connection with this matter of public importance that I would like to be persuaded that the Labor-Liberal coalition has provided for constructive long-term economic planning. It is no wish of mine to demean that coalition. Would that they were working together more effectively. They work together in political ways, but would that they were working together effectively for that long-term economic planning. I hope that they will both speak to that.

I believe that all of us, all 17 of us, have a double obligation. Of course we have an obligation to the people of Canberra, but we also have an obligation to the people of Australia to defend, protect and preserve our national capital. There will be those of you who do not feel that that second obligation is particularly strong. You may want to say, "But that is the business of John Langmore and Ros Kelly and so forth". One does not have a lot of confidence in saying that. I believe that we are the ones on the ground; we are at the coalface. It is up to us, for our own sake and for the sake of all the people of

Australia, to defend, protect and preserve our national capital and to encourage in every proper way its viable and appropriate economic future, which should be a model for the entire country.

I am very much urging all of us to be concerned about our economic future. I do not believe for a moment the straw man image that has been put up that somehow or other the Residents Rally is interested in returning Canberra to the 1950s. That is absolute nonsense. We want a growing, thriving city. What I see, however, is political games being played by the Labor and Liberal parties, which above all, as far as I can tell, want to be seen as the only legitimate political forces on the ACT scene. The real and long-range interests of the ACT are set aside in the light of those political aims. We have seen it again and again in this Assembly.

Let me now come to the question of development, especially economic development. The Rally agrees that appropriate development is not only desirable but also essential for our very special city. That does not mean that we have to accept every development plan that comes down the track. We certainly do not accept that false image painted of us as being against development. We are for what is best; we are for what is best for our city and our nation economically in the long run. As you investigate your own commitments here, would you not be saying that to yourself? You do not want just the quick fix; you want what is best in the long run.

What should that development consist of? It should include a number of components. I think that in the case of some of these an excellent plan has been put forward on some aspects. The first component is the maintenance of the economic and financial benefits to Canberrans and to the nation of the presence of the national Parliament and the Commonwealth public service. We too easily forget that our economic strength derives partly from that. I want to stress that we have an associated responsibility to protect the economic and social circumstances within which the national Parliament and the public service will operate. The name of the game that we should be playing on behalf of our own city, on behalf of the nation, is integrity - to make sure that the national Parliament and the Commonwealth public service are in existence in a context of integrity.

As a second component, of course there should be many appropriate industries for Canberra. They should include activities related to and arising from government, such as - if I may call it this - the international relations industry. What do I mean by that? I mean all the activities which go on in relation to embassies and to foreign affairs; the activities of our universities in connection with international relations; the equally large lobbying industry connected with government; also the printing and publishing industry connected with all the

economic and educational activities in the Territory. In other words, we should encourage and develop those industries which arise from the fact that we are the national capital. That is our special skill. We should make the most of it.

In terms of appropriate industries for Canberra, we should also urge the development of industrial and related economic activities and services common to any large city of almost 300,000 people - housing, provision of goods and services, provision of health, education and urban services; in other words, the day-to-day work of this Assembly. In that particular category, I am willing to say that I think all parties in the Assembly have tried to play a role. But that is not the only role we must play.

The third area of appropriate industries is the education and research and cultural industries area. I am using the word "industries" in connection with them. We can think of them merely in terms of education in the purest way, research in the purest way or cultural activities in the purest way. But our long-term future may lie in the direction of seeing all those activities as industries. At the moment we are partly stymied in this matter because the Commonwealth will give us no role in relation to universities in Canberra. At the moment we have at least four, and some would say six, tertiary institutions, also an extensive TAFE system, also the many research and scientific activities arising from the CSIRO and many major government departments - geology, for example.

We also have a growing appeal to an overseas market of students. So, it can be said - as we think about our education, research and cultural industries - that brain power is our most valuable asset. To that extent, we might liken ourselves to some aspects of Singapore. We must resist any attempts to limit or frustrate that particular industry. It is our future. Again consider the spin-off industries around Cambridge, England and Cambridge, Massachusetts and Stanford, California. In those three cases, because of their superb developments in computing and mathematics, in all kinds of areas of science and the social sciences, around the city there are rings of industries which come from that central industry of education and research.

In terms of the cultural industry, we are so fortunate to have a new national theatre festival, as well as splendid offerings through the National Gallery and the Film and Sound Archive, and we have new national events comparable with Floriade. I would say to the Labor and Liberal coalition that they have done well in that particular area. I remember Mr Duby's particular enthusiasm about that project. The arts represents a very special industry, as Mr Wood, Mr Stefaniak and I discovered on our small Select Committee on Cultural Activities and Facilities. The industry itself generates millions of dollars and employs many people. It is a very worthwhile activity not only in itself but as an industrial activity as well.

A special word, by the way, on those overseas students: They do not come here for one day to play roulette. They come here for two, three, four years or more. In the course of their time here, their families from overseas also visit them. If we are looking for a kind of thriving long-term industry, then I believe that that is one we should concentrate on.

Fourthly in this list of appropriate industries for Canberra, of course, is the tourist and/or visitor industry. In a way I do not wish to make this a list of priorities. This tourist and visitor industry could be put higher up the list if you wish. Related to it, as I well understand, is the entertainment industry. This is an excellent and thoroughly desirable and appropriate industry for our national capital. May it grow and expand in ways appropriate to our national capital. I have long been associated with it personally and professionally, especially in connection with national and international conferences.

The ANU is not only an educational centre, a research centre, an academic centre, a training centre; it is also a conference centre. I am sure that this is true of other educational organisations around Australia. You are looking at a very complex economic activity when you look at universities. The best and most memorable examples for me of an industrial spin-off are worldwide academic and scientific conferences of literally thousands of people. Such a gathering earlier this year - and I thank the former Chief Minister for his role in this - was the assembly of the World Council of Churches.

This tourist and visitor industry, however, best thrives on what our city is at its best, namely, the national capital. We do not need to become either a Disneyland or an Atlantic City or a Monaco or a Monte Carlo. We offer the people of Australia and our foreign guests the image of a natural national capital. As such, we are not in the business of ripping them off. They do not leave us thinking that this is where they lost their money. May I just pause here to talk about the absolute bottom line about gambling casinos: They only make a profit from people's losses. You have to think of the economic effect of those losses on the people who have lost the money.

The fifth of these areas of appropriate industries for Canberra is a range of industries which arise naturally as the result of the many interests and activities of ACT citizens. You cannot really define these because it depends on who is here. If there were a Mr Sarich, would that not be wonderful for us? But we do have Maggie Shepherd and her fashion industry as an example of what I am talking about. That is, as a city of 300,000, of course we have a role to create industries out of people's

expertise and skills. We should also be encouraging a range of industries, large and small, to settle here or, at the very least, to have a significant presence here because such industries give a sense of economic reality and growth to our city.

But I want to contrast all the appropriate and natural developments of our national capital with what I am calling the quick fix. There are several points. Firstly, as indicated in my speech on Tuesday, we have the macro-economic problem of Australia becoming less and less productive - that is in the best sense of "productive" - while developing a huge $27.5 billion annual gambling industry, essentially a money shuffling industry. It is not in itself a productive industry. I do not doubt for a minute that jobs are created by it, but in itself it does not produce. Again, please see that special front-cover story in the *Bulletin* of 6 August.

As I look over my 31 years in Australia, I cannot help but remember the nation which in 1960 was booming, developing, growing, expanding, when the kinds of problems that we now have did not exist. By contrast, it was a nation in which women had not even begun to develop their place in society to the degree that they now have. I am not saying that good things have not happened over the last 31 years, but we are on a slippery slope, may I say. I am not exaggerating that as much as some of my colleagues have done, but I believe that we are in danger of seeing our nation as a place with secondary and tertiary industries which depend upon overseas expertise and overseas visitors.

Secondly, we are in danger of buying into the problems associated with high-loss gambling industries. Money is wagered and lost. Most of the profits are then expatriated. In the case of this Austrian casino chain, we are even required to pass special legislation to allow Austrian nationals into the country. I would welcome the Mozarts of Vienna; may they come here; may we have all kinds of wonderful people. I think Gus Petersilka is from Vienna. Of course we love Austrians, and I hope that Austrians love us. I am not getting at that group in particular. I just want to say, though, that we are involved with an economic enterprise whose money will leave not only the ACT but also Australia. Naturally, they will want to supervise the money that they extract from Australia to Austria.

The next point is that there will be an artificial one-off boom for about one year for our local construction industry, and that is not a bad thing. You can create that same kind of artificial boom in all sorts of ways. We could achieve the same, with better long-term results, from a new medical school, for example. But there is the question of where the money comes from. Then, having constructed that, there has to be another quick fix. What I am seeking deep down is that we get out of our quick fix approach to our economic problems.

My next point, which will be very briefly stated as time is running out, is the matter illustrated by the Adelaide gambling casino. Please hear me. I do not doubt at all that, in its first year here and possibly into its second year, a gambling casino would be the new boy on the block; it would be fascinating; lots of people would go to it; lots of people would lose money; and it would do well. I think that is what happened in Adelaide. Three, four or five years down the track, though, what would be the situation? Would the quick fix become a disaster? Adelaide has already moved from not having gaming machines to having gaming machines, and it is now moving for the second time to cut back on its staff. That is in a city of close to a million people; we have only 300,000.

The next point is that we are putting in this quick fix, so it seems, when looming on our horizon is a Sydney casino or casinos. I wonder about the wisdom of that. My next point is that many of our young people - up to 300 to 400 of them - would be employed, not in long-term industrial growth of the best kind but at cellar-level rates of an overseas based hotel industry. Does anyone here want their sons, daughters, nieces or nephews to work in these circumstances?

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Grassby): Your time has expired, Dr Kinloch.

DR KINLOCH: What is the future for those young people? May I just conclude, Madam Temporary Deputy Speaker?

MADAM TEMPORARY DEPUTY SPEAKER: I am sorry; your time is up.

MR KAINE (Leader of the Opposition) (3.19): When I saw this matter of public importance on the agenda today I did not know whether to laugh or take it seriously.

Mr Collaery: If I were in your boots, I would have cried.

MR KAINE: There is no way that I am going to cry over something like this.

Dr Kinloch: I think you should take it seriously, Trevor.

MR KAINE: How can I take you seriously? You have just spent 15 minutes talking, and this matter of public importance talks about the Labor-Liberal coalition and constructive long-term economic planning. Apart from a sideswipe at the Liberal-Labor coalition, whatever that is, I did not hear you say anything more about that, and I did not hear you say very much about constructive long-term economic planning either.

Dr Kinloch: You were not listening, Trevor.

MR KAINE: I am about to tell you that you do not listen. I listened to you, so I hope that you will do the same for me. I find it rather curious that two groups of people from opposite political parties, one of which has been in government while the other has been in opposition and vice versa, could be said to be in any sort of a coalition. I do not recall too many times when we have been all that friendly, to be honest with you.

Mr Duby: That is just like our coalition, Trevor.

MR KAINE: I am going to come to that in a minute, because I am not too sure that Dr Kinloch knows what a coalition is. I would just ask him a very serious question: Knowing what the philosophy of the Liberal Party is, how could he say that it would get into coalition with a party, one of whose policy statements is that it will encourage the establishment and development of viable public enterprises using nationalisation where appropriate? They can have their policies; they are entitled to that. But does Dr Kinloch really tell me that I am going to get into coalition with a party that has that sort of policy? He has to be joking.

Mr Berry: We would not want you, Trevor.

MR KAINE: Pardon?

Mr Berry: You would be nothing but trouble.

MR KAINE: You never know; you might find that I am closer to you philosophically on some matters - not that one - than other people in this place. The proposition that there is a Labor-Liberal coalition is quite ludicrous. I would have to say that clearly there is an election in the air, so the Residents Rally are now trying to resurrect the stance that they started off with, namely, "We are the anti-party-machine party". They self-destructed over the last year or so because they had the strongest party machine of any party in Canberra; now they are trying to resurrect it. There is no doubt that the reason for this is that there is an election in the air.

Dr Kinloch talks about our "failure to provide for constructive long-term economic planning for the ACT". I am sure that the Chief Minister will speak for herself and for the Labor Party. Dr Kinloch said that I was not listening. He has not been listening for three years, if he really believes that; but, if he does not believe it, why does he say it? I have here a stack of documents that go back to the Liberal Party's budget strategy of 1988, which talks about long-term strategies - long-term strategies for financial management, long-term strategies for restructuring the public service and long-term strategies for restructuring the private sector.

These were not quick fixes; they were stated policies that intended to carry the Liberal Party through three to five years, not just one year. They are just as relevant today as they were in 1988. And it goes on from there. I can produce document after document, speeches in this house time after time, and speeches to organisations. I have spoken to two different groups of accountants over the months. I have spoken to the Rotary Club. All of my speeches are matters of public record, and in every one of them I have emphasised long-term planning, long-term strategies, because we are in an economic hole that we can get out of only by long-term planning.

So, when Dr Kinloch accuses people of not listening, it is a case of living in glasshouses. He obviously has not listened to a word that I have said; he has not read anything; he clearly has not been anywhere where any of these statements have been made. I have to say one thing about Dr Kinloch: He is a great non-attender. I have never seen him at any significant function that I have been to in the last three years. So, if he is not attending, how can he know what goes on?

Mr Collaery: Well, you do not go to church, obviously.

MR KAINE: I do not go to his church; but he is not going to hear too many policy statements in his church, that is for sure. Obviously, when he is here, he must nod off to sleep more often than he stays awake, because he does not listen to what is going on here either. The Liberal Party's commitment to long-term planning is a matter of public record, and it has been repeated and repeated. So, I do not know how he can stand up in this place and say that we have not provided for constructive long-term economic planning. I can only assume that Dr Kinloch does not know what long-term economic planning is, and I think that is probably a fair statement of fact.

Dr Kinloch: I have just given you many examples.

MR KAINE: If you think the whole world rotates about the university, I have news for you. There are a lot of things going on out there which have nothing to do with the university.

It is interesting that Dr Kinloch chose today to come in and attack everybody. I hark back to the no-confidence motion in Kaine and his minority government. Dr Kinloch was very complimentary. As is customary, even though he was voting one way, he spoke the other. As I said in debates yesterday, they are great at sitting on the fence, and you never know which side they are going to fall off on. About me, Dr Kinloch said:

> [He] has a good grasp of the principles of accounting and economic management. In that area, he is professionally better qualified than other members of the Assembly. He also has excellent experience ... He performs his public duties well.

On the other hand, he comes in here and tries to kick us all in the head and say that we are a bunch of dunderheads and that we do not know what we are talking about. You cannot have it both ways, Dr Kinloch.

Dr Kinloch: Potential and performance.

MR KAINE: If you would perform rather than just knocking us, we would all be better off. I should say a few words about the Liberal-Rally coalition, because that is another case where Dr Kinloch did not participate. He came to the joint party room and he participated in the debates and moved motions; but when the political flak started to fly Dr Kinloch ducked for cover and said, "I was not party to that. I do not want to be a part of that". He talks about political games being played by the Labor and Liberal parties. They are overshadowed only by the political games played by the members of the Residents Rally; that is the fact of it.

If the Residents Rally think political games playing is okay - as I said earlier, it is clear that there is an election campaign in the offing, and that is what this is about, so that they can throw a few rocks at the Liberal and Labor parties, the big machine parties - they ought to stop playing political games themselves. They ought to start behaving, if they really want to throw those kinds of rocks, if they really want to move out of their own glasshouse. Because of their performance over the last couple of years, they have a reputation of being "quite flaky" - and they are not my words.

Mr Collaery: Of bringing in 70 Bills. How many Bills have you brought in?

MR KAINE: You brought in three in the last couple of days, knowing full well that there was no likelihood of their being debated. You hoodwinked certain people out there into believing that you were going to debate them, and they are now quite angry with you, I can tell you.

I informed those people that you brought them in knowing full well that there was no way that they could be debated and that you had led them up the garden path by saying that you were going to fix the payroll tax, the land tax and all those other things. There are some very disgruntled people out there, Mr Collaery, because you hoodwinked them. So, do not talk to me about political game playing. Dr Kinloch ought to have a look at the political game playing. Perhaps he does not see it; perhaps he sits there with his eyes shut, just as he does here, and he does not see the games that you and Norm Jensen are playing. As I said, do not throw rocks when you live in glasshouses.

Dr Kinloch did discuss the gambling casino, and he talked about the inappropriateness of the short-term fix. I never said that the casino was a solution to anything. I never put it forward as a short-term fix for our economic woes.

I always made it clear that the casino was just one tile in the mosaic of tourism. I always said that it was not going to save us from financial disaster; of course, it cannot, but it may generate - - -

Mr Collaery: Stop sitting on the fence, Trevor.

MR KAINE: I am not sitting on any fence. My position on the casino has always been clear. You are the one who sits on a fence. You are the one who tried to prevent any suggestion of doing anything at all about the casino anywhere in Canberra. You did not want it on section 19. You did not want it within sight of Parliament House. You did not want it anywhere near the Parliamentary Triangle. You did not want it anywhere. You were happy to have a casino, as long as it was out at Bungendore. That was your position, Mr Collaery. Do not come in here today and talk about your support for the casino. You have never supported it.

My position and that of the Liberal Party have been clear: We have always supported the casino, on the basis that it would generate revenue and some employment and that, in connection with it, there would be some form of construction project to help fill the construction hiatus in Canberra. That has been our position; it has been unchanged since December 1988 when the last election campaign started. I can go into this election with a clear conscience, knowing that I have been honest with the community on that matter. I ask the question: Can Dr Kinloch do the same? I doubt it.

Dr Kinloch: I am not in the least worried about that.

MR KAINE: No? It is very interesting. You will sit on the fence again. The Rally starts kicking heads or thinking it is kicking heads - it has a pretty weak foot - in terms of long-term economic policy, but where is its long-term economic policy articulated? Give us a look at the page in the pink book where you have articulated a long-term economic policy. I have been through it pretty thoroughly, but I do not see one. If you are serious about long-term economic planning, you have to have a solution yourself. It is simply not good enough to criticise others, even if it were true that the others did not have a long-term economic plan. In this case, that accusation is totally baseless.

Madam Temporary Deputy Speaker, I think I have spoken for long enough. I finish as I started: I still do not know whether to take this seriously or whether I should go away and have a good laugh about it. I will be interested to hear other people speak and see what is their attitude to this "Matter of Public Importance" - capital M, capital P, capital I.

MS FOLLETT (Chief Minister and Treasurer) (3.32): It really is yet another occasion, Madam Temporary Deputy Speaker, when Dr Kinloch would have done far better to maintain his very admirable Quaker tradition of silent contemplation. He has certainly done himself no good whatsoever in his vapid blatherings on this so-called matter of public importance.

I am intrigued, for a start, that a representative of the Residents Rally who has in fact been in coalition with the Liberal Party - in fact, by a signed agreement, the accord - has now brought it upon himself to declare that the Labor Party is now in coalition with the Liberal Party. We are not. I find it absolutely ludicrous that Dr Kinloch, who signed that accord, should now be referring to some other coalition when, in fact, it was the Rally who were in just such a coalition.

But what it does mostly speak of is the Rally's total and absolute lack of any sort of policy direction. They are quite unable to appreciate that both the Labor Party and the Liberal Party do have policies and platforms, and they stick to them. Of course, the Rally have never been able to do that. Whether the Rally have been in government, in opposition or on the crossbenches, or wherever they have been, they have been absolutely incapable of sticking to any of their undertakings that were given when they stood for election, and in that respect they are every bit as reprehensible as the Abolish Self Government people, the No Self Government people and everybody else who has walked away from their election platform.

In fact, the Rally, I think, has a lot more to answer for because they maintain this farce that they do have policies. They maintain that they have the high moral ground. They do not, and, as a party, they have been shown over and over again to be utter frauds. In Dr Kinloch's highly politicised statement today, which was dressed up again as the high moral ground, we have seen, yet again, the Rally's bankruptcy in terms of any kind of policy and any kinds of convictions.

Madam Temporary Deputy Speaker, as Mr Kaine said, I think Dr Kinloch must have had his ears firmly stopped up if he has failed, over the past years, to observe the actions taken for the economic well-being of the ACT. I would like, yet again, to repeat very briefly, for Dr Kinloch's benefit, what those actions taken by the Labor Government have been. The ACT, in this year, was faced with an enormous cut in Commonwealth funding. Dr Kinloch does not have to worry about that; he is never going to be in government again. He probably will not ever be in the Assembly again. He most certainly will never be responsible for the economic well-being of the Territory. So, that fact of the Commonwealth cut of nearly 20 per cent has passed him by. It is a mere detail to Dr Kinloch; it is not of any interest.

Nevertheless, Madam Temporary Deputy Speaker, the budget that we brought down was a balanced, responsible budget, aimed at increasing the economic well-being of this Territory. If Dr Kinloch has any doubts about that, I would refer him to the government finance statistics that were released today by the Australian Bureau of Statistics, which confirm the correctness and the effectiveness of the ACT's budget strategy. That would involve him in a bit of work, and I know that that is probably not his strong point; but I would be appreciative if he would care to have a look at the Bureau of Statistics figures and their report.

In addition to the budget, which I admit is not a quick fix - I am not interested in quick fixes - I have taken a number of measures aimed at increasing the conduciveness of the ACT's environment to growth in the private sector. I can understand that again Dr Kinloch has not bothered to read those matters; he has not bothered with the financial pages of the *Canberra Times* or the press releases of anyone other than his own party, so I will reiterate what those steps are.

Madam Temporary Deputy Speaker, the initiatives which I launched in Canberra Business Week in 1991 included a business licence information service, a strengthened approach to business regulation review, the establishment of Businessline, the enhancement of the National Industry Extension Service which is a joint Commonwealth-Territory program to assist companies to move into national and international markets, active participation with the Commonwealth Department of Industry, Technology and Commerce to ensure that ACT businesses benefit from the Federal Government's small and medium enterprise development program, the establishment of a program to facilitate access to affordable relevant business planning and management services, the development of a business starters information kit, the establishment of a small business financial advisory service, and the establishment of a business services centre to bring together business services in a central location.

They are practical steps, Dr Kinloch, aimed at improving the diversity and the size of the private sector in the ACT. I would ask members to contrast that with Dr Kinloch's pronouncements on the subject. He said that the Rally would "encourage a range of industries, large and small, to settle here". What an objective! How helpful that is! I do not know how we are to encourage them. Perhaps by sending them a Christmas card; perhaps not. Perhaps by engaging in silent contemplation of the merits of it all. That is what Dr Kinloch is best at. Just encourage them. What an empty, meaningless statement! I would ask members to contrast that with the actual practical steps that have been taken.

The point of Dr Kinloch's meanderings, of course, was to bag, yet again, the establishment of a casino in the ACT. He refers to it as a quick fix. I have never pretended that the casino was in any way the sole solution to the economic well-being of the ACT.

Mr Collaery: You are backing off now, too. The coalition backs off.

MADAM TEMPORARY DEPUTY SPEAKER: Order! Mr Collaery, would you please let the Chief Minister make her speech.

MS FOLLETT: Nevertheless, Madam Temporary Deputy Speaker, there is no doubt in my mind and in the minds of, I would say, 17 of the 17 members of this Assembly that the casino is an important project in the ACT's range of projects.

Mr Collaery: The left wing is squirming. They are squirming on this.

MADAM TEMPORARY DEPUTY SPEAKER: Mr Collaery, I have asked you once - and nicely. I would ask you to let the Chief Minister finish her speech, please.

MS FOLLETT: Dr Kinloch is able to brush off the $19m that will be provided for community facilities; he is able to brush off the 20 per cent casino tax that will come into the ACT's coffers, which will be $6m a year at the start and up to $11m after five years; he is able to brush off the 200-odd jobs that will be created in the construction phase.

Mr Collaery: And lost from the clubs.

MS FOLLETT: He is able to brush off in their entirety the 500 estimated jobs that will be provided in the casino and associated industries once they are established.

Mr Collaery: You are going to go down on this, and you know it. You are going to lose this debate. You have given us two seats. Thank you.

MS FOLLETT: Dr Kinloch has absolutely no interest in the realities of life. Finally, Madam Temporary Deputy Speaker, I would say that the continued interjections of Mr Collaery and others through this whole debate make it very clear that this is a political agenda. They have no real interest in the economic well-being of the Territory. Mr Collaery interjects that the casino project will cost my Government two seats. He made the same mistake with the Forrest bowling club. He has made the same mistake with the car park at Manuka. Mr Collaery and his party are against everything. They are totally opposed to anything in the way of real economic development. Instead, they prefer to settle for the empty rhetoric that we have heard from Dr Kinloch.

Mr Kaine: They gave the okay to the little car park at Lyons, though.

MS FOLLETT: Mr Kaine reminds me that the Rally approved the little car park at Lyons. After three years in this Assembly, I am afraid that I find that even less than a quick fix for the ACT's economic development. It is not a fix at all. It is a fact that the Rally are totally opposed to any sort of economic development in the ACT. I am amazed that they survived in coalition with the Liberal Party. But, of course, they survived only because they actually have no policies for economic development or for anything else. They abandon or reverse those policies that they mouth, at the first opportunity at which they are challenged. Far from my party losing seats over this, I think it will be the Rally that will lose all as a result of their performance.

MR COLLAERY (3.42): I am pleased to speak on this MPI. It is an excellent and very appropriate MPI. Historically, it may not be seen for what it is today, but I am very happy that an historian would put it on because I believe that history will show how accurate this is. It is accurate because many traditional Australians, many blue-collar Australians, many Australians who have served their country, oppose a casino. If you take a poll in this Territory on any Sunday you will come up with a resounding no. Both of you, who have displayed your collateral today, know that you would not win a vote on a Sunday as a result of this decision.

Let me quote from a very informed article which appeared in the *Current Affairs Bulletin* of September 1987. It said:

> On the whole, Australian governments were very reluctant to be seen to promote casinos - no doubt mindful of the industry's unsavoury reputation ... Advocates of casinos emphasised their broad revenue-generating potential, presenting casino gambling as an innovative and dynamic growth industry which could promote post-war tourism and serve as a catalyst for regional economic growth.

The Left in the Labor Party, the traditional members of the Labor Party, kept the casino instinct down over 30 years. After Hawke came to power in 1983 the casino vestigial impulse got going again. It was not new; it started after the war in this country, as those of us who were close to the Labor movement as we grew up in places like Wollongong know. The Left has ratted on its policies. It has ratted so much that it is unbelievable. They are in a little internal turmoil on this today in Canberra, and I know. Mr Berry knows that I know. I can tell you that there are serious groans in the Left of the Labor Party.

The next question that we need to ask is whether having the Left in charge of a Labor government is economically responsible. Would a Liberal government in its own right in this Territory have gone ahead with a casino in the

Territory today? I say to you that it would not have, because it knows the economic indicators that the Left of the Labor Party do not. This article, of September 1987, says:

> As a whole, despite apparently high attendance rates, Australian casinos have had lower turnovers than their counterparts overseas.

Any good Liberal knows that they have put workers off sequentially in Adelaide and at the Burswood casino in Perth. Any good Liberal knows that the share of the gambling dollar in Adelaide which came back to the South Australian Government through its TAB operations was 33.9 per cent, but that after the casino was opened in the railway station there it went down to 28.5 per cent. That translates into millions of lost government revenue, and the Government went into frantic advertising and the aggressive opening of pub TAB outlets and all the rest of it. It did not make up the dollar loss, and workers were put off in Adelaide last week.

In Tasmania the racing industry has never recovered. Before the Wrest Point casino started operating the racing element of the gambling dollar was 68 per cent; in 1987 it was down to 38.6 per cent. It has gone down further since. I attended a racing Ministers conference in Perth on 24 February 1991 at which racing Ministers throughout this country opposed casinos. Some of them realised how stupid it would be of this Territory to open a casino, and they made it clear to me.

Let us talk about the ACT TAB revenue. Last financial year about $76m went through the TAB. Six per cent went to ACT government revenue, and that is a precious 6 per cent; 3.5 per cent went out to the racing industry; and under our revised rules 1.75 per cent went out to the racecourse development fund. There are going to be long-term reverberations in terms of distribution when we find our TAB revenues down.

I am aware that next to no-one is listening to this debate, but I want to be right and I want to be right on the record. I want to say that no sensible Liberal government would have made this decision. I will tell you why Mr Kaine's Liberal Party made the decision. It was because the right wing of the Labor Party has captured the Liberal ticket. That is the reason, and I need not go any further, because what has happened to the Liberal Party is widely agreed in this town. It certainly has happened, and I close the circuit on the MPI. We have a true coalition of interests.

I move to respond to the Chief Minister. She said that the Rally rats on its promises. Mr Berry knows that I held my ground all the way to the line on workers' compensation yesterday. I stand up here before my maker. The only area

in which the Rally ever had to compromise was on the Royal Canberra Hospital and - through you, Madam Temporary Deputy Speaker - so did you, Mr Berry. Pick another area in which we have compromised. Despite the fact that we had 32 Bills prepared, we went out of government.

Mr Moore: You moved the motion to close six schools.

MR COLLAERY: Madam Temporary Deputy Speaker, will you save me from the voice from the pillar?

MADAM TEMPORARY DEPUTY SPEAKER: Order, Mr Moore!

MR COLLAERY: Thank you. The Labor Party said, in its election policy, that a major revenue initiative is to increase the maximum rate of betterment tax from 50 to 100 per cent and to improve the enforcement of tax. Mr Kaine is smiling because the other day in the house the Labor Party argued against a 100 per cent betterment tax; they argued against their own policy. You just heard Ms Follett talk about sticking to election policies.

I can go right through this. On schools, Madam Temporary Deputy Speaker, we had the same policy as the Labor Party, which was entitled "School Closure". Where a community can no longer support a school it will not close - that was the effect of it - without community consultation. The Rally bit the bullet and went out of government over the school closure issue.

Mr Moore: You were booted out of government. You were sacked.

MR COLLAERY: Madam Temporary Deputy Speaker, I will agree with that interjection: We were sacked. If I could go on with the issue, we have said that there is a Labor-Liberal coalition in this town. We have indicated that a good Liberal Party would not have opened a casino in this town at this time because up to 20 out of the 67 clubs will close. When I was Minister, 12 were trading marginally; my advice is that up to 20 are now in a marginal situation, and sadly we saw Daramalan close this week. Twenty will close; there is an average of 10 employees at each club; that is a total of 200 employees. But the Chief Minister suggested that there would be an immediate boost to employment. What a farce! On the Labor Party's own parameters this decision is suspect. They are not good managers in relation to this matter.

But let me come to the broad sweep of the issue. Do we, as Australians, in this national capital, want to have the glitzy showbiz of a casino?

Mr Humphries: Yes.

MR COLLAERY: Mr Humphries interjected and said yes. I am glad that he is on the record for that. That will do him good if he has even a chance, because this debate will be distributed far and wide. I do not believe that in our

hearts, in this bush capital, we want to see a casino. The short-term effect will be to reduce the job opportunities for youngsters in the club industry. The short-term effect will be to reduce the social justice of this town, as people gamble to try to make that which they cannot get under the unfair system.

The crying shame of it is that the Labor Party has put its signature to it. That is the thing that, coming from Wollongong, I am appalled about most of all: As a Labor Party you have put your name to a Liberal ethic. It is okay for the workers to have a gamble; it is not okay for you to give a foreign consortium a chance to siphon off our dollars through a collateral deed that you know has already been executed to take the money out through Singapore. It is a bad day for this capital. Just like the workers in Wollongong who stopped the pig iron going out in 1939 and who today stand alone in this country against the ACTU on exports to Indonesia, there is a lone voice. We will stay a lone voice. Shame on you!

MADAM TEMPORARY DEPUTY SPEAKER: Your time has expired, Mr Collaery.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (3.53): Madam Temporary Deputy Speaker, it may stay a lone voice, but it will not be a consistent one. One of the things that have amazed me today has been the attack on this proposal by Mr Collaery. One should not be surprised at some of the changes of attitude of the Rally. They have developed a great reputation for an ability to change course.

I recall quite vividly that, during the interminable discussions that we had nearly three years ago, just ahead of the formation of the first Follett Government, Mr Collaery, on behalf of the Residents Rally, was saying, "We will agree to a casino so long as it is not on section 19 or in the Parliamentary Triangle". I do not know whether that was a part of any discussions that the Liberal Party might also have had.

Mr Kaine: It sounds familiar.

MR WOOD: It sounds familiar. So, at that time it was perfectly acceptable to the Rally that the casino be on a site such as that of the Parkroyal, where it is about to go. I do not know whether Mr Collaery made a feature of that in the last two years - I do not keep a record of public statements made by people - but certainly the clear case at that time was that the Rally had no objections to it; they were prepared to accept it.

I think it is rather cynical now for Mr Collaery, on behalf of the Rally, to stand up and say, "We will not have a casino anywhere in any circumstance". It is a typical change of view by the Rally, to suit their own perceptions of how they should go. I indicate that this is a repeated

performance of the Rally. They have done it over and over again, and I simply want to stand up and express my amazement and my annoyance that they should so rapidly change their view on this important matter.

LAND (PLANNING AND ENVIRONMENT) (CONSEQUENTIAL PROVISIONS) BILL 1991

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (3.55): Madam Temporary Deputy Speaker, I present the Land (Planning and Environment) (Consequential Provisions) Bill 1991. I move:

> That this Bill be agreed to in principle.

The purpose of the Bill is to provide for the necessary consequential and transitional arrangements associated with the - - -

Mr Collaery: Do you support a casino, Michael?

Mr Moore: I have not made my position - - -

Mr Collaery: You would not say, would you? You are a classic wimp.

MADAM TEMPORARY DEPUTY SPEAKER: Order, please! Do you think I could have a little quiet so that I could hear Mr Wood, please.

Mr Collaery: I am sorry, Madam Temporary Deputy Speaker. I was disturbed by a money spider running across the desk.

MR WOOD: Madam Temporary Deputy Speaker, in this place my voice has never been a problem. It is not usually overridden, but - - -

MADAM TEMPORARY DEPUTY SPEAKER: Well, it was being overridden then, Mr Wood. I was finding it difficult.

Mr Collaery: There were eight minutes left for the MPI discussion and Mr Moore chose not to speak. Let the record show that.

Mr Moore: I raise a point of order, Madam Temporary Deputy Speaker. Mr Collaery said, "There were eight minutes left for the MPI discussion and Mr Moore chose not to speak". I think members would be aware that, in fact, I left the chamber for a minute and have now returned, and that Mr Collaery is trying to mislead the house. But, unlike Mr Collaery, I will not move away from the policy upon which I was elected.

MR WOOD: I will continue. While I am enjoying the interplay, I will keep to the business in front of me.

The provisions of this Bill will repeal, amend or retain relevant existing legislation, depending on the circumstances. Whereas the Land (Planning and Environment) Act 1991 replaces existing requirements, the consequential provisions Bill will repeal the whole or parts of existing legislation no longer required.

Schedule 2 of the Bill sets out the legislation which will be repealed. In some instances, existing legislation will be amended to remove inconsistencies with the land Act or to enable concurrent operation with that Act. For instance, section 258 of the land Act provides that, where an order is made binding subsequent lessees or occupiers, the Minister will give the Registrar of Titles a copy of the order. Such a provision will not have the required effect of informing intending lessees or occupiers, unless the Real Property Act 1925 is amended to give the Registrar of Titles the ability to endorse the title as necessary.

The consequential provisions Bill will also provide that, where appropriate, certain pre-existing rights, obligations and liabilities will continue after the commencement of the land Act. By way of example, an act or thing done by or on behalf of the ACT Planning Authority before the commencement of the land Act shall be taken to have been done by the new authority constituted under that Act. Further, if action has been taken to terminate a lease under section 22 of the City Area Leases Act 1936 before the land Act commences, the Minister may continue action under the City Area Leases Act, notwithstanding the fact that it has been repealed.

Lastly, the Bill will also provide for some current arrangements to continue until the draft Territory Plan is approved by the Assembly. For instance, the land Act and the draft Territory Plan will alter the way that a lessee can seek approval to conduct a business from a residential lease. Until the draft Territory Plan is in place, section 10 of the City Area Leases Act will be retained by the consequential provisions Bill so that lessees will still be able to operate a home business. In conclusion, the Land (Planning and Environment) (Consequential Provisions) Bill 1991 will allow the land Act to commence smoothly.

As I have informed the Assembly on previous occasions, the Department of the Environment, Land and Planning is looking at ways of informing the public about the procedures and new arrangements that will apply when the land Act commences. Training of staff will be carried out to ensure that, when the Act commences, the requirements imposed by the legislation will be met. I present the explanatory memorandum for the Bill.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.01): Madam Temporary Deputy Speaker, I present the Motor Traffic (Amendment) Bill (No. 3) 1991. I move:

That this Bill be agreed to in principle.

This Bill amends the Motor Traffic Act 1936 and, in conjunction with the Magistrates Court (Amendment) Bill (No. 3) 1991, which I am shortly to introduce, provides for fine default for traffic infringement notices. This initiative will replace the ultimate sanction for non-payment of traffic fines - namely, a gaol term - with a more appropriate penalty. That penalty will be cancellation of an individual's licence or registration.

Traffic infringement notices were introduced in 1983 and are issued by the police for less serious offences such as speeding, not wearing a seat belt, not stopping at a give-way sign, not wearing a motorcycle helmet, and so on. The introduction of fine default for traffic infringement notices is an extension of the scheme currently operating for parking infringement notices. Non-payment of traffic fines will result, initially, in a warning letter being issued and the imposition of an administrative fee.

Failure to pay the total amount owing after a set time will result in either the cancellation of the individual's licence or, if the offender is licensed outside the ACT and the vehicle that that person was driving is registered in the ACT, the cancellation of the registration of that vehicle. If the offender is neither licensed nor registered in the ACT, that person's right to drive in the ACT will be suspended. Offenders can still appeal to the Magistrates Court if they wish to dispute liability.

Responsibility for the collection of moneys for traffic fines will be transferred from the Australian Federal Police to the Department of Urban Services, with fines being paid to the Registrar of Motor Vehicles through various collection points. This initiative will considerably streamline payment procedures and avoid processing multiple transactions. With this initiative being similar to that already in place in New South Wales, there are possibilities for future reciprocal arrangements which may allow unpaid ACT fines to lead to the loss of a New South Wales licence and vice versa.

I believe that the ACT community will support the introduction of this legislation, as there is a general perception that the loss of an individual's licence or registration is a more appropriate penalty for non-payment

of traffic fines than being taken to court and possibly sent to gaol. Also, parking infringement notice fine default was introduced successfully into the ACT in 1989 - indeed, Madam Temporary Deputy Speaker, by you - and traffic infringement notice fine default has operated successfully in New South Wales since September 1988. I believe that this initiative to change the ultimate penalty for a traffic offence will become a valuable incentive for the swift payment of traffic fines in the ACT in future. I now present the explanatory memorandum for the Bill.

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

MAGISTRATES COURT (AMENDMENT) BILL (NO. 3) 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.04): Madam Temporary Deputy Speaker, I present the Magistrates Court (Amendment) Bill (No. 3) 1991. I move:

> That this Bill be agreed to in principle.

This Bill makes consequential amendments to the Magistrates Court Act 1930 to provide for fine default for traffic infringement notices. As I said in my presentation speech for the Motor Traffic (Amendment) Bill (No. 3) 1991, this initiative will replace the ultimate sanction for non-payment of traffic fines - namely, a gaol term - with a more appropriate penalty. That penalty will be cancellation of an individual's licence or registration, or suspension of their right to drive in the ACT.

The Magistrates Court (Amendment) Bill (No. 3) 1991 removes the power of a magistrate to issue a warrant under the Magistrates Court Act 1930 in respect of unpaid traffic fines. The power to act against the non-payment of traffic fines is transferred to the Registrar of Motor Vehicles, who may cancel an individual drivers licence, or registration, or their right to drive in the ACT in such cases. Offenders will still have the right to appeal to the Magistrates Court if they wish to dispute their liability in the circumstances of the alleged events.

The current system of processing petty traffic fines through the courts is inefficient and resource intensive. This proposal will free up the ACT Magistrates Court, as well as allowing Australian Federal Police resources to be available to pursue more serious matters. I now present the explanatory memorandum for the Bill.

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

GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1991

MS FOLLETT (Chief Minister and Treasurer) (4.06): Madam Temporary Deputy Speaker, I present the Gaming Machine (Amendment) Bill (No. 2) 1991. I move:

That this Bill be agreed to in principle.

The Gaming Machine Act provides for the taxing and regulation of gaming machine operations in the Territory. Under the existing legislation, revenue from gaming machine operations in the Territory is obtained from both annual licence fees for machines and monthly tax on gross operating profit of machines. Licence fees are paid in advance for a year on the date of issue of each licence and on renewal each year on the anniversary of the grant of the licence. These renewal fees can amount to a quarter of a million dollars for the larger clubs and have proven to be onerous to many clubs operating gaming machines in the Territory.

The Gaming Machine (Amendment) Bill therefore proposes to amend the Act to combine the licence fees with the monthly tax scale. To compensate for revenue lost by the abolition of licence fees, the level of tax applicable to clubs and other gaming machine licensees has been increased so that the proposal is revenue neutral. Members should note that the proposed tax scale will continue to favour the smaller clubs with lower gaming machine profits. The benefit for all clubs operating gaming machines, and the reason why the proposal is strongly supported by the Licensed Clubs Association and the club industry generally, is that all their tax obligations will be linked to monthly machine takings, and conveniently related to licensees' cash flows.

As licence fees have been paid in advance for the current year, licensees will be refunded fees proportional to the unexpired period of each licence at 1 January 1992, when it is proposed that the new tax scale comes into effect. The Bill therefore provides for a slightly higher maximum tax rate for the remainder of the 1991-92 financial year to compensate for a loss in revenue due to the mid-financial year commencement of the changes.

The Bill also contains amendments to prevent profits from gaming machines operated by clubs from being distributed to private interests. Arrangements have become increasingly common whereby some or all of a club's profits, including those from gaming machines, are diverted to a private interest rather than to the benefit of members. Arrangements of this kind may result from a contract for a share of profits in return for management services or financial assistance. Alternatively, a privately owned organisation can take on enough of the features of a club to be recognised as such while retaining its original profit distribution through restricted voting power.

The principal attraction of obtaining a club liquor licence arises from the fact that the holder is almost automatically eligible to operate gaming machines under the Gaming Machine Act. The taxation scale for club gaming machine profits is also considerably more favourable than that applying to hotel licensees. Under the new monthly tax scale contained in this Bill, the maximum rate for clubs will be 22.5 per cent after the transitional period, as opposed to 35 per cent for other licensees.

The amendments contained in this Bill will sever the connection between the Gaming Machine Act and the Liquor Act for grant of a gaming machine licence. The amended Act will subject clubs seeking gaming machine licences to stringent requirements, many of which have been adopted from the New South Wales Registered Clubs Act. These provisions will include the requirement that clubs have a minimum of 200 members and controls on the pecuniary benefits that may be received by any person from a club. It is also proposed that the Commissioner for ACT Revenue be given powers under the amended legislation to ensure that a club seeking or holding a gaming machine licence is conducted in good faith as a club.

The amendments contained in this Bill in relation to both the licence fees and private ownership of clubs are consistent with practice in New South Wales. Further, the proposed changes have been sought by the industry for some time and have been developed after extensive consultation with the Licensed Clubs Association. My Government believes that the amendments contained in the Bill will help ensure the future of an industry that provides high-class amenities and entertainment and is important to the economy of the Canberra region. I present the explanatory memorandum for the Bill.

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

TAXATION (ADMINISTRATION) (AMENDMENT) BILL (NO. 3) 1991

MS FOLLETT (Chief Minister and Treasurer) (4.11): Madam Temporary Deputy Speaker, I present the Taxation (Administration) (Amendment) Bill (No. 3) 1991. I move:

> That this Bill be agreed to in principle.

After the Gaming and Liquor Authority was abolished, from 1 January 1991, the regulatory and revenue raising powers of the Gaming Machine Act became the responsibility of the Commissioner for ACT Revenue. At that time, it was foreshadowed that gaming machine taxes would be brought more into line with other taxes administered by the commissioner, most of which are incorporated under the Taxation (Administration) Act 1987.

With the amendments just introduced in relation to the Gaming Machine Act, it is time to make the foreshadowed change. This Bill, therefore, incorporates the Gaming Machine Act under the provisions of the administration Act so that the two Acts are read as one. The provisions of the administration Act provide stringent requirements in relation to lodgment, assessment, recovery, prosecution and objections in relation to tax laws. The more stringent compliance provisions of the administration Act will allow gaming machine tax to be self-assessed.

The explanatory memorandum for this Bill has been combined with that for the Gaming Machine (Amendment) Bill (No. 2) 1991.

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

OZONE PROTECTION BILL 1991

Debate resumed from 28 November 1991, on motion by **Mr Wood**:

That this Bill be agreed to in principle.

MR HUMPHRIES (4.13): Madam Temporary Deputy Speaker, this is quite significant legislation and it comes before the Assembly in the dying days of this term. I have to say at the outset that I regret that we have so little time to consider the Bill, but I acknowledge at once that it is a very important piece of legislation and that it constitutes a continuation of the attack - not just by the ACT Government but by governments across the country - on the problem of depletion of the ozone layer.

It is important, of course, for even a small community such as ours, with a relatively small contribution to the total problem of ozone depleting substance production, to make its move towards reducing the level of contribution that we make towards this problem. I think it is symbolically important that we be among the first to put in place legislation to deal with this matter. Some doubt has been expressed about the role of chlorofluorocarbons - CFCs - and their effect on the ozone layer. I have read, in reputable magazines, articles disputing the scientific evidence about this as recently as the last few months. I think, though, that there is enough evidence for us to take action on this important area.

In particular, I think that the element of doubt is such that, if we do not take action in this area and it is proved that indeed we do have a problem with the destruction of the ozone layer and the consequences of that through the production of CFCs in our community, we are that much further behind in taking steps to correct the problem. Of course, this Government, in bringing forward legislation of this kind, is acting in accordance with

international obligations incurred by the Australian Government under the Montreal protocol, and, in addition, it complements the Commonwealth Ozone Protection Act of 1989, which also provided for some coverage of manufacturers of ozone depleting substances.

The Minister, in his presentation speech, made a number of comments about the course of development of this matter. He indicated, on page 4 of his circulated presentation speech, that:

> The process used in developing the strategy for ozone protection is a model for cooperation between government, industry, union, environmental groups and the community.

I have to say, quite frankly, that I hope not, because I am aware that there is at least one major group in this community which was not, apparently, consulted about this important Bill before it came before this Assembly. It would appear that my forwarding to them of that Bill was the first they had seen of it.

I understand that the Government has consulted directly with some producers of ozone depleting substances; but, of course, the danger in that circumstance is that if one tries to contact everybody at the grassroots one invariably misses out somebody. Umbrella groups are sometimes useful in reaching all their members and people who are representative of that general field. I sincerely hope that in the future bodies such as the Chamber of Manufactures can be informed, rationally and early, of the Government's intentions in these sorts of matters.

The Minister also said, later in his presentation speech, that this legislation represented "the minimum of government regulation of business". I have to say that I disagree with that statement as well. The regulation entailed in this Bill is extensive, comprehensive and occasionally quite invasive. The provisions that are set out in this Bill are quite tightly worded, and they are, for the most part, extremely all-embracing.

I want to illustrate that by making reference to some of the provisions themselves. Anybody who manufactures, deals with, uses or services an article which contains ozone depleting substances has to obtain a licence to do so. That person or company has to obtain a licence, for a period of only 12 months. They cannot have a longer period than that. The application has to be accompanied by a fee. I assume that that will be a cost recovery type of fee.

There are stringent conditions attached to the granting of a licence. The applicant has to have completed an approved course or an approved examination. There are very few regulatory schemes that require either courses of education or examinations as a prerequisite for the holding of a licence. Alternatively, they have to be accredited under the law of some other State which presumably reflects these

sorts of provisions. They have to have not been convicted of an offence against the proposed Act or a corresponding law, and they have to be, in addition, a fit and proper person. I will return in the detail stage to that particular requirement.

The authority which issues licences - the Pollution Control Authority, I think it is - is able, then, to issue a licence if certain conditions are met. The licence can be issued with conditions, and those conditions can be unilaterally varied by the authority on advice to the applicant. There are conditions for the suspension and cancellation of a licence in the circumstance, for example, that a condition is not complied with. That is a single condition, not more than one. In addition, there are extensive provisions relating to the powers of the authority to enforce the regulatory provisions of the legislation, including search and seizure powers.

What is more, the classes of people who are caught by this are extremely wide. As I said, any person who manufactures, deals with, uses or services an article which contains an ozone depleting substance must obtain a licence. We must bear in mind, of course, that this is obviously intended to catch people such as manufacturers of certain goods with coolant components in them. But it does, at the same time, catch people such as refrigerator mechanics and people who service cars with air-conditioning systems in them.

Mr Wood: A lot of people are involved.

MR HUMPHRIES: A lot of people are involved; a great many people are involved. I do not know what the Government plans or expects to receive in the way of applications under this legislation, but in fact the number could be very, very great indeed. I also should draw attention to the very broad nature of the way in which this Bill is drafted. For example, it says:

> A person shall not ... manufacture an ozone depleting substance except in accordance with a licence.

That is fair enough. It then says:

> A person shall not ... deal with an ozone depleting substance except in accordance with a licence.

I am not quite sure what constitutes dealing with it. When I sell an item, an appliance, that contains such a substance, am I dealing with such a substance? It says further:

> A person shall not ... service an article containing an ozone depleting substance ...

I hope that does not include me doing something to my fridge at home. It then says:

> A person shall not, without reasonable excuse, use an ozone depleting substance except in accordance with a licence.

I have a question to pose to the Minister, and I hope that he listens to this: When does a person use an ozone depleting substance? When I put goods in my refrigerator and turn the refrigerator on, am I not using an ozone depleting substance? I ask that because, quite certainly, inside my refrigerator there are coolants which are, if released, potentially ozone depleting. Am I not using those coolants when I turn my refrigerator on, or when I operate the air-conditioner in my car?

I am sure that the Minister has a satisfactory explanation for that point. I therefore will not use that as some basis on which to reject the legislation. That is going, I suspect, too far. But I sincerely hope that the penalty of $5,000 or imprisonment for six months is not, at least in theory, incurred by any person who happens to use any one of the tens of thousands of appliances in our community which contain ozone depleting substances.

As I indicated, the Bill contains quite extensive powers to search and to seize. We are accustomed these days to those sorts of powers, and I suppose that we have to accept them to some extent. I can understand that the environment authorities need to be vigilant in tracking down places or persons who are responsible for acts which damage our environment. But, again, I think it is important for us to realise that we are treading on dangerous ground if those sorts of powers are not strictly controlled.

I think it is worth noting that this Assembly has a strict responsibility not only to pass laws like this into the statute books but also to monitor the way in which those laws are being enforced. I am sure I speak for my own party and probably for other parties in this Assembly when I say that, if I see circumstances where these sorts of powers are exercised beyond their intention in the passing of legislation, I will be among the first to come back to this place and say, "These things should be tightened up".

I believe that it may be appropriate, subject to what the Minister has to say, for us to err on the side of being generous in the granting of powers to environment protection authorities to make sure that they have the necessary capacity to deal with positions where our environment is being damaged. Certainly, they should have powers which are suitable for those purposes. But, as they appear on their face, these powers are extremely wide indeed, and I sincerely hope that the Minister has a satisfactory explanation as to how the Government will exercise caution and restraint in the exercise of those powers.

I think it is also worth referring to clause 9 of the Bill, which says:

> A person shall not, without reasonable excuse, deal with, use or manufacture an ozone depleting substance -

at all - those are my words -

> after the prescribed date.

So, irrespective of whether a licence has been granted, after this prescribed date any person who uses an ozone depleting substance commits an offence. This goes well beyond just telling manufacturers that they must phase out their manufacture of ozone depleting substances by 1994, the year 2000, or whatever the prescribed date is going to be. It goes to the heart of ensuring that everybody who uses ozone depleting substances, or who has an appliance with ozone depleting substances which might be caught by the Act, is advised before the prescribed date that after that prescribed date it will be an offence to use those substances.

This is a very wide onus to place on government. I rather suspect that we will be looking to a very long-term prescribed date if we expect to not catch all those people who presently might be using, in one way or another, an ozone depleting substance - as I suspect every person in this room and in this gallery is at the present time.

Mr Berry: No, I am not using one right now.

MR HUMPHRIES: You are not using one right now, but I am sure that at home your refrigerator is ticking over, keeping your food cool, Mr Berry, and using ozone depleting substances at the same time.

As I said, it is extremely important for us to be careful about the way in which we grant such broad powers, even powers to protect something as important to us as the environment. The Liberal Party, on balance, supports the concept of giving wide powers, but believes that the Government must exercise restraint, it must take care and it must be vigilant, particularly in respect of officers of the Pollution Control Authority who might at various stages have cause to exercise these powers, to ensure that those powers are not abused. I believe that, if that can be achieved, this legislation will achieve its aims.

MR JENSEN (4.27): As my colleague Mr Humphries has indicated, this is an important Bill, one which I know has been developed over time and successive governments. It certainly was foreshadowed in the discussion paper on developing an ACT strategy to respond to the greenhouse effect. This Bill brings some of those recommendations for legislation into effect.

The Rally environment policy also had a proposal to support the phasing out of CFCs in aerosols and refrigerators. Naturally, we would have extended this to air-conditioning systems in motor vehicles. The issue of the reduction of the ozone layer - and its potential to affect the health of Australians, particularly in the ACT because of our altitude - is a very important one.

Australia has the highest incidence of skin cancer in the world. While there are some differences between this debate and the greenhouse debate, or the global warming debate, they are linked. Both CFCs and halon gases also contribute to the global warming problem. This is acknowledged in a report produced by Denni Green, called "A Greenhouse Energy Strategy for ANZEC", which was prepared for the Australian and New Zealand Environment Council, or ANZEC; that is, the council of all environment Ministers from Australia and New Zealand that looks at issues relating to the environment.

This report says that the reduction of CFCs and halon gases would have a significant effect on the greenhouse effect, or global warming. The subject has also been a regular discussion point at ANZEC conferences. I refer members to a very interesting strategy paper for ozone protection. It is called "Strategy for Ozone Protection", it is put out by the Australian and New Zealand Environment Council, it is dated August 1989, and I commend it to members for their bedtime reading. This document provides some 106 recommendations for strategies for the phasing out of ozone depleting substances. I note that this Bill picks up almost all the main approaches identified in the executive summary of that report, on which the 106 recommendations are based.

I turn back to the issue of the problems associated with skin cancer in the ACT. It is acknowledged that the recent concerns about the degeneration of the protective ozone layer go back as far as 1974, when scientists first became aware that chlorofluorocarbons, or CFCs, and halon gases were affecting this very important protective layer.

Debate interrupted.

ADJOURNMENT

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

> That the Assembly do now adjourn.

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

Question resolved in the negative.

OZONE PROTECTION BILL 1991

Debate resumed.

MR JENSEN: The discovery in 1984 of the large hole in this layer over the Antarctic resulted in the Montreal protocol, in which it was proposed to phase out CFCs and halon gases. Australia, in fact, has moved to lead the world with a decision to phase them out completely by 1998, with an effort to reach a 95 per cent reduction by 1995. I think it is particularly important for Australia to play a role in the removal of the problem associated with the hole in the ozone layer, because of our closeness to Antarctica and the effect that the depletion of the ozone layer can have on the number of skin cancers in Australia.

In relation to the ACT, of course, we have a much higher altitude than those on the coast, so there is a clear indication that a continuing increase in the hole in the ozone layer will directly affect the long-term health of the ACT community. So, I guess that we have a part to play, albeit a very small one, in the same way, I guess, as Australia, by comparison with the rest of the world, can play only a very small part. But I think the old concept of "think globally, act locally" is very important. This Bill, therefore, goes a long way to have the ACT meet our share of this reduction.

I note that the explanatory memorandum says that the introduction of this Bill will be budget neutral. This was an issue raised in ANZEC in 1990, when a New South Wales proposal suggested that there be a collection of a levy on industry by the Commonwealth for distribution to the States. I am not quite sure whether that is in the long-term interest of the States. I think that once the Commonwealth gets its sticky hands on some of these levies it is very hard to winkle them out of it. This Bill seeks to fund the process that we are applying in the ACT by the collection of licence fees at the wholesale level and where these gases are or have been processed and removed from existing appliances, which, of course, as we know, include motor vehicles.

Certainly, the removal of spray-cans with CFCs in them was accomplished with a considerable amount of publicity and advertising. In some respects, I guess, you could argue that that campaign shows all legislators how aware of the issues the community is these days on matters pertaining to the environment. I was fortunate to participate in the national television hook-up in June last year where this issue was discussed by large numbers of young people around Australia, with the assistance, cooperation and involvement of the Australian Conservation Foundation.

The level of understanding of the issues was very high amongst the young people participating in this event. It was certainly much higher than it would have been during my school days when we did not really take much account of the environment, I guess; it did not seem to be a major issue back in the 1950s. But it was disappointing, at that time, that the ACT was not able to assist by sending a young representative to the renegotiation of the Montreal protocol in June of that year. The Government at the time saw fit not to assist in that process. I think it would have been a very good experience for a young Canberran citizen to represent the ACT, and I know that such a person would have done it ably at that very important conference.

I think that for far too long we have ignored the role of our young people in the developing of policies like this - or any other policy, for that matter. It provides a very important process and procedure for our young people, who, after all, will be taking over from us in the future, to gain experience and knowledge about the current operations of the political process, and the lobbying process, for that matter.

I would like to comment on the two final strategies identified by the ozone strategy paper that I have already referred to. They are: The improving of industry awareness of how servicing and maintenance procedures can be improved, along with their knowledge of the alternatives available; and an improvement in public awareness of what individuals can do to reduce their use of CFCs and halon gases. It is therefore pleasing to see that the first two recommendations of the strategy document relate specifically to the consultation process. I note, from the comments made by the Minister in his speech and also from the Bill, that there is provision for this sort of activity to take place. Once again, that is a very important process to follow. We should encourage the Government to ensure that all those in industry in the ACT are assisted to quickly come to grips with this legislation.

I would like to take up just one of the points raised by Mr Humphries during his speech. It relates to the public consultation process in respect of Bills in this Assembly. It may be a useful activity to have some sort of commentary in the local media about each of the Bills tabled in this place. It would not have to be a very big commentary; it could be just a small column in the newspaper. This would enable the various lobby groups and other organisations in the ACT, when the Assembly is sitting, to have a very quick look at what Bills have been tabled and to read a few words about what each Bill proposes to do, in order to see whether they have a particular interest in that piece of legislation.

They could then, of course, contact the relevant Minister or other members with a view to seeking their advice and assistance. I am sure that members of this Assembly would benefit greatly from this sort of contact from the community, and I think, in the end, we would probably end

up with better legislation. I guess that what we have to be careful of at times is the speed with which some of our legislation passes through this Assembly. I can understand, as we are winding down, why that might be the case. But I think that is probably something for us to take into account when the Assembly resumes next year. I commend to our daily Canberra based newspaper this proposal for the community consultation process in relation to all legislation that passes through this place. I hope that the editor will take it on board.

MR STEVENSON (4.38): There has not been, unfortunately, much time for debate, research, et cetera on this Bill. It was introduced on 28 November. How on earth people are supposed to do the job properly in this Assembly I do not know. Most people I speak to in Canberra do not either. However, I will do my best to put forward a few other points that we should perhaps look at.

Mr Jensen just mentioned the discovery in 1984 of a large hole over Antarctica. That is actually not correct. The ozone hole was discovered in 1956, I believe, by Gordon Dobson, later Sir Gordon Dobson. One would ask: What has Dobson to do with ozone? Why should we believe anything he says? Dobson believed that the ozone hole was a natural phenomenon. The ozone layer is actually measured in Dobson units. The standard equipment to measure that is the Dobson spectrophotometer. So, he probably has some expertise in the area. Mr Jensen mentions that the hole is getting bigger as the sky falls in. That is my addition on the end.

Mr Jensen: I never said that.

MR STEVENSON: No, I said that that was my addition on the end. I think it is a perfect situation. Whenever anybody talks to me about greenhouse and the ozone, I look up and wonder whether the sky is falling in again.

I did not hear it today, because I did not hear the full debate; but it usually is the case that the year from which the statistics are measured to show that we have a problem with the ozone layer is 1970. Now, 1970 is the time when the highest level of ozone was recorded since at least 1959, and I believe earlier. Since then, indeed, there has been about a 5 to 6 per cent decrease.

However, if one takes it from an earlier time - I think it is 1957 - one has a 5 per cent increase in the amount of ozone. So, as always, whenever we cite an increase or decrease in something, it depends on when we take it from. Let us say that the Assembly was abolished early next year. One could say that there was a decrease in the number of politicians by 17. But, if one took it from, say, 1987, one would find that the mean level had remained the same. There had been no increase and no decrease at all.

If we look at Antarctica, we find that there is a problem over Antarctica with a lessening of the amount of ozone in the stratosphere. One might ask: Why is that? There is a particular phenomenon that usually is in place in winter over Antarctica and which creates a vortex caused by westerly winds. That causes the air there to be particularly dry and the emanations of hydrochloric acid gas from Mount Erebus, which is not too far from McMurdo Sound, do not have the opportunity to break up as they normally would. Because of that, it rises up into the stratosphere.

You do get a lot of chlorine in the stratosphere, in the ozone layer over Antarctica, basically, in winter. There is no doubt about that whatsoever. By the time spring runs along you do not have that problem again. One of the ideas is that, certainly, it may be that that causes the problem. But this problem was not just discovered, as we were told; it was discovered a long time ago. The researchers working with Dobson maintain that it is not a problem. For the past year Marcel Nicolet, the founder and director of the Institut Aeronomie Spatiale de Belgique in Brussels, has largely refuted claims that CFCs are depleting the ozone layer. Nicolet, one of the pioneer researchers of the ozone layer, was working with Gordon Dobson in 1956 when they discovered the Antarctic ozone hole.

He maintains that the ozone hole is a natural oscillation of the weather systems, which increases and decreases periodically. It is worthwhile to have a look at a couple of the people who initially released information saying that there was a concern. I think it was back in 1974 that two chemists from the University of California, F. Sherwood Rowland and Mario Molina, wrote the first technical paper concerning CFCs. Because there are so many difficult chemical reactions in the stratosphere, it is very hard to isolate a particular chemical reaction, reproduce it in a laboratory and say, "Look, if you do this you get that".

It was possibly because of that that they carefully prefaced their paper with the following qualifier:

> We have attempted to calculate the probable sinks and lifetimes of these molecules.

Unfortunately, such disclaimers never made it into the press. That was not heard about any more, and the press grabbed this thing and said, "Away we go". From then on it was accepted as proof.

If we look at the basic problem - which is with chlorine, I believe - does it come only from people that are smashing up fridges or motor car air-conditioning units? I will not say "spraying things from cans" because, of course, that is not done any more out here. But let us say that it was being done. The amount of chlorofluorocarbons or CFCs being pushed out by that particular method is not much at all when you compare it with certain other areas.

We have other sources of chlorine. Three hundred million tons of chlorine comes from evaporation of seawater which contains salt - sodium chloride. Large amounts of this chlorine reaches the stratosphere through the pumping actions of thunderstorms, hurricanes and sodium chlorine molecules. Between 11 million and 36 million tons of chlorine comes from the passive degassing of volcanoes. Certainly, Mount Erebus has been slowly bubbling away for about 100 years now, pushing out supposedly ozone depleting gases and creating a hole over Antarctica. Also, 4.2 million tons of chlorine gases is produced by biomass burning, mostly as a result of primitive slash and burn agriculture and so on.

So, what we have is a situation where we do not really know. This one, unlike the greenhouse situation, cannot be proved or disproved. You have projections; you have computer models; you have people making certain statements that have not been backed up by valid scientific research.

It is most important to know, when we are told that there is a decrease in the amount of ozone, that there are natural fluctuations. It depends on the time you take as your starting point. If we started earlier and finished at 1970, we could say, "There is too much of it around. What we all have to do is get out there every morning and spray for 10 minutes to try to handle this problem of too much ozone, because it is going to stop the ultraviolet radiation coming through and we will not get any of it".

So, rather than rush off into what Mr Jensen has described in terms of Australia having an important role in this, possibly leading the world and doing the job and showing other countries what can be done, I think we would be better advised to, first of all, make sure that it is a problem. Then, if it is a problem, we should find out exactly what is causing the problem. Then, if we know what is causing the problem, we should find out the best way to handle whatever the specific cause of the problem is.

With respect to the Bill in the ACT, one could ask: Why do we need a Bill in the ACT? Do we have any companies manufacturing the chemicals in the ACT? No, we do not. Are we likely to, with self-government? Absolutely not; it would be impossible. We are not using spray-cans any more, so that is not a problem. I grant you that, if you were concerned about the gases, people smashing fridges up is a problem. Mr Humphries was quite right. I think it was he that mentioned that if you did something to your fridge you would be committing an offence. Indeed, that is exactly what would happen, because, if you are going to have a concern, that would be the concern that we would have in Canberra - unless it was also air-conditioning from motor cars or perhaps some other areas.

The big point is that we cannot prove that it is and we cannot prove that it is not. I well understand that some people would say, and have said, with respect to the greenhouse effect, "But can we take the chance?". One might then ask: Can we take the chance to do what? Can we take the chance to introduce legislation which may not cause a problem in the ACT or Australia but which, from an international point of view, could cause major problems in undeveloped countries where the value of these gases is needed, because they are stable? The gases that replace them are not as stable, which is one of the reasons why they are being used; secondly, they are inexpensive.

So, someone is going to have to pay more money. So, can we take the chance? Many people would say no, we should not take the chance of causing those problems, particularly when we are not sure. It is fairly obvious that members in this Assembly are not sure. I grant totally that I am not 100 per cent certain either way myself, but at least I present another side. But we did hear Mr Jensen stand up and say that it was discovered in 1984, and that is simply untrue. Yet this sort of data is accepted by so many people. These things can be accepted by us. We make laws without even knowing the facts. I think that is a problem, and I think this Bill is a problem.

I would love to have done more research so that I could present a better case on the matter. However, there is not the time to do that, which is why I have raised in this Assembly three matters of public importance saying that there is not the time to communicate with researchers; there is not the time to draft amendments; there is not the time to get the matters out to the public. It simply is not okay.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (4.52), in reply: I note what the various speakers have said. Mr Humphries had some concern about the level of consultation with relevant industry groups, and I think he mentioned the Chamber of Manufactures. I think the fact is that, at the national level - and bear in mind that this is very much an ACT Territory response to what is happening nationally and in the States - all relevant bodies were consulted in drawing up relevant policies. All the data that comes through does so after such discussion.

It may have been - I think it was the case - that in the preparation of this ACT Bill the Chamber of Manufactures was not consulted, but really there was not the need to; we were following closely the models established elsewhere and we were following closely the sorts of guidelines and policies that Mr Jensen alluded to. So, I think it is fair to say that the views of that body were well and truly considered.

Mr Humphries took a very broad definition of the impact of this legislation. When he reads subclause 3(2) of the Bill, he may be disposed to take a rather narrower and more accurate view. Let me read that clause:

> A reference in this Act to an ozone depleting substance shall not be read as including a reference to a manufactured article that -

(a) contains, or will use in its operation, an ozone depleting substance; or

(b) consists in part of an ozone depleting substance only because the substance was used in the manufacturing process.

So, we ordinary citizens who use a refrigerator, drive a car, ride a surf ski, or use any of the range of finished products that may have involved, or still involves, the use of ozone depleting substances, will not in any way be affected. Mr Humphries, I think, had not carefully read that clause as he read through other aspects of the Bill. It cannot be taken as broadly as he indicated.

I think it was Mr Humphries who asked for dates by which ozone depleting substances will be phased out. Again, those dates are, I understand, established after consultation with relevant industry bodies. Some members here may have received a recent promotional letter from Mercedes Benz pointing out that their new vehicles no longer use ozone depleting gases in their air-conditioning. Volvo is another manufacturer that has already gone down that path. However, by the end of 1993 - - -

Mr Moore: You had better buy them for members.

MR WOOD: You would have to argue a strong case to this parsimonious Government, Mr Moore. But it will not be long. By the end of next year, barely 12 months away, no motor vehicle containing CFCs will be manufactured in or imported into Australia. So, that is not far away. That is one target. I am sorry; that is two years away - by the end of 1993. I am into next year already. By the end of next year, you will not be able to import or purchase refrigerators with CFCs.

So, those are the sorts of targets that are being set. I think the present target - and these targets are revised; I think there is out now a fairly new revision of the document Mr Jensen was quoting from - is that it is hoped that, by the end of 1988, all CFCs will be banned. That is the sort of timetable that is under way at the moment.

Mr Jensen alluded to the national approach that is being taken. The legislation that we are presenting here is very much the same as that being presented throughout all the States and Territories. Mr Stevenson suggested that we did

not need to do anything here; but, while it is the Commonwealth's responsibility to prevent the manufacture of ozone depleting gases, it is our task to prevent the sale or the use of them within the ACT, except under licence.

Mr Stevenson made some other comments, and showed that he had not had much time to research this - although, if the quality of the research is the same as that which we experienced when we were looking at fluoride, I do not think it would make much difference. I will not comment on the points that he raised in that regard. I note that there are a few amendments to be moved by Mr Humphries. The Government also has a few amendments and we will move onto those now.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 13, by leave, taken together, and agreed to.

Clause 14

MR HUMPHRIES (4.58), by leave: I move:

Page 5, line 32, paragraph 14(1)(c), omit the paragraph.
Page 6, line 25, paragraph 14(4)(f), omit the paragraph.

These two amendments are the same in nature. They both remove the requirement that an applicant for a licence to use, deal with, manufacture or service an article containing ozone depleting substances be considered a fit and proper person, pursuant to an unspecified test which obviously appears in some other legislation as well. Paragraph 14(1)(c) relates to this requirement for an applicant who makes an original application for a licence, and paragraph 14(4)(f) mentions one of the criteria that the authority must consider when making a determination on that application.

This sort of formula appears not infrequently in legislation. I have to say that I consider it, when I see it, to be a provision which is framed for the convenience of people administering such provisions, because it is a convenient catch-all which can be used by a public servant administering an Act to avoid the need to actually consider whether a particular applicant does or does not otherwise satisfy all the requirements set out in legislation.

We have here a piece of legislation which intimately affects the livelihood of people. A major company which is refused a licence to manufacture or deal with CFCs potentially runs the risk of losing the capacity to employ

however many people might be on its payroll. We could be talking here about some dozens or even hundreds of people. It is therefore important that individuals, or companies, that seek to get licences under the legislation know clearly, and without ambiguity, what conditions they must satisfy in order to be able to obtain a licence.

Subclause 14(1) gives them, up to a point, those clear indications. It says that the applicant must have "satisfactorily completed an approved course or an approved examination". That is fair enough. Alternatively, the applicant must be "accredited under a corresponding law" of a State. That is also fair enough; it is very clear. The applicant must also not have been "convicted of an offence against this Act or a corresponding law". That provision is complemented elsewhere, where it says that the authority shall have regard to:

> if the applicant is a body corporate - whether any person having the management or control of the body corporate, or the body corporate itself has been convicted of an offence against this Act or a corresponding law.

Again, that is quite clear; you either have or have not been convicted. But then it says that the applicant must be "otherwise a fit and proper person to hold the licence to which the application relates".

I think that this question should be asked: Why cannot the legislation set out what are the conditions under which a person is or is not a fit and proper person to hold a licence? They are extremely important conditions. They are conditions that a person coming before a public servant and seeking this right to earn his or her living will need to know about; yet they are not set out.

These provisions give a public servant the right to decide along these lines: "You satisfy all the criteria set out in the legislation, but I do not consider you to be a fit and proper person, and I therefore intend not to give you a licence". That is unacceptable, as far as the Liberal Party is concerned. The Alliance Government, I think, was fairly assiduous about trying to weed out such clauses in legislation, and I can certainly indicate that we took every step to ensure that there were no such provisions in legislation that came forward. We may certainly have missed some - - -

Mr Jensen: What about subclause 14(2)?

MR HUMPHRIES: I will come to subclause 14(2) in a moment, Mr Jensen. Certainly, we took efforts to remove those sorts of clauses as often as was possible. I believe that we should be no less assiduous now.

The question remains: Why should a person not be able to look at the legislation and see therein the conditions that he or she must satisfy in order to be able to obtain a licence to operate his or her business - his or her livelihood? I think that those provisions are iniquitous and should be removed. If the Government feels that there is some particular test that should be set out to prevent people from obtaining licences if they are shady characters, or undesirable people to be handling CFCs, then it should clearly articulate those conditions and put them in the legislation - or at least in regulations under the legislation.

Mr Jensen interjected to make reference to subclause 14(2). I have not proposed to remove the reference to a fit and proper person there, because in those circumstances it actually widens the conditions under which a person might get a licence. Where a person, in fact, has a conviction and is therefore ineligible under subclause 14(1) to get a licence, that person can, in fact, go to the authority and say, "I know that I have a conviction, but I think this conviction is of such a kind that I ought still to be able to have a chance of working in this industry. Please give me a licence, notwithstanding my conviction, because these are the circumstances under which I incurred that conviction".

In those circumstances, I think it is fair that there should be a capacity for leniency, a capacity for a person who, on the face of it, does not have compliance with the provisions to go one step further and say, "Please give me an exemption on this basis". There it is fair to give a public servant a discretion. It expands the rights of a citizen in those circumstances. But, in subclause 14(1) and in paragraph 14(4)(f), it contracts those rights. Therefore, it ought to be removed.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (5.05): The Government opposes these amendments. I have indicated to Mr Humphries the frequent wide-ranging use of that term, "fit and proper person". There is nothing unusual about it. It is a useful discretionary provision that adds to the requirements, the criteria, before, in this case, someone is issued with a licence. Let me tell you - and I am sure you know it - that it is specific to these requirements, to the criteria; it is not to be taken as a broad definition. A person could be entirely unfit in many aspects of his or her life but still be a fit and proper person under the terms of this Bill.

It is not a look at the whole of a person's life. It is not someone sitting in judgment on how someone has carried on. With the ability given to us with the computer, I can tell you that the phrase "fit and proper" appears on 70 occasions in ACT legislation.

Mr Kaine: Well, there are 70 occasions on which we should remove it.

MR WOOD: You might tell me all the times that you are aware of - I am sure you would be aware of it if it had been abused - that the use of that phrase has caused difficulties.

Mr Collaery: Yes, Wendy Bacon. Wendy Bacon was refused a practising certificate because she was not fit and proper.

Mr Connolly: Yes, because she had accepted crook bail. That was the finding. And she had lied.

MR WOOD: Gentlemen, you may carry on your debate behind me; but it is not a matter that has come to our attention in respect of ACT legislation in the time that we have been here, and I have not been aware of the provision being abused. It is an entirely appropriate phrase to incorporate into this legislation. It is used in existing legislation; for example, in relation to doctors, dentists, chiropractors, nurses, plumbers, builders, architects, casinos, drivers' vocational training and a whole range of matters.

Most recently, to my knowledge, it was used when you people had some responsibility for framing the Weapons Bill. It is certainly not an uncommon feature of our legislation, and I do not see that anything is gained by taking it out of this legislation.

MR HUMPHRIES (5.08): I just want to respond briefly to a couple of points that the Minister raised. I certainly would not say that there are no circumstances in which a "fit and proper" test should be used. The Minister cited a very good example of a case where it should be used, and that is where we are talking about a Casino Surveillance Authority surveying people who might operate a casino. I would certainly - 100 per cent - back, in those circumstances, a discretion about who operates a casino. But that is a very different circumstance. That is where a person is tendering for a right to operate a highly sensitive operation.

We are talking here about refrigerator mechanics. What possible reason could we have to have to say that a refrigerator mechanic is not a fit and proper person to hold a licence? The Minister is listening to his advisers, who find such powers convenient. It obviates the need to come up with some tangible, concrete reason why a person should not be able to carry out their livelihood. But that is not good enough. It is not good enough for a party which purports to be in favour of social justice. If you are in favour of social justice, then give people the right to demonstrate whether they can or cannot meet the criteria that they need to meet to get a particular licence under this legislation.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (5.09): Let me come back to this matter too, Madam Temporary Deputy Speaker. We are dealing with substances, CFCs, that are mostly acknowledged - not entirely in this Assembly - as being very detrimental to our environment; substances that we have to take the greatest care with. I have no anxiety at all in saying that, if a person has demonstrated some gross irresponsibility, the detail of which we cannot incorporate into our legislation, that person should be refused a licence. A person can show gross irresponsibility, and, in view of the significance of CFCs, we ought to be able to take account of that.

MR KAINE (Leader of the Opposition) (5.10): Now that Mr Wood has fired both his barrels, Madam Temporary Deputy Speaker, I will say that I do agree with Mr Humphries on this matter. As Mr Humphries has already outlined, the reasonable determinants of whether or not a person ought to get a licence are stated in the legislation. I think we can reduce it to the basic level of somebody who services refrigerators for a living. Under this law, he is going to have to get a licence. If he is qualified, technically, I can think of no reason why he would not be given a licence. The Minister has not thought of one either; otherwise he would have mentioned it.

He talked about gross irresponsibility. What does that mean - that he forgets to fill in a bit of his application form or something? How do you know that a person is guilty of gross irresponsibility? Does the public servant issuing the licence have a dossier on all potential applicants that he runs through to see not only whether this person is qualified technically, but also whether he has committed an act of gross irresponsibility?

Mr Stevenson: Voting against Labor.

MR KAINE: It could be that he just overlooked re-registering his Valiant motor car. Would that exclude him from getting a refrigeration mechanic's licence?

Mr Stevenson: I actually do not think that has ever happened in this Assembly. It was a different story entirely.

MR KAINE: That was just a thing that I thought of. But Mr Humphries is right. The Minister says that there might be many reasons why one would not want to say that a person cannot have a licence. Let us have some of them on the table. What are they? If the person is technically qualified, presumably he is entitled to a licence. He may even be a convicted felon, but is that going to exclude him from fixing refrigerators?

Mr Wood: No, absolutely not.

Mr Stevenson: He might be an ex-politician.

MR KAINE: Okay, he might be an ex-member of the Legislative Assembly. Is that going to exclude him from fixing - - -

Mr Wood: No. It is a bit more difficult, but no.

Mr Stevenson: I would not get one, even if I were qualified to handle them - not with this lot.

MR KAINE: We will not explore that. We can go along and keep putting up hypothetical cases and the Minister can say, "No, that would not exclude him; that would not exclude him".

But, other than the technical qualification, can he think of one which would be a reason for refusing a mechanic the right to ply his job of fixing refrigerators for a living? I cannot think of one. If he cannot think of one that he can write into the Bill as part of the prescription, then it is like the old military section 40: If you cannot get them on anything else, you can always get them on a section 40; that is, conduct to the prejudice of good order and discipline. The old section 40 has gone out of the military law now, but that was the one that one always had up one's sleeve. If you did not get them on anything else, you could always get them on a section 40.

This provision is a section 40. Section 40 has gone out of military law. Even the military has been smart enough to get rid of that one. Yet we, in 1991, are talking about building a section 40 type of clause into our legislation that says, "If you cannot exclude him for any other reason, we will find something. If we keep looking long enough, we will find something". I think that it is unreasonable; it is unfair; it gives a public servant - and public servants are very professional people - the opportunity to - - -

Mr Stevenson: The fit and proper ones.

MR KAINE: Yes, a fit and proper public servant. If someone is not "fit" or not "proper", this provision gives them an out to refuse somebody a licence. I do not think that is reasonable. I agree with Mr Humphries. We should adopt his amendments.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.14): It is a pity to spoil a good speech with a bit of reality, but I am forced to do so. Mr Kaine gave a very good speech that suggested that "fit and proper person" was an at large ability to strike off whoever one does not like. If it were not for the fact of judicial review of administrative decisions, under such Acts as the AD(JR) Act, or the general common law, what he says could be right. But, unfortunately for your good story, the courts are well familiar with the term "fit and proper person".

Unfortunately, I do not have the citation of the authority with me, but the leading case that I am aware of is a Federal Court decision some years ago in relation to broadcasting, where the question was whether a person was a fit and proper person to have a broadcast licence. The court said that the "fit and proper" must go to relevant facts. So, in relation to a broadcast licence, a bad driving record - a series of convictions for dangerous driving - was not relevant to whether one was a fit and proper person. However, some taxation offences or offences of honesty might be.

For a taxi driver, on the other hand, the taxation offences probably would not be relevant, if there was a "fit and proper" purpose test for a taxi driver. But driving offences would be. In relation to our refrigeration mechanic, clearly some taxation offences or driving offences would not be relevant. But a history of offences under the consumer affairs legislation for - - -

Mr Kaine: We have just eliminated two more cases.

Mr Humphries: Where do they see it on the face of the legislation? Who is the man who is going to read a High Court judgment to find that out?

MR CONNOLLY: No, no. The relevance for the refrigeration mechanic may be if he or she had been convicted under consumer affairs legislation for faulty workmanship. So, although a person might be technically competent - that is, he or she would pass the tests and establish that he or she knows how to fix a fridge - there is a record that says that this person has played fast and loose and not followed technical standards.

Mr Humphries: Well, say so.

MR CONNOLLY: Mr Humphries says, "You should say so". I would say that the "fit and proper" purpose test is an established test in law, with a well established series of authorities which say that it is not an at large test; that it always is relevant to the purpose of the licence giving. A court will always look at what the licence is being granted for and decide what are the relevant considerations - and, as Mr Humphries and Mr Collaery would be well aware, the term "relevant", at law, is well understood. A court will decide whether or not particular offences or other blemishes in the character are relevant.

That does not mean that if you have diddled your tax you will not get a refrigeration mechanics licence; but it may mean, if you have a history of convictions for faulty workmanship, that you would not get your licence. If there was a "fit and proper person" test for accountancy - Mr Wood read through a list of professions where it was relevant - clearly, for an accountant, honesty offences would be relevant to whether a person is considered a fit and proper person to have the trust of being a

public accountant, whereas if the person had convictions for speeding offences it would not. For the taxi driver, the reverse would apply. It is a test with a definite legal meaning, and we see no reason for this objection.

MADAM TEMPORARY DEPUTY SPEAKER: I call Mr Collaery.

MR COLLAERY (5.18): You did not give me a title, Madam Temporary Deputy Speaker. You give everyone - - -

MADAM TEMPORARY DEPUTY SPEAKER: I said "Mr Collaery".

MR COLLAERY: Is that enough?

MADAM TEMPORARY DEPUTY SPEAKER: Would "Leader of the Residents Rally" suit you, Mr Collaery?

MR COLLAERY: Thank you, yes, that is fine. That is fit and proper, Madam Temporary Deputy Speaker.

This provision is an anachronism because the courts, for years now, have gone well beyond these provisions. Where any scope has been given to a decision maker to exercise a discretion to grant a concession, the courts have traditionally gone beyond these types of provisions. So, they really hold very little for this piece of legislation. At the extremes, they allow capricious decision making and, in the case of the Bar Council in Sydney, the sort of decision making that excluded Wendy Bacon from admission - even though she had had a fall from grace and conceded it, while other persons applying for admission over the years have been allowed their foibles and indiscretions. Not so for Wendy Bacon.

That probably exhibits one extreme. I do not believe that that could happen in this Territory, and I do not believe that the bureaucrats, in proposing this provision, had that sort of thing in mind. But I think, on the other hand, the Attorney goes to the other extreme in saying that there is a provision in the consumer law that allows for a conviction "for faulty workmanship". To my knowledge, there are only civil remedies. I stand to be corrected, but I think what the Attorney means is: Do we have a sly operator out in Fyshwick who is effectively taking short cuts and allowing these ozone depleting substances to not be properly handled at a workshop because he or she is cutting corners?

Mr Jensen: That is covered.

MR COLLAERY: I think that that is covered in other areas, as my colleague Mr Jensen correctly interjects. I think, as Mr Kaine says, subparagraph (f) is a hold-all, and, whilst we did put such a provision into the weapons legislation, I am well aware that one of the prime framers of that Bill was Mr Mason, who is present in the house today - and (f) is his favourite expression. I am sure that he has lent his knowledge - superior knowledge in that regard - to this - - -

Mr Humphries: What does the "f" stand for?

MR COLLAERY: It goes with another Greek word in the same provision. If members look at that paragraph, they will see the word "applicatyion", which I guess is a Greek resort or something. Nevertheless, we will correct that somewhere along the legislative path.

I would suggest that this provision is a hold-over that has been put in without a great degree of conviction. I do not support it. I am really anxious to give Mr Humphries a convincing win at this stage of the Assembly's life. He has long and truly argued - I can reveal a Cabinet confidence for once - against the term "fit and proper". He has always stood against that term, and he will not disagree with that. He questioned it even in the Weapons Bill. He is, on this issue, a true libertarian, and I must say that, with the onset again of his facial growth, he has come back to his antagonism towards these illiberal provisions. So, we will give Mr Humphries a solid win today. The Rally supports his amendments.

MR MOORE (5.22): I think it is appropriate that we support Mr Humphries' amendments. Having listened to the argument of the Attorney-General, it seems to me that the most significant factor is that, for a person to get into the position of being protected by the courts, the person still has to go to court. Whilst they may well be protected by the court, I think that in this circumstance it is not necessary to have that provision in the legislation, and that it would be inappropriate to take them to court.

On a slightly different matter, whilst it is important for us to have vehicles that do not carry ozone depleting substances - - -

Mr Jensen: Fit and proper air-conditioners.

MR MOORE: Yes, fit and proper air-conditioners. I must say that my earlier comment in jest about Mercedes cars does not really carry the full weight of conviction.

MR DUBY (5.23): The arguments that were put by the Attorney about the requirement for having a "fit and proper" clause in the Bill's provisions for licensing simply do not hold water. If he reads the Bill, he will see that it says that the applicant must have completed an approved course or examination or be accredited, et cetera. It also says that the applicant must not have "been convicted of an offence against this Act or a corresponding law".

This, of course, would cover the miscreant refrigeration mechanic who has been convicted of offences under this legislation, but that is the sort of person that has been put up as an example of who would be stopped and excluded. So, it appears to me that this miscreant mechanic would

undoubtedly fall within that category anyway, and could quite rightly have his application for renewal of his licence - because I notice that licences can be granted for a maximum of only 12 months - rejected. I agree with all the libertarian arguments put by Mr Humphries and I will be supporting his amendments.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.25): "Corresponding law" is defined as an ozone related law in another State; so convictions, or indeed civil penalties, under consumer protection legislation, such as a record of poor workmanship, would be relevant.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 15 to 18, by leave, taken together, and agreed to.

Clause 19

MR HUMPHRIES (5.26): I propose to amend clause 19 in a similar way to the way in which we have just amended clause 14. It flows on consequentially, and we should support it. It simply provides that, where a person has received a discretion in their favour - under the provision for discretion that I referred to in response to Mr Jensen's interjection - and that person subsequently ceases to be a fit and proper person, using that test, it is appropriate in those circumstances for their licence to be suspended or cancelled. I think that, following on from what we have just done, we should support this amendment. I move:

> Page 9, line 11, paragraph 19(1)(e), before "that", insert "where the licence has been granted pursuant to subsection 14(2) -".

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (5.27), by leave: Madam Temporary Deputy Speaker, I move:

Clause 29, page 12, line 34, subparagraph 29(1)(ii), omit "suspects", substitute "believes".

Clause 33 -

Page 15, line 2, subparagraph 33(2)(b), omit "suspects", substitute "believes".
Page 15, line 15, paragraph 33(2)(b), omit "(1)", substitute "(2)".

By omitting the word "suspects" and substituting the word "believes", we are simply providing consistency of wording. The other amendment - to omit "(1)" and substitute "(2)" - is simply a correction.

Amendments agreed to.
Remainder of Bill, as amended, agreed to.

Question put:
That the Bill, as amended, be agreed to.

The Assembly voted -

AYES, 16	*NOES, 1*
Mr Berry	Mr Stevenson
Mr Collaery	
Mr Connolly	
Mr Duby	
Ms Follett	
Mrs Grassby	
Mr Humphries	
Mr Jensen	
Mr Kaine	
Dr Kinloch	
Ms Maher	
Mr Moore	
Mrs Nolan	
Mr Prowse	
Mr Stefaniak	
Mr Wood	

Question so resolved in the affirmative.

CRIMES (AMENDMENT) BILL (NO. 7) 1991

Debate resumed from 5 December 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR COLLAERY (5.31): Mr Speaker, although Mr Stefaniak has the call, it would convenience the house, in my view, if I moved some compendious amendments.

MR SPEAKER: In the detail stage, Mr Collaery.

MR COLLAERY: Well, I believe that they should be distributed and I should make an additional comment. I seek leave to do so.

MR SPEAKER: You can speak to the Bill. You do not need leave to do anything. You can just proceed, and speak to the amendments later in the detail stage as well.

MR COLLAERY: As long as I am not closing the debate by speaking, Mr Speaker.

MR SPEAKER: No, you cannot.

Mr Stefaniak: It is their Bill.

MR COLLAERY: Okay. Mr Speaker, I foreshadow amendments to the Bill moved by Mr Connolly. Those amendments are effectively intended to take up the Crimes (Amendment) Bill (No. 3), which has been moved previously in the house. The amendments being circulated are, in effect, piggyback provisions that take over the Crimes (Amendment) Bill (No. 3). Members might wish to study those matters while debate continues.

MR STEFANIAK (5.33): Mr Collaery's amendments, which can be moved to any Crimes (Amendment) Bill, are in fact moved to this Bill. I will speak about his amendments later. I note, in relation to his foreshadowed amendments, that he has taken into account problems which the Government Law Office and the DPP have raised. He is also covering one situation which certainly I have no problems with. I have had personal experience of the problem he refers to. I will speak more about that when that occurs.

This Bill basically ensures that the granting of pardons and the remission of penalties be taken over by the Territory rather than what is the current state of play. The Executive will now do it. Given that we have now had about 2 years of self-government, I think that in the circumstances that is entirely appropriate. The pardon and remission system here has worked fairly well. We do have a Parole Board which has quite eminent people sitting on it. It advises the authorities, or it has in the past, and that advice invariably has been acted upon. I think it is appropriate that the authority that is advised, in fact, be changed to the Executive. I certainly hope that the Executive will act with commonsense in relation to the advice of its Parole Board.

We do not have terribly many people being gaoled in the Territory - something which has concerned me from time to time and has made us a bit of a joke in other States perhaps. There are occasions when the question of parole and remissions comes up and it is quite appropriate now that the Executive take over that function. That is an evolving part of self-government. It has the support of the Liberal Party.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.35), in reply: I thank members for their support on the substance of the Government's Bill. I can certainly assure Mr Stefaniak that the advice of the Parole Board, in particular, will always be taken into account by the Executive. We are as aware as I am sure Mr Stefaniak is

that any decisions on remissions would be subject to some public scrutiny, and any government or any Minister that seeks to capriciously tamper with such a power does so at their peril. We have seen Ministers come to grief on such a matter, so we are well aware of the sensitivity there.

I would also like at this stage to refer briefly to the amendments foreshadowed by Mr Collaery. As a general matter, the Government would not think that in a specific amendment to the Crimes Act it would be appropriate to, in effect, piggyback on a substantial amendment that is referring to a different section of the Crimes Act and which perhaps ought to be dealt with in private members' business. Mr Collaery had proposed a private members' Bill to overcome the difficulty of a recent High Court authority of the Queen v. S, where three convictions against a father for carnal knowledge were quashed on the basis that the indictments relating to the charges were insufficient as to details of the offences. Of course, that is often a problem with young victims of assault; they are not able to give sufficiently precise details.

Queensland and Victoria have recently enacted legislation to overcome those difficulties. I can tell the house that the Criminal Law Consultative Committee of the ACT is intending to bring forward a package of reforms or comment on a package of reforms in ACT laws relating to sexual offences. Mr Collaery proposed the Crimes (Amendment) Bill (No. 3) in an attempt to solve that problem. The Government had some concerns with the way he had gone about it. I directed my officers to have a look at his proposed solution and come up with perhaps a better solution that addressed the problem of the Queen v. S and essentially picked up some of the experience of other States in resolving this question.

I had that ready and the Government was proposing to support that, in private members' business yesterday, with the appropriate amendments. I provided our amendments to Mr Collaery in advance of yesterday's debate and he has had the advantage, I think, of those amendments to modify his original Bill and come up with the amendments that have been circulated.

It is a bit late to establish a general practice in the last couple of sitting days of the First Assembly, but certainly in future Assemblies it generally is not desirable to piggyback amendments to a separate section of the Crimes Act to a Crimes (Amendment) Bill, given that this is addressing a problem in relation to child sexual assault and given that the Government was doing some work on this in any event. We may as well take the opportunity. The Government is happy to support Mr Collaery's amendments which, in the form in which they now reach the house for debate, do resolve the problem and make a worthwhile contribution to the law. So, the Bill, as amended, rather than addressing one problem, will address two.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR COLLAERY (5.38): Mr Speaker, I thank the Attorney for his generous comments, and I thank the officers of the Law Office and the draftsperson of the original Bill who put so much work into a complex situation to give effect to the difficulties that flowed from the decision of the High Court in the Queen v. S. I move:

Page 1, line 8, after clause 2, insert the following new clause:

Insertion

"2A. After section 92E of the Crimes Act the following section is inserted:

Maintaining a sexual relationship with a young person

'92EA. (1) In this section -

"adult" means a person who has attained the age of 18 years;

"sexual act" means an act that constitutes an offence under this Part but does not include an act referred to in subsection 92E(2) or 92K(2) if the person who committed the act establishes the matters referred to in subsection 92E(3) or 92K(3), as the case may be, that would be a defence if the person had been charged with an offence against subsection 92E(2) or 92K(2), as the case may be;

"young person" means a person who is under the age of 16 years.

(2) A person who, being an adult, maintains a sexual relationship with a young person is guilty of an offence.

(3) For the purposes of subsection (2), an adult shall be taken to have maintained a sexual relationship with a young person if the adult has engaged in a sexual act in relation to the young person on 3 or more occasions.

(4) In proceedings for an offence under subsection (2), evidence of a sexual act is not inadmissible by reason only that it does not disclose the date or the exact circumstances in which the act occurred.

(5) Subject to subsection (7), a person who is convicted of an offence under subsection (2) is liable to imprisonment for 7 years.

(6) If a person convicted under subsection (2) is found, during the course of the relationship, to have committed another offence under this Part in relation to the young person (whether or not the person has been convicted of that offence), the offence under subsection (2) is punishable by imprisonment -

(a) if the other offence is punishable by imprisonment for less than 14 years - for 14 years;

(b) if the other offence is punishable by imprisonment for a period of 14 years or more - for life.

(7) Subject to subsection (9), a person may be charged in 1 indictment with an offence under subsection (2) and with another offence under this Part alleged to have been committed by the person during the course of the alleged relationship and may be convicted of and punished for any or all of the offences so charged.

(8) Notwithstanding subsection 443(3), where a person convicted of an offence under subsection (2) is sentenced to a term of imprisonment for that offence and a term of imprisonment for another offence under this Part committed during the course of the relationship, the court shall not direct that those sentences be cumulative.

(9) A prosecution for an offence under subsection (2) shall not be commenced except by, or with the consent of, the Director of Public Prosecutions.'.".

Mr Speaker, the amendment has the support of the National Association for the Prevention of Child Abuse and Neglect, and in that regard I believe that due credit should go to their national president, Mark O'Neill, of our own court system.

Mr Speaker, the amendment before the house has been substantially adjusted by the Law Office and the Attorney. It raises the age for the potential offence from 12 years, as was proposed, and 14 years, as I suggested, to 16 years. In view of the fact that the Attorney has moved, in effect, that the prosecutions be commenced only with the consent of the

Director of Public Prosecutions, I am prepared to accept the 16-year age limit, even though, as I have said, there is a pattern of consensual conduct under that age limit and above the age of 14 years, if one takes the advice of many school counsellors in the community.

I am sure that, given the passage of this Bill and the extrinsic aid that the debate offers, the Director of Public Prosecutions would not be minded to bring prosecutions in circumstances where there was not an imbalanced power equation; in other words, where the other party was not in a situation of undue influence. I trust that that would be a prime issue in determining prosecution policy where there is a sexual relationship which, on its face, is consenting, despite the technical non-consent aspect of the law below those age limits.

Mr Speaker, the substantive Bill, the Crimes (Amendment) Bill (No. 7), is quite significant because the Attorney has moved a Bill which reflects a difficulty that this stealthy republic, which the ACT is, has created for itself. The Attorney's power, historically, to grant a pardon and exercise the former royal prerogative of mercy, of course, does not apply in our circumstance. We are the first stealthy republic in Australia. We do not have that vice-regal link. We have a Governor-General who has a certain power, but there is no vice-regal power in the traditional sense.

It is the Executive which makes and exercises what were formerly a number of royal prerogatives, not the least of which is to appoint queen's counsel and other aspects. I am pleased to say that the current appeal against the validity of self-government fell over in the High Court today, on my advice, and is no longer extant. But be that as it may, there will continue to be a whole raft of challenges to the peculiar situation of the Territory. Mr Connolly is now endowed with royal powers, assuming that this Bill passes. Unlike our other regal figures in Australia, Mr Connolly, through his Cabinet, and Mr Berry, a fine regal figure himself, will assist in the dispensation of the former royal prerogative, and I am sure that that warms his heart. Here is a little bit of constitutional history in play.

The matter had been brought to attention, of course, before the Alliance Government fell. I am pleased that the Attorney has seen the urgency of the matter and I will be commenting elsewhere about the need for the Attorney to look carefully at parole and other issues, with the Christmas season approaching, in respect of prisoners who may be close to release dates. There are compassionate issues there which, of course - particularly following, as Mr Stefaniak properly interjected, the demise of Mr Rex Jackson - are worked out at arm's length from this current Attorney. This is an effective initiative by the constitutional law processes of government, and I commend the Bill to the house with the other amendment which the Attorney has so kindly assisted with.

MR STEFANIAK (5.44): In relation to this amendment, I should say, Mr Speaker, your majesty the Attorney-General, and your grace the duke of fire stations in Belconnen, that Mr Collaery has given you royal prerogatives and things. I think the amendment is timely. It is probably a very sensible way of getting in some important amendments which do have majority support, in the later days, or the last days, of this Assembly, especially when we probably will not have any more sittings other than next Tuesday.

Mr Collaery has substantially altered some of his original amendments in his Bill, and we have no real problems with them. I think that in consultation with others he has made some sensible alterations to his original amendments. "Sexual act" has, in fact, been extended from your original definition, Mr Collaery, which would have counted only sexual intercourse. "Sexual act" now means any sexual act as defined by the Crimes Act. I think that is eminently sensible. "Young person" means a person who is under the age of 16 years. I think there were some difficulties, initially, with your age limit of 12 years, and that has been pointed out and graciously and sensibly accepted by you.

I note that Mr Connolly did have an amendment whereby in proposed new subsection 92EA(3) he was deleting the words "on 3 or more occasions". Perhaps it may be sufficient, for the purposes of what Mr Collaery is trying to do, for a sexual relationship to be merely one sexual act. It is often difficult to prove a number of sexual acts. One may well have been sufficient. We would have been quite happy if Mr Connolly had gone ahead with that. However, he does indicate to me that there are precedents in other States for three or more occasions. Given what Mr Collaery is trying to counter, I do not think it is worth dying in a ditch over that. Accordingly, we will not move an amendment to delete "on 3 or more occasions". There is precedent elsewhere for what Mr Collaery is trying to do there.

The nub of what Mr Collaery is doing is found in proposed subsection (4), and that states:

> In proceedings for an offence under subsection (2), evidence of a sexual act is not inadmissible by reason only that it does not disclose the date or the exact circumstances in which the act occurred.

That is absolutely essential. I have had the unfortunate situation of losing, in both the Magistrates Court and the Supreme Court, a couple of child sexual molestation cases because the kids could not remember the exact date, down to a particular time, or a particular day, or, in some cases, even necessarily with clarity, a particular week or month,

that a sexual act occurred. That is quite understandable to anyone who has had dealings with children who have been sexually abused and who have been involved, tragically, in these types of situations.

I found in the courts that sometimes - depending on who you were in front of - some people would be reasonable, but others would not. Generally, the courts would have to go along with the strict standards of proof that are required and often it was very difficult to get a prosecution up, sometimes because of that very technical point. Children in sexual cases, in my experience, generally tend to be very truthful because of the rigours of cross-examination and the traumas that they go through in terms of, firstly, being interviewed by police in relation to what occurred, and then going to court and being cross-examined - just going through the trauma of a court case. If a kid is making it up, it becomes pretty clear very soon that that is so and the kid tends to say, "Yes, I have made it up" or changes the tune and, of course, the case goes nowhere, and that is fair enough.

It struck me as being quite tragic when children I had as witnesses, who I believed were quite truthful and were trying to the best of their ability to recollect some pretty abhorrent things that had been done to them, could not see that the system adequately protected them because the law, as it stood, was all in favour of the defendant and the offence could not be proved because of technicalities. That destroyed the child's faith in the system; it destroyed the parents' faith in the system, if the parent was not a defendant. I do not think that that is particularly satisfactory.

I recall one case in the Magistrates Court where there were about 60 or 70 allegations of incest involving a little girl. That case did not go any further, as the magistrate, quite rightly, on the law, threw the case out because that little girl could not be definite in terms of the exact circumstances of when the offences occurred. That, I think, is wrong.

This is a very timely and sensible amendment. I think it has the support, or should have the support, of all members of this Assembly because it does plug a gap, a rather horrible gap, in our criminal law here in the Territory.

Going further into the amendment proposed by Mr Collaery and accepted by the Attorney-General and me, I am pleased to see that Mr Collaery has put subsection (7) in, because that alleviates my fears in relation to subsection (9). Subsection (9) refers to section 443(3) of the Crimes Act, which, basically, gives the court power to give cumulative sentences. If you are convicted of more than one offence, a court can deem that you serve a period of time for the first offence and then a further period of time for the second offence.

That is entirely appropriate in terms of the court exercising its powers for a number of offences. Often the courts do not do so. They do so on occasions here, and quite properly so. I have often been critical of courts being too lenient in the ACT. I do not resile from that. All the judges and magistrates know of my position because I have made it clear for the past 10 years. Subsection 443(3) is an entirely appropriate provision and it should be used more often.

However, rather than seek to amend what Mr Collaery has done, I am pleased to note that in subsection (7) of his amendment he has countered that criticism I have, that justifiable criticism, by providing that where a person is convicted under subsection (2) of his amendment further penalties can be imposed which would alleviate the need to have cumulative sentences. Basically, he has created further offences which carry a maximum of 14 years, or, indeed, for a more substantive offence, life.

Accordingly, that does alleviate the need for cumulative sentences. Those are substantive penalties and if they were not there I think any court which would give cumulative sentences would not give any more than that anyway. So, that is a practical amendment which takes care of my concern. I hate to see legislation which does not give courts ample power to adequately punish wrongdoers.

All in all, Mr Collaery, they are good amendments. The Attorney and his officers have assisted you greatly in rationalising your amendments. They certainly have my wholehearted approval and support, and that of my party. I wish the amendment and this Bill a speedy passage.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.52): There is one point that I think it is important to get onto the record. Mr Collaery noted that the amendments that we had proposed and the drafting that the Law Office has assisted him with have resulted in the age at which this simpler procedure for child sexual offences will operate being lifted from 12 to 16 years. It was the view of the Government, on advice from the Director of Public Prosecutions, that it was inappropriate to have a cut-off point at the age of 12 years. He mentioned that there may be potential problems because of what persons of 14, 15 or 16 years may choose to do in their spare time.

I should point out that the defences available under the Crimes Act at present will apply to any charges under this new provision. There is a defence that the defendant can show belief, on reasonable grounds, that the person on whom the offence was alleged to have been committed was over 16 years of age or, and this is more important in the context of schoolchildren, that, at the time of the alleged offence, there was an age difference of no more than two years between the defendant and the accuser, and in both cases there was consent.

So, if a 14-year-old and a 15-year-old engage in sexual activity, no offence under this new amended crime will occur. It is designed to protect a young person from abuse by an adult. If there is more than a two-year age gap and obviously an absence of consent, there is a potential for an offence; but in the case of the activities of young persons, with mutual consent, and with no more than a two-year age gap, as at present under subsection 92K(3) of the Crimes Act, there is an appropriate defence.

Amendment agreed to.

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

Bill, as amended, agreed to.

DISABILITY SERVICES BILL 1991

Debate resumed from 5 December 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR STEFANIAK (5.55): This is a wonderful Bill, Mr Speaker. My colleague Mr Humphries is going to tell you all about it and make a great speech on it. Here he is now.

MR HUMPHRIES (5.55): Mr Speaker, thank you for the latitude in getting to the chamber. The Opposition will support the Disability Services Bill. On its face, this Bill does not appear to do a great deal. It appears to put in place a number of provisions that, broadly speaking, allow the Government to do what it already does. It allows the Government to make grants to organisations; it lays down the conditions under which they may make those grants; it talks about the activities which may be approved by a Minister in giving grants; and it contains criteria which are set out in the schedules.

This complies with a step taken by the Federal Government to devolve responsibility for funding of disability services to the States and Territories. As a believer in the role of States and Territories and that tier of government, I support the concept of giving them responsibility over this important area.

I am pleased and also a little bit surprised to see that the Follett Government is prepared to go along with that trend, because I have detected in the past some opposition by, particularly, the Left of the Labor Party to the notion of giving States and Territories more power in this area. However, it appears that the Follett Government is prepared to go along with this and therefore we can, with some confidence, see this as a step towards greater control by this community over questions of administration of disability services.

There are a number of issues of contention, however, which I think we should not fail to refer to in this debate. It is the case, for example, that certain trends have been emerging and are expected to be continued in the funding of certain disability services nationally. One trend is very much in the direction of moving away from sheltered workshops and moving instead towards the provision of integrated workplaces where disabled people are able to work, as much as possible, side by side with fully skilled workers. That, I have to say, is a very good trend. I would not argue for one moment that it should not happen, and that it should not happen at as rapid a pace as is possible. Of course, funding has been structured in such a way that this will happen and presumably, when funding for these services is transferred to States and Territories, that trend will continue.

But there is a problem with the question of what level of sheltered workshops ought to remain after the process has completed its course and there is, at the end of the day, a set of integrated workplaces around the country. What level of sheltered workshops ought to remain, and what number ought to remain? The ACT has, at least in the past, had such workshops and it may be the case that there are still some in existence. I am not sure. But we need to ask ourselves whether it is appropriate for that process to go all the way, or whether it should stop short and leave some people who are still in the latter form of employment.

I think the answer must be yes. There must be some for whom integration is not appropriate. There are concerns, very definitely concerns, at the Federal level at least, that this process will not permit those people to retain the kind of employment status which is most appropriate for them. I am aware that there is in the Federal Parliament a private members' Bill which is designed to deal with this very problem and provide for there to be a residue of protected employment, if I might use that expression, across the country. That, of course, brings forward for the ACT Government the question as to whether it will provide for such arrangements in the ACT.

Although the Commonwealth, I understand, is devolving responsibility into the hands of the States and Territories to look after these matters, it is also, of course, keeping some control over the purse strings and is directly funding these sorts of activities on the basis that certain things are happening in the States and Territories. One would assume that the conditions that are laid down there do require a certain level of integration in the work force.

The Federal Minister for Health, Housing and Community Services, Mr Howe, has made it clear that, irrespective of the success or achievement of those sorts of workshops, they must, as he has put it, re-profile if government funding is to be continued after 30 June next year. It is a very short period of time in which to be re-profiling, as

he puts it. The Government insists that people with disabilities must be integrated into the open workplace regardless of whether they actually want to or not.

In a recession, clearly, we need to be able to ensure that people have the best possible opportunities; that facilities are best structured to provide for the maximum chance, the maximum opportunity, for them to find the appropriate level and place in which they might constructively be employed. We know that in the ACT there have been considerable difficulties in finding arrangements that will allow for all people to find that level of employment.

I know, for example, that Chartwell Crafts at Woden has had considerable difficulty in obtaining resources to provide employment for about a dozen mildly handicapped young people who otherwise would be sitting in their living rooms watching television all day long, having nowhere to be constructively employed. They are not employed in a sheltered workshop, let me hasten to say; they are employed in what is essentially a workplace which does provide for their needs particularly but which operates as much as possible along the lines of a business which is capable, potentially, of being able to sustain itself and provide those young people with a real standard of living.

As to whether that kind of enterprise would be classified as a sheltered workshop, I am just not sure. I am not sure to what extent the Federal Government's guidelines, in terms of its requirements with respect to funding, will prevent enterprises such as Chartwell Crafts from continuing to operate. I hope that the Minister, when he speaks on this matter, will give us some assurance.

It is quite clear that parents of disabled children are worried about what will happen to their children after June of next year. I think that they need to have it spelt out pretty clearly whether they can expect to receive continued funding for sheltered workshops. Already some, not necessarily in the ACT but in other places, have been forced to close down because of that lack of government assistance and commitment. If the private members' Bill to which I referred at the Federal level is successful, we would hope that that would not be a threat we have to experience. Of course, being a non-government members' Bill, we can expect it to face at least the potential to be rejected. I think that therefore we need to be aware, in the ACT, of what plans, what vision, our Government has for dealing with such matters.

In particular, it would be nice to know whether the ACT Minister will take the case for such enterprises in the ACT to the Federal Government and argue, as best he can, for the retention of those facilities where they are deemed to be important to retain. I know that he has had, it seems to me, some glimmer of success in his argument with the

same Minister on the question of funding respite care for the ACT Society for the Physically Handicapped, and I hope that he is prepared to take a similar case to the Federal Minister in this regard as well.

Broadly speaking, the Opposition can support this Bill. It provides for the framework under which the ACT will be able to deal with such funding questions in its own right in the future. It is a positive step. I welcome it and indicate my support for it.

MR COLLAERY (6.04): Mr Speaker, I join with hopefully all members of this Assembly in commending this legislation before us today. In introducing the Bill the Minister, Mr Connolly, reminded members of the historic background of this federalist Commonwealth-State disability move. The Minister reminded us that the International Year of the Disabled, as we called it in those days, in 1981, generated a deal of community consciousness on these issues. The Minister further reminded us of the Commonwealth Disability Services Act 1986, which was a benchmark or a landmark piece of legislation, as he called it.

Members are well aware of the increased consciousness of our people in this country, our nation, in respect of human rights issues, particularly the rights of those with intellectual and physical disabilities, and the rights of those who acquire disabilities through the rapidly ageing nature of our population, which, of course, reflects the capacity of our medical and surgical skills to offer increased longevity in a decent and reasonable lifestyle for many in our community.

Whilst the contradictions of this, at times, throw increasing focus on issues such as euthanasia, they really are not the central issues before us today. What is before us is essentially the will of the bureaucracies in the Federal, State and Territory systems to bring about a better administration of all manner of services in the disability services area. After all, we should recognise that the landmark document signed by the Chief Minister at the July Premiers Conference that was the precursor, really, to this legislation, the Commonwealth-State disability agreement, stems from a high degree of conscientious work by our public service advisers.

Whilst we often say, somewhat bitterly at times, that the civil service survives the vicissitudes of political office, here is one outcome of a dedicated band of people. At this stage I want to say, not only as a former Minister but as a member of the ACT community, that we owe a considerable debt of gratitude to the ACT public servants who have worked on this matter. They have been led in no small measure by Helen Briggs, who is present in the chamber today, I am pleased to say. I would like to put on record that the community owes a debt to public servants who often work beyond the call and the hours of assigned duty.

Mr Speaker, the Disability Services Bill is notable for its schedules at the back. If members have it to hand they will see that there is a schedule 1 and a schedule 2, and they complete the tapestry - in recent times, and certainly in the lifetime of this Assembly - of additions to human rights guarantees that our Assembly, in our short time, has given. I doubt that any parliament in Australia has done so much in such a short period in the field of attending to matters of human dignity. And that is not only to do with legislation.

My colleague Mr Kaine, when he was Minister, gave a lot of attention to issues affecting the ageing. He has always frankly conceded, with Dr Kinloch, that he is closer to the subject than some of the rest of us are, but the fact is that he has taken initiatives that are outside of legislation, by way of concessional reviews and initiatives, and his own close personal attention to issues.

This Bill before the house is only part of a general and agreed and bipartisan consciousness, at most levels, of the support that our Assembly gives to the community. This is a good example today of why it is very difficult to say that we should have only a municipal-style government. If you are a municipal-style government, it is very hard to have the sovereign capacity to negotiate agreements such as this.

This is a clear example of the blend between local constituent sensitivity, which I believe most, if not all, members of this house have, and the fact that someone has to go and negotiate with the Federal Government and other States and bring about an agreement. I am pleased to say that successive governments in this Territory have brought about this agreement. This is the outcome of that process. It is the outcome of receptive political parties in this chamber and it reflects a great deal of experience.

We should remember, as was noted by Hilary Astor, a senior lecturer in law at Sydney University, in a notable paper she did on physical disability issues, that, as well as specialist services appropriate to their impairments, people with disabilities require the fundamentals of everyday life, such as employment, housing, education, entertainment, sporting and leisure activities.

I will go through those points. In terms of employment, I think our colleague Mr Duby did a lot. Given the scope of his then ministries, he probably did more than the rest of us because of the types of ministries that he had that allowed it. I am pleased to say that Mr Connolly has continued it. Mr Duby was a forerunner in employing people with disabilities. That initiative was moved by the then Chief Minister, Mr Kaine, and supported by all of us, and I am sure that it was supported by the then Opposition.

On housing issues, we issued an options paper for housing for the aged, and a lot of work has gone on, in this Territory, to model aged persons unit housing. I wish it would get a better term. I think they are condominiums, or what have you. I see that Mr Connolly has been regularly opening them, as I did, and as did Ministers before us from the Federal sphere. Our APU designs are at a high national standard. At a housing Ministers conference some time ago they were a showpiece for the rest of the country.

In the field of education, we continue to grapple very closely and frankly with issues of access for those with disabilities. During the debate on the humans rights legislation we discussed the perennial challenge to educators of accommodating within the normal streams those with intellectual disabilities, in particular Down's syndrome students. None of us are far from those issues; this Assembly has paid attention to them.

In the field of entertainment, these days we all go to functions where there is a sensitive joining in with people with disabilities. We see those things; they are brought along to functions. It is no longer a matter of out of sight, out of mind. I believe that at most entertainment venues you will see people with disabilities. When we were in government we sought to use, for example, the box that was available at Bruce Stadium to bring along some of the people with some physical and intellectual impairments.

In other areas the Chief Minister took an interest in concerns, particularly the marvellous work done by Betty Dawson at the Outreach School, which was then at Narrabundah and is now moving to Woden as part of the ACT Institute of TAFE. I think that across government we have all supported that and it is a notable day when we can move a Bill that gives the guarantees that in practice we have tried to give.

I move to sporting and leisure activities. We had the wheelchair games a year ago and Dick O'Neill assisted with those games on a secondment to the Office of Sport and Recreation. I am disappointed that they were not better attended and did not lead to a better cost recovery, but that is the nature of things in this area. Consciousness and community support will only grow, and it grows with a realisation that at any time, through a motor vehicle accident, we can have a person who is fundamentally impaired in our midst, in our homes. As we ourselves age, we may become infirm and we may need to support our partners and our other loved ones in their infirmities. That is part of the whole process of those human rights that are guaranteed at schedules 1 and 2 to this Bill.

The learned author of this article, Hilary Astor, concludes with leisure activities. Again we need to thank the developers in this town, the town planners, the architects, who increasingly go further than the minimum technical standards put upon them for access to buildings for those

with physical disabilities particularly. Just about all States have now joined this process. They certainly have signed a commitment to it. I am pleased that the ACT is now legislating. I am pleased that we are a community conscious town; that just about all of the core services in this city are supported by non-government organisations - - -

Mr Jensen: And volunteers.

MR COLLAERY: And volunteers. As my colleague Mr Jensen reminds me, they are volunteers and they also have joined to them people who may receive some remuneration, insufficient though it is, to cover out-of-pocket expenses. People who receive out-of-pocket expenses are still, in my mind, providers of services at a volunteer level. I am trying to be self-congratulatory without in any way being seen, on behalf of our Assembly, to sing our praises.

I believe that the ACT community has a great record to stand up to. It is a very great pleasure to join with other members in welcoming this legislation, in welcoming the background work that has gone into it, and to say that in this respect at least the Rally wholeheartedly supports the new federalism implicit in a re-division of the powers that the Federal Government had for so long under a type of hegemony and patronage that did not suit the tailoring of services that State governments and Territory governments want to get into.

The agreements that the governments have signed provide for three-yearly reviews, and the like, of services. I think that we all need to be conscious of the fact that we are going to be held to provisions of services through this Bill because this Bill, in effect, gives credence to a governmental promise. We do not need in any way to be slack in taking to account governments that do not fulfil the requirements of this charter.

I want to say at this stage that I do not believe that the home and community care system at the moment is properly reflecting the values that the Commonwealth has set for us. I believe that the Commonwealth at the moment is not entirely coming to this issue with clean hands. I think it is a feature of the instability in the Federal Government in the last year and a feature of the economic situation of the Federal Treasury.

Be that as it may, when there are extensive waiting lists in the field of home and community care, particularly for continency support and the rest, that is wrong. That is denial of a human right. If youngsters can receive unemployment benefits, those who have contributed in the past to society and have retired and are now infirm should have an equal right to service support.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (6.18), in reply: Mr Speaker, I would like to thank both members who have spoken, Mr Humphries from the Liberal Party and Mr Collaery from the Rally. I am sure that members of the community who read the debate will be heartened by the total support from, I think, all parties for this legislation.

It is noteworthy that quite a lot of the work of this Assembly in the first three years has involved catching up with the other States. A lot of what we have been doing has related to putting in place laws which have been in place in other States for many years. That does not mean that they are not desperately needed. The human rights package that was put through only a week or so ago was catching up on things that were done perhaps five to 10 years ago in some other States or the Commonwealth. They are still desperately needed.

It is with some real pleasure that I say that this Disability Services Bill, when enacted, will mean that the ACT is only the second jurisdiction in Australia to be able to deliver on the commitments that all heads of government gave to the Commonwealth at the Special Premiers Conference earlier this year. Victoria just pipped us to the post. They got their legislation through the Victorian upper house only last week. But the ACT has beaten every other State or Territory in getting the disability services legislation on the table and out to the community.

There was extensive community consultation on this. On a matter of such importance, normally one would be reluctant to introduce a Bill and debate it within a week, because one obviously would be concerned that the community needed to have a high level of input; but the officials who have carried this through from its original conception before the Commonwealth agreement was signed have ensured that all sectors of the community in the ACT with an interest have been closely involved.

I was able to assure the house that this Bill had the support of the community. I am sure that other members with an interest in these matters were well aware also of the enthusiasm with which relevant community groups saw the passage of this Bill. It shows that when we are not trying to catch up from a backlog, to catch up with work done in years past, this Territory Assembly is able to get things through with a degree of speed and to respond to the community demand better than other States and Territories.

Mr Speaker, I will comment on a number of criticisms that were made by Mr Humphries. I thank Mr Collaery for his generally supportive remarks, particularly in relation to the officials who were involved. I think there were some specific criticisms, though, by Mr Humphries that do require a response. In particular, he was making a

reference to a private members' Bill introduced, I think, by Mr Braithwaite in the House of Representatives in relation to the proposed change from so-called sheltered workshops to community employment.

It is perhaps a difference more of rhetoric than of reality. I am sure we would all agree that, wherever possible, it is best to move away from that type of employment to the type of employment which successive ACT governments have done a lot to promote. Indeed, it is with some pride, I think, across both governments, that the ACT Department of Urban Services won the Prime Minister's award for placing people with disabilities into the workplace.

The Commonwealth Government will, under the disability services agreement, have prime responsibility for employment related matters. That does include, essentially, the so-called sheltered workshops. It is true that Mr Howe does have a goal of de-institutionalising as far as possible, and there was originally a June 1992 deadline imposed. Mr Humphries said that it was a very short time and it will all happen from June of next year.

In fact, at the ACROD conference in October of this year Mr Howe indicated that that June 1992 deadline would not be imposed. The Commonwealth will still be encouraging services, if they wish to continue support, to meet the de-institutionalisation-type goals; but there will now be no strict deadline and there will be encouragement for institutions to work out appropriate plans for their individual circumstances. So, there is not that strict timetable.

Mr Humphries mentioned Chartwell Crafts. Of course, members would be aware of the tapestry that graces our foyer. I have spoken to my advisers and they are not aware that there is, potentially, a problem with Chartwell Crafts; but if there is we would, as I am sure any ACT government would, regardless of its political persuasion, intercede with the Commonwealth Government to make sure that people there are not being disadvantaged.

The only other point that I wish to comment on is Mr Collaery's reference to the work that the Housing Trust has done. It is a good example of agencies working together. The Housing Trust and the people working in disability services have combined to provide a range of appropriate services to public housing tenants, including the aged persons units which he specifically mentioned. I think the aged persons units program in the Housing Trust is really leading the way in how we can achieve higher urban densities in a very aesthetically pleasing and appropriate manner.

Also, houses are being provided to allow people with intellectual disabilities to leave some of the institutions in this Territory and live lives that are far closer to community norms and, to an untrained eye, if it is an appropriate term to use for a person such as me, a

lifestyle that is far more enjoyable and fulfilling and worthwhile. Having visited some of the houses that are run under the auspices of, particularly, the intellectual disability service of the department, it is very clear that the people who are moving out of institutions into the community are living very worthwhile and very positive and enjoyable lives.

Mr Humphries made the point that in de-institutionalising sheltered workshops we want to be careful that we do not go too far and de-institutionalise people who are not appropriate for de-institutionalisation. The same argument is often made with de-institutionalising residential matters; there is an argument that it is okay for people with a less severe level of disabilities, but there is a fear, often, that an individual is not suitable for that move.

While the Government is aware of that sensitivity, and Mr Humphries has probably already been to a lot of these places in the community, it is remarkable to see the quality of life that people, often with quite profound levels of disability, are enjoying back in the community context. Really, that is what this legislation is all about. It is part of the human rights package. It fits neatly in with the guardianship and human rights Bills that the Assembly has passed.

In a couple of months we have made three major milestones. It is all about ensuring that the community recognises the rights of people with disabilities and that, as far as possible, people with disabilities are able to be part of the community rather than treated as somehow apart from the rest of us and given special but discrete treatment. I welcome the support for the Bill and hope that it has a speedy passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

MR SPEAKER: The question is: That the Bill be agreed to.

MR COLLAERY (6.26): Mr Speaker, I have been requested by Advance Personnel (Canberra) Incorporated to put on the record during this debate the situation therein in relation to a waiting list of 200 people.

MR SPEAKER: Order! Mr Collaery, really, we have completed the debate on the Bill. I am not sure where you are coming from.

MR COLLAERY: Well, you have put the question, Mr Speaker.

MR SPEAKER: Yes, the question is: That the Bill be agreed to.

MR COLLAERY: Yes. I am speaking to that, now.

MR SPEAKER: That question is not open to debate. I would ask you to seek leave at the end of this to make a statement, if you so wish.

Question resolved in the affirmative.

Bill agreed to.

Statement by Member

MR COLLAERY, by leave: I thank the members for their courtesy. I will be very brief. Mr Speaker, the manager of Advance Personnel (Canberra) Incorporated was very excited at the prospect of this legislation. She asked me whether I would, in effect, draw attention to the concerns of Advance Personnel (Canberra). They are the body who, over the last three years, have provided an intellectual disability access program for people going into workplaces. They contact EEO coordinators and others, and there are now 50 such placements in public service departments in Canberra. They are Federal departments and, of course, the ACT Administration. They include people that I mentioned earlier, placed by Mr Duby and by other Ministers.

Mr Speaker, the service at the moment, however, has on a waiting list 200 people with a mild to moderate disability who are seeking employment. The situation is one of urgency. It is one of increasing demand. All members should be aware, in discussions with all manner of people in the public and private sectors, of the fact that there are 200 people, youngsters largely, on a waiting list, trying to get out of the situations they are in and to get some gainful employment. I commend knowledge of that fact to all members.

HOSPITAL BED NUMBERS
Leave to Move Motion of Censure

MR BERRY (Deputy Chief Minister) (6.29): I seek leave, Mr Speaker, to move a motion of censure of Mr Humphries for a breach of standing order 241.

Leave not granted.

Suspension of Standing and Temporary Orders

MR BERRY (Deputy Chief Minister) (6.29): Mr Speaker, I therefore move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Berry from moving a motion of censure of Mr Humphries.

Members, I apologise for not being able to consult with each member before raising this issue. It was just a few moments ago that I was given a report of a news report on WIN television this evening in relation to a report which was due to be put to this Assembly today. The Select Committee on Hospital Bed Numbers was to report to this Assembly today. This evening on WIN television a detailed report of the recommendations of that inquiry was made public, obviously by Mr Humphries. On that basis, members, I seek your support to suspend the standing orders and to debate this issue of censure against Mr Humphries.

MR HUMPHRIES (6.31): Mr Speaker, as usual Mr Berry, in his grubby fashion, tries to make some sordid little point. It is extraordinary how quickly Mr Berry runs to the question of censure, when he himself, when facing censure, cowers against - - -

Mr Berry: Where is the report? I do not have the report. No member of this Assembly has the report and the media have it.

MR HUMPHRIES: That is not true. Mr Speaker, I think Mr Berry has exposed the fallacy of what it is that he has just moved in the Assembly. Nobody has a copy of the report.

Mr Berry: Well, the media know about it. You have reported the findings.

MR HUMPHRIES: That is not true. What the media have is issues arising out of this report. They have a discussion of what was discussed in that committee. As chairman of the committee, as I understand it, under standing order 242(b) I am entitled to make statements as the presiding member on material before the committee, and that is what I have done. I have not given anybody a copy of the report. Indeed, apart from three draft copies of the report, there are no copies of the report to give.

Mr Berry came to me earlier today and said, "We would like you to bring this matter on at 6.30". It was about 5.30 at the time. I can see why he asked me to do that. He wanted to make sure that it was going on at 6.30, so that he could bring this matter forward and censure me. He obviously was aware of the fact that I had briefed members of the media about issues taking place and being discussed by our committee.

Mr Berry: That is right; before you bring them to members of this Assembly.

MR HUMPHRIES: I think, Mr Speaker, that if Mr Berry wants to entrap members into committing breaches of the standing orders he is an unsuitable person to be moving in this place that members should be censured for breaches of them. There is no breach of standing orders. Mr Berry is using his usual grubby, sordid mind to make some sort of point.

Mr Berry: You went to the media, though, didn't you?

MR HUMPHRIES: Mr Speaker, I will make it perfectly clear to Mr Berry: Yes, I have discussed the matters before a committee with the media, as I have done on several occasions.

Mr Berry: Urgently reconsider bed numbers, Mr Humphries says.

MR HUMPHRIES: Mr Speaker, this is a quite serious matter. I would ask to be heard in silence and not interjected against by Mr Berry.

MR SPEAKER: Please proceed, Mr Humphries. Mr Berry, please let Mr Humphries be heard.

MR HUMPHRIES: Mr Speaker, I am entitled to discuss matters before the committee with members of the public, with members of the media. A copy of the report has not been given to anybody other than members of the committee and the secretariat to the committee. I think that in the circumstances it is appropriate that this stupid matter raised by Mr Berry be rejected by the Assembly.

DR KINLOCH (6.34): Mr Speaker, I am puzzled by this because I am a member of the committee and I have not yet received the report; neither has Mrs Grassby. We have a draft of the report. As I understand standing order 242(b), the chairman of the committee can make a comment to the media in some way. We cannot release the report, because it is not there to release. Might I add, and Mrs Grassby will remember the occasion, that we discussed at the end of a committee meeting how important it was to maintain proper confidentiality of the report.

MR COLLAERY (6.34): Mr Speaker, I think the real issue is what Mr Humphries said, and that is not before the house yet. I think we have to hear it. I am prepared to support a suspension of standing orders, providing that this is not a capricious, frivolous application, because Mr Berry will know it if it is. Let us hear what Mr Berry alleges.

Mr Connolly: Can Mr Berry speak again?

Mr Berry: I close it.

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

That the question be now put.

Question put:

That the motion (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 8	*NOES, 8*
Mr Berry	Mr Duby
Mr Collaery	Mr Humphries
Mr Connolly	Mr Kaine
Ms Follett	Ms Maher
Mrs Grassby	Mr Moore
Mr Jensen	Mrs Nolan
Dr Kinloch	Mr Prowse
Mr Wood	Mr Stefaniak

Question so resolved in the negative.

PUBLIC TRUSTEE (AMENDMENT) BILL (NO. 2) 1991

Debate resumed from 5 December 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

DR KINLOCH (6.41): This is a delightful one-page Bill with only one part that really need worry us. It is a relatively minor and technical amendment of the Public Trustee Act, an aspect of a much broader policy which has been dealt with before. This short Bill will provide for the inclusion of the Public Trustee in the class of public authorities which are required under the Audit Act 1989 to keep accounts on a commercial basis. It removes the Public Trustee from the class that it is in at present, which are not so required. I suggest that we pass the Bill forthwith.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (6.42): I thank Dr Kinloch for his helpful and short speech and wish the Bill a very swift passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LEGAL PRACTITIONERS (AMENDMENT) BILL (NO. 3) 1991

Debate resumed from 5 December 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR STEFANIAK (6.43): This Bill, as the Attorney said, is broken down into three main areas and, I understand, has the support of the Law Society, the governing body that regulates legal practitioners in the ACT. The Bill makes a number of necessary updates and reforms to the Legal Practitioners Act, which used to be the Legal Practitioners Ordinance.

One of those relates to disciplinary matters. It is sad that occasionally those procedures have to be used. I heard on the news today that a legal practitioner was struck off for misconduct. It is a small legal fraternity here in Canberra and, when someone does transgress, those of us in the profession usually know the people concerned. It is sad; nevertheless the profession's standards are, by necessity, very exacting.

Accordingly, the rules and laws governing the profession and its conduct have to be very exacting. Indeed, for the slightest impropriety, the penalties are probably far greater than they would be for other walks of life and in other areas of the law. That is because of the importance of the role a solicitor or legal practitioner plays in relation to his or her relationship with the client. It is very important that a client can be assured of total propriety by the solicitor in handling his or her affairs.

The Bill makes a number of necessary amendments to the area of discipline in the profession, together with a couple of other areas the Attorney mentions. The Bill has the support of the Law Society and accordingly, having gone through it, Mr Speaker, there is no reason why it should not also have the support of the Liberal Party, which it does.

MR COLLAERY (6.45): I feel compelled to speak on the matter as a person who is subject to the provisions of this Act. I was just looking at the self-government Act, Mr Speaker, to make sure that I did not have a conflict of interest. Mr Speaker, at the Law Society luncheon yesterday the voluntary service of members on these disciplinary committees was recorded by the president, Mr Russell Miller. I think the community is well served, despite the general perception of lawyers, by more than 130 members of the Law Society in the Territory who serve voluntarily on Law Society committees. A further like number serve at the Law Society's Legal Advice Bureau, which was opened early this year.

Mr Speaker, the provisions of this Bill tighten certain matters dealing with the conduct of solicitors. They provide, quite properly, for remuneration to the person performing statutory functions. Moreover, there is a penalty revision. The issues that are still not faced, in terms of the Legal Practitioners Act, relate to the general modernisation of a number of things concerning legal practice. I have mentioned those before and I will not detain the house by speaking of them now.

I welcome, of course, further development of the conditions and nature of admission of barristers and solicitors in this city. Certainly, there are some subsisting inconsistencies, which are reflected at clause 8 of this Bill - namely, the provisions for the admission to unrestricted practice of persons who have not practised in private practice whatsoever but have practised in government practice. Worthwhile and compelling though that service be, there are aspects of private practice which one can learn only by being an apprentice, as it were, a restricted practitioner, and later an unrestricted practitioner.

I am still unhappy about the accelerated method of entry for government lawyers. I recall relevant experience at one time myself in that regard. It still means that private apprentices often have more private background experience on going into private practice than do government apprentices. Elevating, worthwhile and extremely important though that government experience be, it is far from, at times, the day-to-day minutiae of a solicitor's office in dealing with the public. That is a matter that is being put aside constantly and not being faced up to. I trust that one day the society will come to terms with that issue.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (6.48), in reply: I thank members for their contributions. There were some minor technical errors picked up by the Scrutiny of Bills Committee, which will be corrected. I am told that they can be corrected by a Clerk's amendment. I wish the Bill a speedy passage, and thank members for their comments.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

East Timor

MR COLLAERY (6.49): I wish to note the signing, in recent hours, of an agreement between the Shell oil company, the Australian Government and the Indonesian Government for oil exploration in the Timor Gap. We passed a motion in this Assembly recently, which I assume Mr Speaker and the Chief Minister have transmitted by now to the Prime Minister, calling for an act of self-determination for the people of Timor.

I am appalled to learn today that we have again compromised ourselves in that regard. I would like to read into the record a letter I wrote to the *Canberra Times.* This was not published. I will read it now. I wrote:

> In his book "Isolationism and Appeasement in Australia", published in 1970, Eric Andrews chronicled the activities of the German Consul-General, Dr Asmis, who became notorious during the pre-war years in Australia in his attempts to suppress criticism of Nazi Germany and use appeasers in Australia to condone Nazi expansionism and denials of humans rights.
>
> A strong sense of deja vu again pervades Canberra when we hear similar utterances from the Indonesian Embassy about, among other things, their notorious trans-migration program.
>
> In 1985, I went to Thursday Island to represent some West Papuan refugees. One had bayonet wounds. The Australian Department of Foreign Affairs referred to the then problems in West Papua stemming from the trans-migration program as involving "minor cultural disruption". A Federal Minister referred to my clients as "canoe paddling job opportunists". During that period, an Indonesian patrol boat (donated by Australia) -

one of several -

> with a damaged propeller was slipped at Thursday Island and an RAAF Hercules flew in a replacement propeller. The boats are used to patrol the infamous Merauke Line between West Papua and Northern Australia.

> The Prime Minister's move away from our isolationism is to be welcomed. ... The Prime Minister's public acceptance of East Timor as Indonesia's 27th province is as mistaken in its appeasement as was Prime Minister John Curtin's declaration in Federal Parliament on 27 April 1938 that the Anschluss had improved prospects for peace.
>
> The count-down for the Australian abandonment of the East Timorese people began with the signing in Jakarta on 9 October 1972 of a seabed boundary agreement with Indonesia. The terms of this agreement left a gap opposite East (then Portuguese) Timor. In signing an ambiguous Bilateral Agreement with Indonesia rather than a Trilateral Agreement to include Portugal the Australian Government began the process which led to the Timorese Anschluss and compromised both the Liberal and Labor parties.
>
> Although Australia made exploratory moves with Lisbon in 1974 and 1975, the gap was closed on 7 December 1975 when the East Timorese fell under the Indonesian heel. After an appropriate period of mourning for our -

journalists -

> and the Timorese dead, Australia resumed discussions with Jakarta much to the relief of all at BHP which had come up with oil at its Jabiru No. 1 Well.

That well is in the Timor Sea. Today we witnessed the end of that disgraceful episode in Australian history - the signing over to the Shell oil company of the Timor Gap exploration rights which rightly belong to the Timorese people. It is a disgraceful act, a disgusting act that besmirches the history of our country and our good relations with the East Timorese.

We often hear Federal parliamentarians saying that we are not real politicians in this place. Well, we are. We passed a resolution; we sent it to the Prime Minister; and he has ignored it. That disgraceful deal, bartering away the rights of the Timorese people, was signed today in Sydney.

East Timor

MR STEFANIAK (6.53): I was moved by Mr Collaery's speech. I cannot help but say a couple of words. Mr Collaery talks of appeasement. We already have had this debate in relation to East Timor. I am not going to go over what I said in relation to that particular issue, save to say that a lot could, I think, have been done in 1975, and perhaps

1976, which was not done; and that leaves us now with a difficult situation. I do not think Australia should ever condone, or be seen to be condoning, wanton murder of innocent people in any country.

Mr Collaery: We are when we sell their oil. They are a poor people.

MR STEFANIAK: There are a couple of other things too, Bernard.

Mr Collaery: It does not matter, mate; it is a disgrace.

MR STEFANIAK: I am supporting you, Bernard. It behoves us as a civilised country to be very vocal and active in terms of opposing oppression wherever it be, be it on our doorstep, in East Timor, or anywhere else.

One of the best ways of opposing aggression, in fact the only way of ensuring that we do not fall into the trap of appeasement, is to give a clear indication to foreign powers that we can stand up for our rights; that we will look after our interests and we will, if need be, exercise our responsibility, as part of a civilised world community, to join with other countries in using force against aggressors.

I would remind Mr Collaery, who has some noble sentiments in this area - I sympathise greatly with what he is saying - that if he is really serious about opposing appeasement there is one sure way of doing that. I think the West has learnt a lot since the dreadful days of the 1930s when the West disarmed, but the aggressors in Nazi Germany, fascist Japan, fascist Italy and Soviet Russia did not, and just walked all over the West.

There is only one way to stand up to a bully, and that is to counter force with force. That means, in terms of this country, that we need a strong defence force. I think a lot more can be done, by the Federal Labor Government and, indeed, by my own party, federally, in relation to that. That is the only sure-fire way to counter aggression. People poke a lot of fun at Ronald Reagan and Margaret Thatcher; but, because of those two politicians especially, the West was able to stand up to a Soviet Union that was rearming.

Mr Collaery: We are not standing up to Indonesia, and we have to get some guts.

MR STEFANIAK: Well, we are not standing up to Indonesia, Bernard. We do not have a terribly good record there in that regard or, indeed, in some other regards, over a number of years. What I am pointing out to you is that the only sure way of standing up to aggression is by matching force with force. That is an unfortunate fact of life.

Unfortunately, your objection, along with these lunatics opposite in relation to Aidex, is totally misfounded. I am pleased to see that at least my party had the foresight to see the value of something like Aidex, not only for its benefit to Canberra but for its benefit to the whole system of Western defence.

Debate interrupted.

HOSPITAL BED NUMBERS - SELECT COMMITTEE
Leave to Table Report

MR HUMPHRIES (6.56): In light of the considerable interest in the report of the Select Committee on Hospital Bed Numbers, I seek leave of the Assembly to table this report.

Leave not granted.

Suspension of Standing and Temporary Orders

MR HUMPHRIES (6.56): Since leave is not granted, I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Humphries from tabling the report of the Select Committee on Hospital Bed Numbers.

MR BERRY (Minister for Health and Minister for Sport) (6.57): It pleases me to rise on this issue because I wish to point out the circumstances which precede the attempted tabling of this report. I refer the house to page 614 of *House of Representatives Practice* and the paragraph headed "Premature disclosure or publication".

We know that WIN News reported the details of this report this evening. These are the reports from WIN News. They say that the chief findings of the report include: The need to urgently rethink the Government's plans to cut bed numbers and major reforms; that the Government is going too far too fast in reducing bed numbers; that the hospital is grossly over-administered; that there are increased waiting lists; that the Woden Valley Hospital is in serious need of upgrade to A and E; that there are too many clerks at the expense of clinical areas, with something like 1.8 administrators for the average. Mr Humphries said that we should urgently reconsider bed numbers, reduce hospital administrators and be more open; that Woden Valley Hospital casualty should be upgraded; and that we should reopen tenders for the new private hospital. That is it in as many words.

Mr Speaker, our standing orders make the position clear. Standing order 241 states:

> The evidence taken by any committee and documents presented to and proceedings and reports of the committee shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person, until the report of the committee has been presented to the Assembly: ...

It then goes on with a range of qualifiers, none of which, I submit, release Mr Humphries from the responsibility of reporting to this house first. Mr Moore does not know the outcome of this report; but, if his wife was watching WIN television tonight, she does. Mr Duby happens to know what the report has in it before the rest of the Assembly knows, because Mr Duby happened to be watching WIN News tonight. That is the seriousness of this matter; this house has been treated with contempt.

I will go back to page 614 of *House of Representatives Practice* and the paragraph headed "Premature disclosure or publication". It states:

> Standing order 340 provides that the evidence taken by any select committee of the House and documents presented to and proceedings and reports of such committee, which have not been reported to the House, shall not, unless authorised by the House, be disclosed or published by any member of such committee or by any other person. Contravention of this rule has been held to be a contempt. This is a blanket prohibition which precludes disclosure of all or part of a report, or of its contents.

Mr Humphries will argue that standing order 242(b) releases him from that responsibility. Well, I say to Mr Humphries that he is wrong. Mr Humphries will claim that the words "any press release or public statement made by the Presiding Member of a committee relating to an inquiry" release him from that responsibility. Very clearly, the standing orders of this Assembly and *House of Representatives Practice* confirm that there has been a contempt of this Assembly. Mr Speaker, I understand that the standing orders require me to notify you in writing of a breach of privilege or a noted breach of privilege, and I will consider doing that at the close of proceedings this evening. I brought the matter before this Assembly at the earliest moment because of the weighty circumstances which surround it.

I do not mind if Mr Humphries submits reports to this house which are critical of the Government. This is a political report. It is a stunt in many respects and we expect to be bucketed by Mr Humphries. That is not a problem. What I do object to, as a member of this Assembly, is being treated with contempt, and reports and findings of a report being released to the media before they have been released to this Assembly. There should be no member in this Assembly who would accept that position.

Mr Speaker, we are aware that the *Canberra Times* is in possession of a copy of the report. It might be an early draft, but it is in possession of a copy of that report. That is before it gets to this house. That is an absolutely disgraceful position. Mrs Grassby, who is a member of the committee, did not even have a copy of the final report before the *Canberra Times* got hold of a copy, and still does not have a copy of it. Mr Speaker, I point those issues out to the house because I think members treated this issue too lightly in refusing to consider it earlier. I think they ought to review their position. It is a serious matter for this Assembly. It is one that Mr Humphries ought to be ashamed of. He at least should apologise, but in due course I think the house should consider it necessary to censure him.

MR HUMPHRIES (7.02): To hear Mr Berry say that anybody should apologise for having misled the house is high-handed in the extreme.

Mr Berry: Did you give it to the *Canberra Times?* Did you report it to WIN Television?

MR SPEAKER: Order! Mr Berry, you were heard in silence.

MR HUMPHRIES: This is the member who last year misled the Assembly on the question of - - -

Mr Berry: I take a point of order.

MR HUMPHRIES: It is a fact; he was censured by the house for it.

MR SPEAKER: Mr Berry, yes; going back in history is hardly relevant to the issue.

MR HUMPHRIES: Mr Speaker, he was censured by the house for having misled the house.

MR SPEAKER: I am not debating that point. What I am drawing your attention to is the relevance to this debate of going back in history.

MR HUMPHRIES: Mr Speaker, Mr Berry has argued that I should apologise to the house. I point out that, when he misled the house, despite the fact that there was not a shred of evidence to support his position he did not even attempt to apologise to the house. Quite frankly, I think that I am not in a position to do so either at the moment. Mr Speaker, the standing orders to which Mr Berry has referred clearly emphasise standing order 241 at the expense of standing order 242, which says:

> Standing order 241 shall not apply to: ...
>
> (b) any press release or public statement made by the Presiding Member of a committee relating to an inquiry;

Mr Berry: Not the report.

MR HUMPHRIES: Well, it does not say that. I am not saying that this is the case; but, if I had released the report attached to a press release, under that standing order I would be protected.

Mr Connolly: No, you would be in breach.

MR HUMPHRIES: That is not what it says, Mr Speaker. It says "any press release or public statement made by the Presiding Member". I have not released to WIN News the press release or the report of the committee. I think that Mr Berry should be well aware of the fact that he can make all sorts of statements, and he usually does in this place, without any justification, and in this case it is about - - -

Mr Berry: I have the evidence. I will show you the tape. Craig Duby has seen it.

MR HUMPHRIES: Mr Speaker, the fact that WIN News has information about the report proves - - -

Mr Connolly: It has you - - -

MR HUMPHRIES: Yes, I know. I spoke to them. I gave them information about the work that our committee had done. I gave them that information. I concede that openly. They were aware of the fact that the report would be coming down this afternoon. They were not able to be in the Assembly at the time it came down and, therefore, asked me to make some comments. I am entitled to do that. I am entitled, under standing order 242, to do that. If you think otherwise, I think you should take the appropriate steps on the next sitting day.

The fact of life, Mr Speaker, is that I do not believe that I have breached any standing orders and I believe that it is important for this Assembly to see this report. This is what the Assembly really wants to see, not Mr Berry's diversionary tactics - tactics that are designed to take the heat away from the Government because of the release of this report.

MRS GRASSBY (7.05): Mr Speaker, I do find it incredible. I have not seen the final copy of the report; yet I have seen the tape on WIN News and it does say exactly what is in the report. I do not know why Dr Kinloch and I would be bothered to be on a committee if we did not see the final draft or the final report. I got a draft this morning, which I gather was worked on until 6.30. I commend the

secretariat, who worked very hard on this report and on getting it together. We had a very short time. I still think that I should have seen the final report before I saw the tape on WIN News tonight, which virtually says exactly what is in the report. I find this wrong.

There should have been a meeting. I think we should have been told about this before it was taken to the press. I also understand that Jodie Brough of the *Canberra Times* has a copy of the report. I understand from the secretariat that it is not the one that is to be tabled now. Obviously, it is a copy of the report that I got on my desk this morning and that was finalised at 11.30, with the changes in it which then had to be printed up. I believe the secretariat, in that they would not have had the report that is going to be tabled now. But I do not think that the *Canberra Times*, whether it is too late for them or not, should have had a copy of that report. I find that incredible.

It did not come from my office. Both reports of mine were locked away. The one this morning was gone through for the changes and was locked in the same cabinet that the Cabinet papers are locked in. So, it certainly did not come from my office.

I do not know whether it came from Dr Kinloch's office. It is up to Dr Kinloch to say that; I do not know. It definitely did not come out of mine. I think it is very serious that the *Canberra Times* had it before I saw the final report.

DR KINLOCH (7.07): Mr Speaker, I have a draft of the report as of 11.30 pm.

Mr Collaery: 11.30 am.

DR KINLOCH: I am sorry. Actually, it does say "pm", but it was "am". I want to say this in response to something Mr Berry said: I do not believe that this report is a bucketing of Mr Berry at all.

Mr Berry: I did not say that. I said that you were entitled to bucket me.

DR KINLOCH: I see. Okay; I accept that. There has been an attempt to get this all day. People have been working very hard upstairs to try to get it. We did have the one before the printed one at 11.30.

Mr Collaery: But did you give it out?

DR KINLOCH: No, no, no; I did not. No, I did not give it out.

Question put:

That the motion (**Mr Humphries'**) be agreed to.

The bells being rung -

MR SPEAKER: Members, I have received advice that Mr Stevenson is not coming down.

The Assembly voted -

AYES, 11	*NOES, 5*
Mr Collaery	Mr Berry
Mr Duby	Mr Connolly
Mr Humphries	Ms Follett
Mr Jensen	Mrs Grassby
Mr Kaine	Mr Wood
Dr Kinloch	
Ms Maher	
Mr Moore	
Mrs Nolan	
Mr Prowse	
Mr Stefaniak	

Question so resolved in the affirmative.

Mr Humphries: I raise a point of order, Mr Speaker. Standing order 154 requires that members shall vote in accordance with their voices and their votes shall be so recorded. Ms Follett did vote Aye on the call of voices.

Ms Follett: Don't be silly! I did not call for the vote.

Mr Humphries: It does not matter whether you called for the vote or not.

MR SPEAKER: Mr Humphries, I think you are misinterpreting that. She did not call for the vote. The person who calls for the vote shall vote in accordance with their voice.

Mr Humphries: Okay. It does not say "who calls for the vote". It says:

Members shall vote in accordance with their voices ...

Report

MR HUMPHRIES (7.13): I table the report of the Select Committee on Hospital Bed Numbers. I hope that I have leave also to table the minutes of meetings of that committee.

DAYS AND HOURS OF MEETING

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

That the Assembly meet at 10.30 am on Tuesday, 17 December 1991.

ADJOURNMENT

Debate resumed.

Question resolved in the affirmative.

Assembly adjourned at 7.14 pm until Tuesday, 17 December 1991, at 10.30 am

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ANSWERS TO QUESTIONS

QUESTION ON NOTICE
QUESTION NUMBER 589

Government Service - Age Profile

Mr Collaery - Asked the Chief Minister upon notice on 16 October 1991:

What is the approximate age profile of all Territory Government employees, including those employed by Statutory Authorities and Territory owned corporations (age profile to be explained in the following brackets) 15-25; 25-35; 35-45; 45-50; 50-55; 55-60; 60-65.

Ms Follett - The answer is as follows:

The information sought by Mr Collaery is not held in any consolidated form by the ACT Government. To collate this material from personnel records would be an extremely resource intensive exercise that would take several months to complete.

6107

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 604

Chief Minister - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 20 November 1991:

In the period 7 August 1991 .to 31 October 1991
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the--cost of each visit by (a) yourself; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

I have made three interstate visits in my official capacity as Chief Minister in the period 7 August to 31 October 1991, the details of which are as follows:

(i) CITY VISITED: Melbourne
DATE/S: 27 September 1991
REASON FOR TRAVEL: Commonwealth and State Ministers Conference,.on the Status of Women
ACCOMPANIED BY: Richard Webb - Private Secretary
COST OF VISIT: Chief Minister $ 464-00

Richard Webb $ 446-00

(ii) CITY VISITED: Brisbane
DATE/S: 11 - 12 October 1991
REASON FOR TRAVEL: Australian Tourism Awards
ACCOMPANIED BY: Nil
COST OF VISIT: Chief Minister $ 966-00

6108

(iii) CITY VISITED: Adelaide
DATE/S: 27 October 1991
REASON FOR TRAVEL: Meeting of Premiers and Chief Ministers
ACCOMPANIED BY: Roy Forward - Senior Private Secretary
COST OF VISIT: Chief Minister S 728-00

Roy Forward $ 767-00

6109

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 605

Minister for Sport - Interstate Visits

MR KAINE - Asked the Minister for Sport upon notice on 20 November 1991:

In the period 7 August 1991 to 31 October 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself and (b) each staff member.

MR BERRY - the answer to Mr Kaines question is as follows:

In my official capacity as Minister for Sport I did not travel interstate during the period 7 August 1991 to 31 October 1991.

6110

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 606

Minister for Health - Interstate Visits

MR KAINE - Asked the Minister for Health upon notice on 20 November 1991:

In the period 7 August 1991 to 31 October 1991
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR BERRY - the answer to Mr Kaines question is as follows:

I have made two interstate visits in my official capacity as Minister for Health in the period 7 August to 31 October 1991, the details of which are as follows:

CITY VISITED: Sydney
DATE/S: 5 - 6 September 1991
REASON FOR TRAVEL: Health and Social Welfare Ministers Conference
ACCOMPANIED BY: Sue Robinson - Senior Private - Secretary
COST OF VISIT:
Minister for Health $ 300-00
Sue Robinson $ 241-00

6111

(ii) CITY VISITED: Sydney
DATE/S: 24 - 25 October 1991
REASON FOR TRAVEL: Visit to Westmead Hospital
ACCOMPANIED BY: Sue Robinson - Senior Private Secretary
COST OF VISIT:
Minister for Health $ 300-00
Sue Robinson $ 222-00

6112

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY. QUESTION

QUESTION No. 607

Sport Portfolio - Consultants

Mr Kaine - asked the Minister for Sport
(1) In the period from.7 August 1991 to 31 October 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 as follows:

(1) (b) Delete Ross Topmast

(2) (a) Develop an appropriate organizational philosophy and structure for the office of Sport and Recreation.

(b) Octoberl991 to December 1991.

(c) $27,100.

6113

MINISTER FOR EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 609

Minister for Education and the Arts - Interstate Visits

MR KAINE - Asked the Minister for Education and the Arts upon notice on 20 November 1991:

In the period 7 August 1991 to 31 October 1991
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR WOOD - the answer to Mr Kaines question is as follows:

I have made three interstate visit in my official capacity as Minister for Education and the Arts in the period 7 August to 31 October.1991.- the details of which are as follows:

(i) CITY VISITED: Melbourne
DATE/S: 8 - 9 August 1991
REASON FOR TRAVEL: Education Ministers Conference
ACCOMPANIED BY: Nil
COST OF VISIT: S 498-00

6114

(ii) CITY VISITED: Adelaide
DATE/S: 2 - 5 October 1991 _
REASON FOR TRAVEL: Visit Schools in Adelaide

* this travel also included the Animal Welfare Ministers Conference

ACCOMPANIED BY: Nil
COST OF VISIT: $ 600-00

(iii)CITY VISITED: Melbourne
DATE/S: 17 - 18 October 1991
REASON FOR TRAVEL: Education Ministers Conference
ACCOMPANIED BY: Nil
COST OF VISIT: $ 485-00

6115

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 610

Minister for the Environment, Land and Planning - Interstate Visits

MR KAINE - Asked the Minister for the Environment, Land and Planning upon notice on 20 November 1991:

In the period 7 August 1991 to 31 October 1991
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR WOOD - the answer to Mr Kaines question is as follows:

I have made one interstate visit in my official capacity as Minister for the Environment, Land and Planning in the period 7 August to 31 October the details of which are as follows:

CITY VISITED: Adelaide
DATE/S: 2 - 5 October 1991
REASON FOR TRAVEL: Animal Welfare Ministers Conference
* this travel also included visiting schools in Adelaide
ACCOMPANIED BY: Nil
COST OF VISIT: Minister $ 600-00

6116

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 611

Attorney-General - Interstate Visits

MR KAINE - Asked the Attorney General upon notice on 20 November 1991:

In the period 7 August to 31 October 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

I have made one interstate visit in my official capacity in the period 7 August to 31 October 1991, the details of which are as follows:

(i) CITY VISITED: Melbourne
DATE/S: 24 - 25 October 1991
REASON FOR TRAVEL: Standing Committee of Attorneys General
ACCOMPANIED BY: Jo Baker _ Senior Private Secretary
COST OF VISIT: Attorney General $ 670-00

Jo Baker $ 559-00

6117

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 612

Minister for Housing and Community Services - Interstate Visits

MR KAINE - Asked the Minister for Housing and Community Services upon notice on 20 November 1991:

In the period 7 August 1991 to 31 October 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself: and (b) each staff member.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

I have made two interstate visits in my official capacity in the period 7 August to 31 October 1991 the details of which are as follows:

(i) CITY VISITED: Melbourne
DATE/S: 29. August to 1 September 1991
REASON FOR TRAVEL: Housing Ministers Conference
ACCOMPANIED BY: JO .Baker - Senior Private Secretary
COST OF TRAVEL: Minister S 670-00

Jo Baker $ 565-50

(ii) CITY VISITED: Sydney
DATE/S: 5 - 7 September 1991
REASON FOR TRAVEL: Health and Social Welfare Ministers Conference and visit to Long Bay Gaol
ACCOMPANIED BY: Jo Baker - Senior Private Secretary
COST OF TRAVEL: Minister $ 600-00

Jo Baker $ 509-00

6118

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 613

Minister for Urban Services - Interstate Visits

MR KAINE - Asked the Minister for Urban Services upon notice on 20 November 1991:

In the period 7 August to 31 October 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

In my official capacity I did not travel interstate during the period 7 August 1991 to 31 October 1991.

6119

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 614

Treasurer - Interstate Visits

MR KAINE - Asked the Treasurer upon notice on 20 November 1991:

In the period 7 August 1991 to 31 October 1991 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

In my official capacity as Treasurer I did not travel interstate during the period 7 August 1991 to 31 October 1991.

6120

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 633

Housing Trust - Unoccupied Properties

MRS NOLAN - asked the Minister for Housing and Community Services - How many Housing Trust properties were unoccupied

(1) On (a) 1 September 1991; (b) 1 October 1991;

and (c) 1 November 1991.

(2) In (a) Tuggeranong on 1 September 1991: (b) Woden/Weston on 1 September 1991: (c) Belconnen on 1 September 1991: (d) South Canberra on 1 September 1991: and (e) North Canberra on 1 September 1991.

(3) In (a) Tuggeranong on 1 October 1991: (b) Woden/Weston on 1 October 1991: (c) Belconnen on 1 October 1991: (d) South Canberra on 1 October 1991: and (e) North Canberra on 1 October 1991.

(4) In (a) Tuggeranong on 1 November 1991: (b) Woden[Weston on 1 November 1991: (c) Belconnen on 1 November 1991: (d) South Canberra on 1 November 1,991: and (e) North Canberra on 1 November 1991.

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

(1) (a) 1 September 1991 - 107;
(b) 1 October 1991 - 97;
(c) 1 November 1991 - 83.

(2) (a) Tuggeranong on September 1991

- 9 properties in maintenance
- 4 properties subject to sale or redevelopment

(b)&(d) Woden/Weston & South Canberra on
1 September 1991

- 29 properties in maintenance
- 13 properties subject to sale or redevelopment

6121

(c) Belconnen on 1 September 1991

- 9 properties in maintenance - Nil properties subject to sale or redevelopment

(e) North Canberra on 1 September 1991

- 24 properties in maintenance - 19 properties subject to sale or redevelopment

(3) (a) Tuggeranong on 1 October 1991

- 12 properties in maintenance - 1 4 properties subject to sale or redevelopment

(b)&(d) Woden/Weston & South Canberra on
1 October 1991

- 21 properties in maintenance - 7 properties subject to sale or redevelopment

(c) Belconnen on 1 October 1991

- 19 properties in maintenance - Nil properties subject to sale or redevelopment

(e) North Canberra on 1 October 1991

- 23 properties in maintenance - 11 properties subject to sale or redevelopment

(4) (a) Tuggeranong on 1 November 1991

- 7 properties in maintenance - 4 properties subject to sale or redevelopment

(b)&(d) Woden/Weston & South Canberra on
1 November 1991

- 14 properties in maintenance - 6 properties subject to sale or redevelopment

6122

(c) Belconnen on 1 November 1991

- 8 properties in maintenance
- Nil properties subject to sale or redevelopment

(e) North Canberra on 1 November 1991

- 31 properties in maintenance
- 13 properties subject to sale or redevelopment

6123

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 635

Residential Land Servicing

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

(1) Concerning the review, outlined in your reply to question No. 447, to consider the practical aspects of implementation of ALP policy on public sector development -

(1) Has the review been completed.

(2) If so, what were its findings about the effect of loan raising for the servicing of residential land upon the 1992-93 budget.

(3) where can one obtain a copy of this review and its findings.

(4) If the review has not been completed, when will it be completed.

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

(1) I anticipate receiving a Report in the second week of December.

(2) Until such time as the Report has been analysed and discussed I am unable to provide any further details.

6124

MINISTER FOR IKE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 637

Dog Control Statistics

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

(1) How many dogs are registered in the suburb of Yarralumla

(2) What are the total number of dogs registered in (a) Tuggeranong; (b) Woden/Weston; (c) Belconnen; (d) South Canberra; and (e) North Canberra.

(3) The number of prosecutions carried out regarding dog attacks up to September 1991 in 1990 and 1989.

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

(1) The number of dogs registered in Yarralumla at 1 November 1991 is 203.

(2) The total numbers of dogs registered in the accumulated suburban areas nominated to the same date are:

Tuggeranong 3633
Woden/Weston 6843
Belconnen 4697
South Canberra 3963
North Canberra 6962

(3) The number of prosecutions regarding dog attacks carried out in 1989, 1990 and to September 1991 are:

1989 1
1990 14
To September 1991 - 13

6125

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 639

Timber Salvage

Mr Heaven - asked the Minister for the Environment, Land and Planning
(1) Does the Minister recall that following the recent loss of a tree near the Hyatt Hotel during a storm I raised with him the issue of the possible use of the timber by the ACT Government; if so, were the procedures altered for, dealing with these occurrences.

(2) With regard to the recent removal of a large cedar tree from the. Hacked Shopping Centre can the Minister advise (a) why-was.this tree removed; and (b) why wasnt the.timber from this large tree salvaged for possible use by the ACT Government and the public.

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

(1) The tree in question was not the property of the ACT Government as it was located within the lease boundary of the Hyatt Hotel. A representative sample from a tree of the same age and species which had to be removed from Yarralumla was kept. This log is drying and City Parks staff are assessing its possible uses, including for use in specialised furniture for the Legislative Assembly.

Procedures for saving unusual or special timbers. are in place in City Parks. Many unusual timbers are stored until they are utilised by local wood turners.

(2) The cedar tree at Hackett shops was removed as it was dead and creating a hazard. Several large pieces were left on site for bystanders who expressed an interest in using it. This is normal practice.

The main piece of the trees butt is being kept at the Dickson tree surgery depot for use by local wood turners and other specialist uses as outlined above.

6126

APPENDIX 1:

(Incorporated in Hansard on 10 December 1991 at page 5767)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

10 DECEMBER 1991

SUPPLEMENTARY QUESTION:

MR DUBY: GIVEN THE FACT THAT MY OFFICE HAS BEEN CONTACTED BY PEOPLE WHO RECEIVED NOTIFICATION THEY ARE SURPLUS OFFICERS AND THAT THEY HAVE A CERTAIN PERIOD OF TIME FOR FINAL TERM EMPLOYMENT OR TO TAKE A PACKAGE. I FAIL TO UNDERSTAND WHY CHIEF MINISTER CANNOT PROVIDE THIS ASSEMBLY WITH A LIST OF THE NUMBER OF PEOPLE WHO RECEIVE SUCH NOTIFICATION, AS OF CLOSE OF BUSINESS TODAY.

MY ANSWER IS:

I ASSUME MR DUBY IS REFERRING TO THE GOVERNMENTS BUDGET DECISION TO REDUCE THE LEVEL OF ADMINISTRATIVE STAFFING ACROSS THE A.C.T. GOVERNMENT SERVICE.

FIRST I SHOULD REPEAT THAT MY GOVERNMENT IS COMMITTED TO FOLLOWING THE PROVISIONS OF THE REDEPLOYMENT AND RETIREMENT (REDUNDANCY) AWARD, AND THE AGREEMENTS NEGOTIATED WITH UNIONS. IN THAT PROCESS, LAST WEEK MOST AGENCIES PRESENTED RESTRUCTURING PLANS TO UNIONS, THAT SHOWED POTENTIALLY (NOT ACTUALLY) SURPLUS POSITIONS. THE UNIONS AND MANAGEMENT WILL CONSIDER THESE PLANS OVER THE NEXT MONTH. ONLY AT THE END OF THIS CONSULTATIVE PROCESS WILL POSITIONS BE IDENTIFIED AS ACTUALLY SURPLUS AND THE OCCUPANTS OF SUCH POSITIONS AS POTENTIALLY EXCESS OFFICERS.

IN ACCORDANCE WITH THE "ERR" AWARD EMPHASIS WILL BE GIVEN TO REDEPLOYING THOSE STAFF. ONLY WHERE IT APPEARS THAT REDEPLOYMENT IS IMPRACTICABLE WILL THESE STAFF BE OFFERED THE CHOICE OF VOLUNTARY REDUNDANCY AND THIS PART OF THE PROCESS IS SUBJECT TO THE APPROVAL OF THE PUBLIC SERVICE COMMISSION. FOR THOSE WHO ARE OFFERED AND DECLINE VOLUNTARY REDUNDANCY THEY WILL REMAIN OUR EMPLOYEES.

WHEN POTENTIALLY SURPLUS POSITIONS ARE NOTIFIED TO UNIONS, THE "ERR" AWARD REQUIRES MANAGEMENT TO ADVISE THE OCCUPANTS OF SUCH POSITIONS ACCORDINGLY. LAST WEEK SUCH STAFF RECEIVED A LETTER ADVISING THEM THEIR POSITION WAS POTENTIALLY SURPLUS AND THEREFORE THEY HAVE BECOME POTENTIALLY EXCESS OFFICERS. THE LETTER WENT ON TO REMIND THEM OF THE BALANCE OF THE PROCESS, AND TO SUGGEST THE STAFF PLACEMENTS TASK FORCE. IS AVAILABLE FOR SUPPORT AND ADVICE TO INDIVIDUAL OFFICERS.

I AM ADVISED THAT SOME STAFF MISREAD THE LETTER AND ASSUMED THAT THEY HAD BECOME SURPLUS OFFICERS. THIS IS NOT .TRUE AND MANAGEMENT AND OFFICERS OF THE STAFF PLACEMENTS TASK FORCE HAVE BEEN AT PAINS TO ASSURE THEM THAT PROPER PROCESSES WILL- BE FOLLOWED AND THAT IDENTIFICATION OF POTENTIALLY SURPLUS POSITIONS THIS DOES NOT MEAN INDIVIDUAL STAFF MEMBERS WILL LOSE EMPLOYMENT.

I HAVE ANSWERED AT LENGTH, FIRSTLY TO SHOW MR DUBY THE GOVERNMENT IS UNDERTAKING A CAREFULLY PLANNED PROCESS AND IS NOT FORCING PEOPLE OUT OF EMPLOYMENT. SECONDLY IT IS USEFUL TO EXPLAIN WHY SOME PEOPLE ARE CONFUSED AND CONTACTING MR DUTYS OFFICE.. IF ANY MEMBER,OF THE ASSEMBLY RECEIVES.SUCH APPROACHES I WOULD RECOMMEND THEY ASK PEOPLE TO CONTACT THE STAFF PLACEMENTS TASK FORCE ON 2462785 SO THAT THEY CAN BE REASSURED ABOUT THEIR RIGHTS AND ENTITLEMENTS.

6128

THE LIST OF POSITIONS THAT RAVE BEEN IDENTIFIED TO DATE AS POTENTIALLY SURPLUS IS AS FOLLOWS:

AGENCY POSITIONS
CHIEF. MINISTERS . 10
A. C. T. TREASURY 8
URDU SERVICES 99
GENERAL S 21
NOOSING A COMMUNITY SERVICES BUREAU 20
DEPARTMENT OF ENVIRONMENT LAND
AND PLANNING 99
DEPARTMENT OP EDUCATION- AND ARTS 20
TOTALS 2774

INCLUDES 4 PART TIME POSITION

I MUST STRESS TEAT THMFIGURES ARE SUBJECT TO DETAILED UNION CONSIDERATION OVER THE NEXT MONTH. A$ I INDICATED IN MY SLIER ANSWER IT WILL, HE SOME TIME YET BEFORE POTENTIALLY EXCESS,STAPP ARE IDENTIFIED. AND SOMETIME AFTER T BARRY SOIL SUCH STS ARE OFFERED THE CHOICE OF VOLUNTARY PJMNDANCY.

6129

APPENDIX 2:

(Incorporated in Hansard on 11 December 1991 at page 5908)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

10 DECEMBER 1991

MS MAHER: MY QUESTION IS TO THE CHIEF MINISTER. I BELIEVE THE CONSULTANCY REPORT ON THE REVIEW OF TRAINING AND DEVELOPMENT OPTIONS FOR WOMEN IN THE A.C.T. WAS FINALISED SOMETIME AGO. DOES THE CHIEF MINISTER INTEND TO MARE THE REPORT PUBLIC AND IF SO WHEN, AND IF NOT, WHY NOT.

MY ANSWER IS:

THE REPORT ON THE REVIEW OF TRAINING AND SKILLS DEVELOPMENT FOR WOMEN IN THE HAS BEEN RECEIVED WITHIN MY DEPARTMENT AND IS, I UNDERSTAND, ON ITS WAY TO ME WITH RECOMMENDATIONS FOR ACTION. I LOOK FORWARD TO READING THE REPORT AND WILL CONSIDER ITS PUBLIC RELEASE AT THAT TIME.

6130

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

10 DECEMBER 1991

MRS NOLAN: MY QUESTION 3S TO THE CHIEF MINISTER IN HER CAPACITY AS TREASURE. I REFER THE CHIEF MINISTER TO THE 1% LAND TAX INTRODUCED IN RELATION TO RESIDENTIAL PREMISES. WHAT WORK WAS DONE BY THE TREASURY IN RELATION TO ANY THRESHOLD THAT COULD HAVE BEEN INTRODUCED AND WHAT REVENUES WOULD HAVE BEEN RAISED HAD THE THRESHOLD BEEN INTRODUCED AT 10, 20, 30, 40 OR 50 THOUSAND DOLLARS ON THE UNIMPROVED CAPITAL VALUE?

MY ANSWER IS: WORK DONE BY THE TREASURY HAS INDICATED THAT THE SETTING OF A THRESHOLD AT ANY LEVEL WOULD AFFECT REVENUE AND LEAD TQ_INEQUITIES UNLESS INTRODUCED IN CONJUNCTION WITH TM COMPLEX SYSTEM OF AGGREGATION WHICH EXISTS IN OTHER LAND TAX JURISDICTIONS.

ANY THRESHOLD WOULD NEED TO APPLY TO-ALL TAXABLE PROPERTIES, BOTH COMMERCIAL AND RENTED RESIDENTIAL AND TAX WOULD BE PAYABLE ON EACH $1 ABOVE THE. THRESHOLD .

WITHOUT AGGREGATION MULTIPLE LANDOWNERS RECEIVE THE BENEFIT OF THE THRESHOLD FOR EACH PROPERTY OWNED WHILE SINGLE PROPERTY

HOLDERS GAIN THE BENEFIT ONLY ONCE. THRESHOLDS ALSO BEAD TO THE DELIBERATE PARTITIONING STRATA TITLING OF LAND BY OWNERS TO GAIN THE MAXIMUM BENEFIT.

AGGREGATION SYSTEMS ARE HIGHLY COMPLEX AND DIFFICULT TO ADMINISTER. THEY :RAISE COMPLEX ISSUES IN RELATION TO OWNERSHIP THROUGH Antes AND- TRUST STRUCTURES ,ANDS TO.. JOINT LAND HOLDERS .WHO OWN MULTIPLE BLOCKS OF LAND BUT WITH DIFFERENT PARTNERS.

AT THIS TIME ITV IS BELIEVED THAT A -THRESHOLD I8 . NCI NECESSARY, GIVEN THE A.C.T. S NARROW TAX SASE, THE LOW RATE OF TAX (1%), AND THE MINIIoGL. IMPACT OF THE TAX IN THE VAST MAJORITY OF CASES.

TIC FINIAL IMPACT OF A THRESHOLD AT A NUMBER OF LEVELS WAS RESEARCHED INCIJDING, $301000 AND $50,000. .....

6131.

THE LOSS TO REVENUE HOWEVER, WOULD BE MUCH GREATER IF THE THRESHOLD APPLIED TO BOTH RESIDENTIAL INVESTMENT AND COMMERCIAL PROPERTIES.

A THRESHOLD OF $50,000 WOULD NOT ONLY RESULT IN LOST REVENUE FROM RESIDENTIAL PROPERTIES OF $5.2M BUT ALSO APPROXIMATELY $1.5M IN RECEIPTS FOR COMMERCIAL PROPERTIES. AT $30,000 THE LOSSES WOULD BE AROUND $3.5M AND $1M RESPECTIVELY.

CONTACT: NEIL HACKMAN

ACT REVENUE OFFICE
PHONE: 246 3148

6132

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

10 DECEMBER 1991

MR COLLAERY:.. I ASK THE CHIEF MINISTER WHETHER SHE TS AWARE OF THE ACTUAL SUM kAISEDBX THE ASSESSMENT OF THOSE SERVICE -CONTRACTS. WHAT PART OF THE 85 : 1 MILLION DOLLARS SERVICE FROM PAYROLL TAX, RELATES TO SERVICE CONTRACTS?

MY ANSWER-IS: IT IS DIFFICULT TO ESTABLISH EXACTLY HOW MUCH OF THE PAYROLL TAX REVENUE RELATES TO SERVICE CONTRACTS BECAUSE MANY EMPLOYERS DO NOT PROVIDE.SEPARATE INFORMATION OF SUCH ON THE IRA MTHLY PAYROLL TAX RETURNS..

AN ESTIMATE OF 1 MILLION DOLLARS IS CONSIDERED REASONABLE., MORE-ACCURATE FIGURES WILL BECOME AVAILABLE AT THE COMPLETION OF INVESTIGATIONS OF INDUSTRIES WHICH RELY ON CONTRACT LABOUR AND SERVICES, INCLUDING THE INSURANCE, REAL ESTATE AND BUILDING INDUSTRIES.

THE IMPORTANCE OF THE SERVICE CONTRACT PROVISIONS"HOWEVER CANNOT BE MEASURED ONLY IN MONETARY TERMS. THE PROVISIONS HAVE CLOSED -OFF OFF A SIGNIFICANT AVENUE FORAVOIDANCE INVOLVING - THE ENGAGEMENT OF P96PLE UNDER CONTRACT RATHER THAN UNDER . TRADITIOW&MPLOYER/EMPLOYEE ARRANGEMENTS.

CONTACT: NEIL RACXxAM

ACT REVENUE OFFICE

PHONE: 2463148

QUESTION WITHOUT NOTICE

SUPPLEMENTARY QUESTION:

MR KAINE: CHIEF MINISTER TELL THE ASSEMBLY IN ROUND FIGURES HOW MANY JOBS DOES SHE EXPECT HER INITIATIVES WILL CREATE IN THE A.C.T. IN THIS FISCAL YEAR:

MY ANSWER IS: .

THE 1991-92 BUDGET FORECAST A.C.T. EMPLOYMENT GROWTH OF 1So. AVERAGE EMPLOYMENT IN 1990-91 WAS 149 600. IN THE FIRST FOUR MONTHS OF 1991-92, AVERAGE EMPLOYMENT IN THE A-CT. INCREASED BY 450 JOBS TO 150 050. THIS INCLUDES THE PRIVATE SECTOR AND THE PUBLIC SECTOR, PRIMARILY THE COMMONWEALTH. THE INCREASE IN A.C.T. EMPLOYMENT IN THE FIRST QUARTER OF THIS FINANCIAL YEAR CONTRASTS wrI7H A FALL OF 1.696 NATIONALLY.

MY BUDGET INCLUDED INITIATIVES AIMED AT LONG-TERM AND SUSTAINABLE EMPLOYMENT PROSPECTS. WE DID NOT UNDERTAKE SHORT-TERM JOB CREATION SCHEMES.

INITIATIVES ANNOUNCED IN THE 1991-92 BUDGET ON EMPLOYMENT AND TRAINING WERE TO IMPROVE THE SKILL BASE OF OUR WORKFORCE, WITH PARTICULAR ATTENTION GIVEN TO OUR YOUTH.

THE GOVERNMENTS POLICY IS ALSO TO CREATE A BUSINESS ENVIRONMENT CONDUCIVE TO GROWTH IN THE PRIVATE SECTOR. I RECENTLY ANNOUNCED A WIDE RANGE OF INITIATIVES AT THE LAUNCH OF CANBERRA BUSINESS WEEK 1991. THESE INCLUDED:

- A BUSINESS LICENCE INFORMATION SERVICE.

- A STRENGTHENED APPROACH TO BUSINESS REGULATION REVIEW;

- THE ESTABLISHMENT OF "BUSINESS lJNEw

- THE ENHANCEMENT OF THE NATIONAL INDUSTRY EXTENSION SERVICE, A JOINT COMMONWEALTIVIERRITORY PROGRAM WHICH ASSISTS COMPANIES TO MOVE INTO NATIONAL AND INTERNATIONAL MARKETS.

- ACTIVE PARTICIPATION WITH THE COMMONWEALTH DEPARTMENT
- OF INDUSTRY, TECHNOLOGY AND COMMERCE TO ENSURE A.C.T. BENEFIT FROM FEDERAL GOVERNMENT SMALL AND MEDIUM ENTERPRISE DEVELOPMENT PROGRAM.

- THE ESTABLISHMENT OF A PROGRAM TO FACILITATE ACCESS TO AFFORDABLE, RELEVANT BUSINESS PLANNING AND MANAGEMENT

6134

SERVICES AND THE DEVELOPMENT OF A BUSINESS STARTERS INFORMATION KIT;

THE ESTABLISHMENT OF A SMALL BUSINESS FINANCIAL ADVISORY SERVICE; AND

THE ESTABLISHMENT OSHA BUSINESS SERVICES CTNTRE-TO BRING TOGETHER BUSINESS SERVICES IN A CENTRAL LOCATION.

6135

APPENDIX 3:
(Incorporated in Hansard on 12 December 1991 at page 6025)

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION WITHOUT NOTICE

12 DECEMBER 1991

MR JENSEN: CAN THE MINISTER ADVISE WHEN THE DETAILS OF THOSE AREAS IN ANNEX I OF THE PLANNING REPORT CHANGE FROM OPEN SPACE OR SIMILAR LAND USE TO RESIDENTIAL WHICH IT IS PROPOSED TO ACTUALLY DEVELOP AS RESIDENTIAL AS OPPOSED TO ANCILLARY OPEN SPACE IN THE RESIDENTIAL PLAN WILL BE MADE AVAILABLE TO THE PUBLIC?

MY ANSWER IS:

THERE ARE NO SPECIFIC PROPOSALS AT THIS POINT IN TIME TO ACTUALLY DEVELOP ANY OF THE AREAS PROPOSED AS POLICY CHANGES IN THE DRAFT TERRITORY PLAN. THEY ARE PLANNING PROPOSALS NOT DEVELOPERS PROPOSALS. HOWEVER, IF THE PLAN WAS TO PROCEED IN ITS CURRENT FORM, IT WOULD BE POSSIBLE FOR THE PLANNING AUTHORITY TO CONSIDER SPECIFIC PROPOSALS FOR THOSE SUBJECT SITES. THE DRAFT TERRITORY PLAN CONTAINS CRITERIA WHICH WILL TRIGGER PUBLIC NOTIFICATION AND APPEAL RIGHTS FOR PROPOSALS WITHIN THE AREAS IN QUESTION. THE ACT PLANNING AUTHORITY HAS ALREADY PUT IN PLACE A RANGE OF MECHANISMS TO MAKE AVAILABLE INFORMATION ON PROPOSED POLICY CHANGES IN THE DRAFT TERRITORY PLAN.

A LETTER AND BROCHURE WERE SENT TO ALL ACT HOUSEHOLDS ADVISING THEM OF THE RELEASE OF THE DRAFT PLAN AND INVITING THEM TO VIEW IT AT EXHIBITIONS IN THE CANBERRA CENTRE AND ACT GOVERNMENT LIBRARIES. THE PLANNING REPORT RELEASED WITH THE DRAT PLAN DOCUMENTS ALL PROPOSED POLICY CHANGES. STAFF WERE AVAILABLE AT THE CANBERRA CENTRE EXHIBITION TO EXPLaIN THE DRAFT PLANS PROPOSALS. SEMINARS AND WORKSHOPS HAVE BEEN HELD WHERE ANY MEMBER OF THE COMMUNITY COULD COME ALONG AND ASK QUESTIONS AND RAISE ISSUES. COPIES OF -THE POLICY CHANGE SCHEDULES WERE MADE AVAILABLE FREE OF CHANGE AT ALL SEMINARS.

A TELEPHONE "HOTLINE" HAS BEEN ESTABLISHED AND THE COMMUNITY CAN SEEK ANY FURTHER INFORMATION ON THE DRAFT PLAN IT DESIRES VIA THIS SOURCE. THE PLANNING AUTHORITY IS STATUTORILY REQUIRED TO DOCUMENT ALL ISSUES RAISED BY COMMUNITY IN WRITTEN SUBMISSIONS ON THE DRAFT PLAN. THE AUTHORITY HAS. CONTINUED THROUGHOUT THIS PROCESS TO EMPHASISE AND ENCOURAGE MEMBERS OF THE PUBLIC TO MAKE WRITTEN SUBMISSIONS ON THE DRAFT PLAN S PROPOSALS TO IDENTIFY ISSUES WHICH IN THEIR VIEW WHICH HAVEN’T BEEN SATISFACTORILY ADDRESSED.

6136

THE AUTHORITY IS REQUIRED UNDER THE LEGISLATION TO SUBMIT THIS DOCUMENTATION TO THE EXECUTIVE WITH ITS FINAL PROPOSALS FOR THE PLAN.

I SHOULD ALSO ADD THAT IT IS THE PLANNING AUTHORITY S PRACTICE TO DISCUSS SIGNIFICANT OR SENSITIVE PROPOSALS WITH ADJACENT RESIDENTS. IT WILL CONTINUE TO DO SO IN FUTURE.

CONTACT OFFICER: GEORGE TOWLINES
AGENCY: ACT PLANNING AUTHORITY
TELEPHONE: 296 8512

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