DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

14 May 1992

Thursday, 14 May 1992

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

CANBERRA ADVANCE BANK LIMITED (MERGER) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (10.31): Madam Speaker, I present the Canberra Advance Bank Limited (Merger) Bill 1992.

Title read by Clerk.

MS FOLLETT: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the main purpose of the Bill is to facilitate the integration of the Canberra Advance Bank with the Advance Bank of Australia. The Canberra Advance Bank was created a wholly owned subsidiary of the Advance Bank in 1986.

The Advance Bank has sought legislation for the transfer of banking activities and assets and liabilities of the Canberra Advance Bank in the Australian Capital Territory and New South Wales, being the only jurisdictions affected. New South Wales is introducing similar legislation to meet the request of the Advance Bank of Australia. The Bill is required to be enacted before 1 June 1992 as the Canberra Advance Bank must surrender its banking licence to the Reserve Bank of Australia by that date.

The proposed legislation will vest the undertaking of the Canberra Advance Bank in the Advance Bank of Australia. All existing contracts and obligations will remain unchanged, except that the Advance Bank will now become the contracting party in respect of ongoing Canberra Advance Bank contracts. There are many ACT account holders who are affected by this banking integration. Passing the Bill will assist these customers because they will not be put to the inconvenience of having to renegotiate their banking arrangements. There is no transfer in the ACT of real estate, shareholdings in subsidiaries and other holdings of shares; consequently there are no tax or duty implications for the ACT.

The Advance Bank of Australia is meeting the costs associated with the preparation of this legislation. Madam Speaker, I now present the explanatory memorandum for the Bill.

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

LIGHT VEHICLE TRANSPORT AGREEMENT

Debate resumed from 12 May 1992, on motion by **Ms Follett**:

That the Assembly -

(1) Notes:

(a) that on 6 August 1991 the Assembly consented to the Commonwealth making a law, referred to as the Commonwealth Road Transport Legislation, for the Australian Capital Territory that is necessary to give effect to an Agreement ("the Heavy Vehicles Agreement") dated 30 July 1991 between the Commonwealth, the States and the Australian Capital Territory relating to the establishment of a co-operative scheme to improve road safety and transport efficiency and reduce the cost of administration of road transport.

(b) that the Heavy Vehicles Agreement related to vehicles having a manufacturer's rated gross vehicle mass of more than 4.5 tonnes;

(c) that as part of the co-operative scheme the Commonwealth Parliament enacted the *National Road Transport Commission Act* 1991 which amongst other things established the National Road Transport Commission ("the Commission") which is charged with preparing the Commonwealth Road Transport Legislation;

(d) that at the Heads of Government Meeting on 11 May 1992 the Chief Minister, on behalf of the Australian Capital Territory, agreed with leaders and other representatives to an extension of the role of the Commission to enable it to develop Commonwealth Light Vehicle Transport Legislation which will provide for the regulation of all road users other than those affected by the Commonwealth Road Transport Legislation; and

(e) that the extension is dependent on the conclusion of an agreement between the Commonwealth and the Australian Capital Territory under which the former, with the consent of the Legislative Assembly for the Australian Capital Territory, will seek to amend the *National Road Transport Commission Act 1991* of the Commonwealth to provide for the extension of the role of the Commission and make Commonwealth Light Vehicle Transport Legislation for the Australian Capital Territory which law will be a model on which the pertinent law of the States will be based.

(2) Consents to the making, by the Commonwealth, of:

(a) amendments to the *National Road Transport Commission Act 1991* of the Commonwealth to extend the role of the Commission; and

(b) the Commonwealth Light Vehicle Transport Legislation**.**

MR WESTENDE (10.33): Madam Speaker, the Opposition has no objection to the Government seeking to amend the National Road Transport Commission Act 1991. We agree that it is necessary, wherever possible, to have identical laws within the States and Territories. It was the right action to take this approach with heavy vehicles and it is clearly the right action to take with light vehicles.

Uniform laws in all areas of transport will create efficiencies, reduce waste, create a better understanding between drivers and businesses, and simplify operations with interstate operators. It will facilitate ease of trade between the States and Territories, and, Madam Speaker, in this regard, it will be of great benefit to fostering growth within our region.

We would assume that, once the Assembly has given its consent to the extension of the role of the National Road Transport Commission, we will see the legislation in this chamber to enable the Commonwealth to develop both the National Road Transport Commission Act 1991 and the Commonwealth light vehicle transport legislation so that the Commonwealth may proceed to the agreement as discussed in the Chief Minister's statement.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.35): This is a very important proposal that the Chief Minister has brought forward. It really is part of this Government's commitment to micro-economic reform - one of the issues on which our colleagues opposite are wont to bleat frequently, and yet something on which they seem to have difficulty in bringing forward any concrete results. Their period in government was marked by a failure to achieve micro-economic reform, a failure to achieve what they consistently tell us to achieve, and that is a reduction in the operating costs of government enterprises, a reduction in the size of ACT government.

We saw, quite notoriously, some government enterprises, such as ACTION, massively increase operating costs when the Liberals had stewardship of this Territory. We saw the ACT budget expanding while the Liberals had stewardship of this Territory. Now we see, through reform, through better use of government resources, Labor managing well, achieving reductions and achieving efficiencies.

Transport is an area in which we must have reform. Nine sets of law, as the Chief Minister indicated, and as Mr Westende endorsed, are inefficient. We must achieve this level of uniformity and we must achieve it swiftly. There are real benefits that will flow through to every citizen. Transport costs make up a substantial part of the cost of providing goods and services. A substantial part of the cost of that jar of Chinese barbecue sauce that Mr Humphries was brandishing in the chamber yesterday would have been the transport cost of moving that jar into Australia. We prefer to purchase Australian-made goods, of course - the Labor Party supports local industry - but Mr Humphries contributed to our balance of payments deficit by purchasing an imported connoisseur item. That is fine, but there was obviously cost in getting that jar from Sydney to Canberra.

Mr Cornwell: They could not leave it on the shelf for another three years, surely.

MR CONNOLLY: He may have got it at a cheaper price because it had been sitting around for a while. Every item on every supermarket shelf has a transport cost attached to it. These reforms, which will lead to efficiency and uniformity in the regulation of the transport industry, will, for the bottom line for the consumer, lead to a lower cost.

It is a clear example of Labor's commitment to micro-economic reform in action. We are, as the Chief Minister indicated, offering up, to some extent, an issue of our sovereignty here. We are saying to the Commonwealth, and the States and Territories, that we are committed to micro-economic reform; we are happy for the ACT to be the basis for template legislation to be applied in all States and Territories. That is a demonstration of the level of our commitment to achieving micro-economic reform, which we continue to achieve and get runs on the board while the Liberals talk.

MR KAINE (Leader of the Opposition) (10.38): Madam Speaker, I am surprised that Mr Connolly chooses to turn this into a political fight. The Chief Minister discussed this matter with me and I agreed that we would take a bipartisan approach to it. Mr Westende agrees that the amendment is a good thing, and yet Mr Connolly springs to his feet and starts attacking the Opposition after having, I thought, reached a bipartisan position on it. Since he has chosen to do so, I think that his comments deserve some response.

He talks about micro-economic reform. I would point out that this document reflects no initiative on the part of this Government whatsoever. This document has come out of the Special Premiers Conference process that started in 1990. I would remind Mr Lamont that I was the person who went to the first Special Premiers Conference, not the present Chief Minister, and I was one of the people who adopted a program of change, one element of which was rationalising transport. It is not an initiative of this Government. For Mr Connolly to get up and say that this is somehow an initiative taken by this Government in a program of reform is typical hogwash, the sort of thing that comes from the Government constantly.

I have yet to see any initiative taken by this Government to restructure or to introduce any kind of micro-economic reform whatsoever. Let us see your initiatives. Where are they? There are none. What this Government is doing is merely a continuation of what the Alliance Government put into place or it is picking up things that have come out of the Federal arena.

Mr Berry: Clearing up the damage in the health system. Come on!

MR KAINE: Not one single initiative has come out of Mr Berry. He is the one with the big mouth. Where are your initiatives? What have you done to change things in the ACT?

Mr Berry: Have a look at the finances in Health. At least we know what is going on. You did not know.

MR KAINE: The financial change in the hospital system was initiated by the Alliance Government. All you have done, as with all of your initiatives, is pick it up and run with it. Then you have the effrontery to claim it as a Labor initiative for micro-economic reform. This is no more an ACT Labor Government initiative than any of the other things that are going on in the ACT at the moment.

Mr Connolly says that we achieved nothing while we were in government. The hospital reconstruction program that you have screwed up in the last year was an initiative of the Alliance Government. The only major infrastructural change undertaken in the ACT since self-government was initiated by the Alliance Government, and you tried to kill it off. You had your $50,000 investigation that you thought would kill it off, but it did not kill it off; so you have had to continue with it.

Are you going to say that micro-economic reform in terms of getting the ACT Government working better and getting it to work more efficiently, such as corporatising functions, corporatising the TAB, corporatising Totalcare Industries at Mitchell, were your initiatives? Of course you are not. You cannot go that far. The next step was to corporatise ACTEW. When all the preliminary work had been done to corporatise ACTEW, you got the government back. What did you do with it? Like all change, you stuck it on the backburner. You do not want to change anything. You are the most conservative government in Australia and you have the effrontery to come in here and talk about micro-economic reform. You do not even know what the term means. For Mr Connolly to get up and claim this piece of work as an ACT Labor Government initiative is breathtaking in its audacity.

I am sure that Bob Hawke, who put it on the agenda first in 1990, would be astonished to discover that Rosemary Follett is claiming that it is hers, or that Mr Connolly is claiming it as his, as with any of the other matters of micro-economic reform that have come out of that Special Premiers Conference process. As for the electricity grid, Ms Follett claims some sort of victory in that we are actually a participant in the process of change in the reticulation, generation and supply of electricity. She was not even a party to the initial agreement to do that. She was not even a party to the rail freight authority. It all happened when she was out of office.

All of the initiatives currently taking place are taking place as a result of either initiatives of the Alliance Government or a process that I participated in as Chief Minister, not Ms Follett. I defy you, Mr Berry, and I defy Mr Connolly, to produce one single initiative for change or micro-economic reform that has been initiated by this Labor Government. There is not one. You pick up everybody else's initiatives and you run with them and then claim them as your own. I think it is disgraceful. I conclude, Madam Speaker, as I began: I had agreed with Ms Follett that this was a good initiative and that we would provide bipartisan support, and then Mr Connolly got on the floor and wanted to kick us in the head. Ms Follett will need to be a bit careful when she seeks bipartisan support in the future, because she may find that she does not get it.

MR STEVENSON (10.44): As far as the legislation goes, I think there are many areas, particularly within the road rules, that would well apply to every place in Australia. I think we could readily agree on that - certainly vehicles keeping to the left in over 80 kilometres an hour zones. However, I think there is a principle that is probably worth addressing, and that is to do with which government

controls legislation or controls specific activities within States and Territories. I think the principle behind the Senate initially was that the different States could get together and agree on things that were going to be done throughout Australia. I think that principle is a good one. Obviously, why have situations where one State does something so that when you meet at the border you have to change trains because there are different size rails? So, there are certainly many things that could be agreed upon.

There are two ways of achieving it. One is that the States and Territories get together and say, "Let us agree on this particular point". Another is to say, "Let us give the power to the Commonwealth, particularly if they are prepared to give us some sort of incentive for doing that, perhaps some money", as may be the case in this general area. I know that there can be the situation where, with the different States all passing exactly the same legislation, it may be that it comes into effect on different dates. They might have some problems locally and it takes longer. I think that could be fairly easily handled by the State saying, "On 1 September 19-whatever, this law will become active in each of the States". At any time that there is a suggested change, exactly the same thing could be done.

I wanted to highlight the point about whether it is best to pass powers along to the Commonwealth Government - this may be somewhere in between because of the way it has been done - or whether it is best to say, "Yes, when we get together we will agree; we will pass our identical legislation in the ACT. It will be wholly and solely our legislation and we will have no other involvement with the Commonwealth Government because that may not be necessary".

Mr Berry: That is a strange position for an abolitionist.

MR STEVENSON: I was going to say that I think we should pass all the legislation across to the Commonwealth, but I left it out deliberately.

MS FOLLETT (Chief Minister and Treasurer) (10.46), in reply: I would like to thank members for their support in relation to this motion.

Mr Humphries: Especially Mr Kaine.

MS FOLLETT: Yes, indeed. I thank the Opposition for their indication that it is a matter on which there would be a bipartisan position. It is a matter which I did discuss with Mr Kaine, as he said, and I appreciate his support.

There is one issue that I would like to clarify for the record, Madam Speaker, and it relates to the nature of the legislation that will be enacted. I would like to make it very clear that this scheme relates only to the regulation of light vehicles. In that respect it is in contrast to the national heavy vehicle scheme, which also addressed the question of charging. The matter we have before us is really only to do with regulation. That is specified in the motion, but it does seem to have caused a little bit of confusion in certain quarters.

On the matter of charging, it is true that the ACT does have lower registration charges for light vehicles than a lot of other jurisdictions and I think it is important to note that these will not be affected by our passing the motion that is before us today. Most members have spoken about the advantages of having a consistent regulatory scheme and I, of course, totally support that. It is an important issue of micro-economic reform.

I believe that uniform rules of the road will have significant benefits for the ACT, and Mr Westende touched on some of those. The most obvious one is that it will reduce the risk of accidents caused by people not knowing or having a different understanding of the rules of the roads. I believe that it will also promote a more efficient transport industry and will certainly remove the problems that arise with differing regulatory regimes between States. I think it will also be of assistance to tourists and to interstate travellers, and we trust that it will also be an attraction for that particular industry.

Madam Speaker, to address Mr Stevenson's remarks very briefly, the ACT is in a special position here in that it is possible for the Commonwealth to legislate for us. On this occasion, as with the heavy vehicle scheme, by passing this motion we are acceding to the Commonwealth's request to do that. It is an action that, really, only we can take and that will be of benefit to the rest of the nation.

As I say, Madam Speaker, I thank members for their support and I will be very pleased to sign the agreement, once the Assembly has given consent, and to advise the Federal Government, the Federal Parliament, that they can legislate in the way in which they have requested.

Question resolved in the affirmative.

BAIL BILL 1992

[COGNATE BILL:

BAIL (CONSEQUENTIAL AMENDMENTS) BILL 1992]

Debate resumed from 9 April 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Bail (Consequential Amendments) Bill 1992? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR HUMPHRIES (10.50): The Attorney-General, in presenting this Bill, said:

The Bail Bill is the most significant criminal law reform ever put before this Assembly.

Although possibly my former colleague Mr Stefaniak, the father of things such as move-on powers and dry areas in shopping centres, might disagree with that, I think that at least we have here a very significant reform to the criminal law of the ACT. We can all be pleased that a Bill of this kind is before the Assembly and will, I hope, be enacted into law today.

Madam Speaker, the Bill comprehensively deals with an issue which has been best described as murky for some considerable time in this Territory. To take the definition which appears in clause 3 of the Bill:

"Bail" means authorisation granted to a person under this Act to be at liberty; ...

It is a comprehensive statement of what circumstances may arise whereby a person who is charged with an offence may be out of the court and out of the gaol's jurisdiction during the period that that charge is pending in the court.

The point of this Bill is to formalise - codify, if you like - the situation that a person in that condition faces in a way which simply has not been possible in the past. The law in this area is, frankly, extremely difficult to follow and very hard to trace to a single set of documents or authorities. Therefore, putting it in one place and comprehensively making this, as it were, the bible on bail is a very much appreciated and, I think, very important step.

I note, for example, in clause 57 of the Bill, that this Bill and the Bail (Consequential Amendments) Bill, which we are debating at the same time, both require that these two Acts take effect irrespective of what other provisions are made elsewhere. In other words, there is no attempt to identify all the other sources of law which are being overruled by this Bill. It would be impossible. They are too complex and too diverse to be able to do that.

Madam Speaker, I want to make a few comments on this Bill. As I have indicated, the Opposition will be supporting this Bill and the Bail (Consequential Amendments) Bill, with a couple of amendments. The significant clauses, I suppose, are clauses 7 and 8 of the Bill, which set out the circumstances under which a person is entitled to bail. For minor offences, offences punishable by a sentence of imprisonment not exceeding six months or only by payment of a fine, there is an absolute entitlement to bail. There is an entitlement to get that unless certain exceptional circumstances are established. I am referring particularly to situations where a person might be in custody for another offence and things of that kind. For other offences, more serious offences, clause 8 applies and, essentially, establishes that a person may have bail unless a court is satisfied that that would be unjustified in the circumstances.

In his presentation speech the Minister said that what this effectively amounted to was a statutory presumption in favour of bail unless the prosecutor establishes a convincing case for why bail should not be granted. With respect to that statement, I do not think I would go as far as the Attorney in saying that that has actually been established. I think that what we have here is a presumption of only the flimsiest kind; a presumption which says, in a sense, that a person is entitled to bail unless the court thinks that is not appropriate on one of the grounds, or on a number of the grounds, set out in clauses 23 and 22 of the Bill.

I think that that is not exactly a presumption with an onus of proof needed to dislodge it or discharge it. It really is a case of saying that, on the balance of probabilities kind of argument, unless there is any clear evidence either way the person should have bail. This has been amended, I might mention, from what did exist before in the equivalent of clause 8 which caused my predecessor, Mr Stefaniak, some problems. The amendment, I think, is a good one. It does create a presumption. I think a presumption is justified.

My colleague talked at one stage about removing the presumption in the case of murder, for example. A person charged with murder, it was suggested, ought not to have a presumption in his favour that he should be out on bail. I think, on reflection, that this particular provision covers that well and I would not seek to

amend it. I think any person, irrespective of how serious the crime that they are charged with might be, is entitled to enjoy the presumption that they are innocent until proven guilty and, therefore, I think that this provision ought to be allowed to stand.

Madam Speaker, I do have amendments which I am going to circulate. One is to clause 13 of the Bill. I will not talk about that now; I will come back to it later. There is a curious provision in clause 13, however, which I merely raise rather than suggest that it should be amended at this point. Subclause (4) says:

> A police officer who charges a person may refrain from complying with subparagraph (1)(c)(ii),(iii) or (iv) if he or she believes on reasonable grounds that it is necessary to do so in order to prevent -

(a) the escape of an accomplice of the accused person; or

(b) the loss, destruction or falsification of evidence relating to the offence.

I can certainly understand why communicating, possibly, with a legal practitioner might result in some falsification or damaging of evidence or notification of an accomplice to maybe get away or something of that kind. I can equally understand why communicating with any person of the accused's choice - talking about subparagraph (1)(c)(iv) - might cause some concern.

I find it hard to understand why it should be thought that communicating with an interpreter, a competent interpreter, should lead to the possibility that a person might have his accomplice notified of his arrest and therefore facilitate his escape or the loss or destruction of evidence. It seems to assume that a competent interpreter would be a person likely to abet or aid the accused person. That seems to me to be a slight slur on our interpreter services in the ACT. But it may be that there are good reasons for that, and I will be happy to hear what the Attorney has to say about that matter when he rises in this place. Obviously, if a person says, "I have a friend who can interpret for us", that might be another matter; but I am suggesting here that there is no compulsion on the police officer concerned to actually grant a particular interpreter to that accused person. They have to find some interpreter, not necessarily that particular person who might be a friend or relation.

Clauses 22 and 23 state the circumstances under which a person might be granted bail in terms of the sorts of things that a court must take into account or a police officer must take into account when considering whether a person is entitled to bail. One might assume that, if there are conditions imposed here, or circumstances laid out in the legislation, that would be in some way restrictive and therefore enable the person to argue that no specific conditions have been satisfied preventing them from having bail.

I might say, though, that clauses 22 and 23 are quite comprehensive statements of circumstances under which a person might not be entitled to bail, the sorts of conditions that might have to be adverted to by a court or a police officer - the background or community ties of the person, the nature of his or her home environment, their employment, criminal record, circumstances of the offence, seriousness of the offence, nature of the offence, strength of the evidence against the person, or any other information relevant to the likelihood of the person absconding. Those are very wide circumstances and I do not think there is any

great inhibition here on a court or a police officer in deciding whether a person who might be applying for bail would appear in a court later on to answer that charge. I think that those conditions are very wide and I am satisfied by their width.

Clause 25 talks about the conditions on which bail will be granted to adults. It sets out the sorts of conditions that might be attached to a granting of bail. Those conditions are, by subclause (3), set out in a particular order and the court or authorised officer must advert their mind to those conditions in that order. They range, in a sense, from less onerous to more onerous, and that also is an appropriate provision.

Madam Speaker, I had a more serious concern with Part VI of the Bill. It is a matter I have discussed with officers of the Attorney-General's Department but which I am still not entirely satisfied about. I have decided not to seek to amend it but merely to raise it, and I hope that the Attorney will consider this in due course. This is a complicated matter and I want to explain it as clearly as I can. Part VI talks about review of decisions. Division 1 of Part VI talks about how an authorised officer - meaning a police officer - is entitled to review a decision of another officer - a police officer again - when it comes to reviewing a person's decision to grant bail or not to grant bail, or to grant bail on conditions.

What it effectively means is that a person who has been refused bail can appeal to, for example, the sergeant of the station and say, "Look, I think I should have bail", and that person can then have his or her case reviewed by the sergeant, and the sergeant might decide, "Okay, you can have bail", notwithstanding what the other police officer has decided. The Bill says specifically, in subclause 39(1):

> The power to review a decision under this Division includes a power to affirm or vary a decision or to substitute another decision.

That seems perfectly clear. This, I might mention, arises out of the Royal Commission into Aboriginal Deaths in Custody. This provides a way in which Aboriginal people in imprisonment might be able to get out of imprisonment or out of custody earlier by having a review made of their circumstances. That is very good and I think that is a worthwhile provision.

In Division 2 it talks about review of decisions by courts and the capacity of the court to review an earlier decision of, for example, an authorised officer or a lower court and to substitute some other decision for that. Here the court has the power to vary and substitute a new decision of its own for an earlier decision. But in this division we have in subclauses 45(5) and (6) the power for the court by warrant to commit the person into custody. Say, for example, that a person is out on bail on conditions. They have appealed to the court and the court says, "We consider in these circumstances that not only should we not uphold the earlier decision of the police officer or lower court; we are actually going to affirm a more onerous decision and put that person into gaol".

Mr Connolly: Or the Crown may have appealed.

MR HUMPHRIES: Or the Crown may have appealed it, indeed; and the person goes back into gaol. That might not be what you would expect normally to happen, but it could well occur; a person could go back into gaol. But that power to, in a sense, recommit a person into custody does not actually get reproduced in Division 1.

I assume that that is on the assumption that the progression would normally be from more onerous to less onerous conditions; that a person in custody would be granted bail as opposed to a person out on bail on conditions going back into custody. But subclause 39(1) does provide for the power of another authorised officer to vary those conditions. It is possible - perhaps it is not likely, but it is quite possible - for an authorised officer in certain circumstances to impose bail where bail has not previously been imposed. In those circumstances, Madam Speaker, it seems to me that there ought to be the equivalent of subclauses 45(5) and (6) appearing somewhere in Division 1.

It may be that we are requiring by statute that there not be more onerous conditions attached to a person who has already been bailed than have already been given by the person making the first decision. That is a somewhat strange state of affairs, I might say. If the Government in effect is saying to police officers, "You may not impose a more serious condition than has already been imposed by a lower officer in the police station", I think it ought to be stated expressly by this Act.

Alternatively, if, as has been suggested to me, there is an unlimited power effectively of police officers to rearrest anyway, because they have that power under other statutes, it makes nugatory the idea that was inherent in the recommendation of the royal commission that that power ought to be exercised in a less onerous fashion. So, it seems to me that the law is unclear, and I hope that the Attorney can clear it up for my benefit and perhaps consider whether in due course we ought not to more clearly state what the law is.

Moving on, clause 49 of the Bill sets out the penalties to be paid when a person fails to appear pursuant to their undertaking to appear before the court after bail has been granted. It is interesting, Madam Speaker, to note in this particular clause that the punishment meted out in those circumstances could actually be more onerous than the punishment they might have faced had they returned to the court in any case, and that is theoretically possible.

Clause 51 prevents the indemnification of sureties. It is obviously designed to prevent other people who are sureties from having the burden removed from them by possibly someone close to the defendant who would not otherwise have been able to be a surety.

Clause 56 is also interesting to note, Madam Speaker. It prevents a surety - that is, a person who has given some kind of guarantee to the court that another person who is accused of a crime will appear - from effectively rearresting, on his own volition, the accused person. I was quite surprised to discover that until today, at least, there does remain in the ACT, effectively, the equivalent of a citizen's right to arrest an accused person. Indeed, I think that one of the provisions that are being abolished by the consequential provisions Bill is actually a more general right of citizens to arrest other citizens for having committed crimes, whether they have been charged with them or not. I assume that that has been removed by one of those other provisions; but perhaps, again, the Attorney can make that clear. I have given him a lot of homework, I can see; he is having to rush and get some advice on all these things.

Madam Speaker, I have mentioned subclause 57(1) already and how it comprehensively supersedes all the very murky and difficult to identify law that exists in the ACT about bail. I do note, though, that one particular provision is expressly saved. I have to say, after my taunting comments about the Attorney yesterday in attacking the language of the law, particularly with respect to the Acts Citation Act, I think it was, that we have here the Attorney preserving a very important piece of legislation, namely, a provision in the Bill of Rights. I have to say that that warms the cockles of my heart.

I might quote that particular provision of the Bill of Rights. It says that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. It would have been quite easy for the Government to have incorporated those provisions somewhere in this Bail Bill; but I think it is good to see that that very old, very powerful plank in our constitutional history has been preserved and not done away with merely because the language might be a bit archaic.

Madam Speaker, the only other thing I want to say about the Bill is that the Attorney referred in his introductory speech to the question of how onerous we make bail conditions and how this Act, effectively, makes bail a more realistic proposition than it was hitherto. He says that this Bill is designed to make the threat of criminal sanctions rather than forfeiture of a sum of money the main means, the primary means, of enforcing bail. That, of course, is the case.

I am not entirely sure whether someone appearing before a court would be most driven to return to the court to answer their charge by the threat of the loss of a sum of money or by the threat of the loss of their liberty for a certain period. I do not know; but obviously that is a matter which is now in the hands of the court, and which I think is appropriately there. The powers granted to the court are wide and they deserve to be wide, and I think that in those circumstances it will achieve its aim.

Madam Speaker, I think that the Bill and the other Bill we are considering today are both worthy matters to be considered by this Assembly. It does, indeed, strengthen the criminal law of the ACT, if only because it states clearly, in a place where citizens can find it, once and for all, what their rights are with respect to the matter of bail.

MS SZUTY (11.10): It is pleasing, Madam Speaker, to be able to support the Attorney-General in the introduction of this Bill. I wholeheartedly endorse his remarks about the presumption of innocence and am glad that this will now be translated into the provision of bail for alleged offenders. New legislation such as this helps clarify the law and makes it easier for the general community to understand their rights.

As most people do not deal with the court system on a regular basis, it is conceivable that many who find themselves before the courts are unaware of their access to bail and what conditions can be attached. It is conceivable that most would not understand much more than the need to reappear before the court and the threat of a loss of money if their bail were breached. I understand the need to increase the penalty for those who fail to meet their bail conditions or appear in court and I am prepared to accept what look like fierce penalties of a maximum fine of $20,000 or a maximum of two years' imprisonment in exchange for the freer access to bail which appears to be at the heart of the package of Bills.

I am also glad that the Magistrates Court sees the Bills as acceptable, giving the courts more specific powers while satisfying any concerns that may be held about protecting the community. This is one aspect of bail that causes a lot of worry in the wider community, particularly when there are spates of crime in the ACT such as the recent series of armed hold-ups. It must be stressed, as the Government brings such legislation into being, that the community must be reassured that its interests are being taken care of and that the courts and police will continue to have the power to refuse bail in cases where there is a threat to safety. It is also pleasing to note that the proposed legislation has been able to encompass some recognition of the recommendations of the Aboriginal Deaths in Custody Royal Commission.

By far the most important issue, I feel, is the recognition that surety bail is not available to all members of our society because of financial or family circumstances. Canberra, in particular, has a population which comes from disparate parts of Australia and, while an increasing number of people have relatives here, there is still a high proportion who cannot call on close relatives to assist with bail surety. Madam Speaker, I commend the Bill to the Assembly.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.12), in reply: I was pleased to hear the two speeches in general support of the Bill. As Ms Szuty said, it is a very important part of the law reform process to put the law in simple language so that a person can understand it. I think what Ms Szuty said about the average person really not understanding what bail is about is quite right, and this is a process by which we make it simpler.

Mr Humphries gave a very helpful exposition. On looking at the introductory speech, if this is ever to be interpreted, his comments on the presumption are a finessing of what I said which I generally endorse. I have used, perhaps, the broader brush approach and said that this creates a presumption in favour of bail - a phrase repeated by Ms Szuty - and that is, indeed, generally true. What Mr Humphries said is that it is not so much a robust presumption in favour of bail as a presumption in favour of having your application for bail carefully considered, and that your liberty ought to be preserved unless there is a case against it; narrowing the issues on which the case against bail will be looked at; requiring a court or a decision maker to look at each stage in the process and to refuse bail only if there are grounds against it. So, it is a presumption in one sense, but a presumption, perhaps, more to have your case considered on specific criteria than a robust presumption that you must be let out the door.

That is, perhaps, important to get clear because members of the community could be alarmed if they were thinking that this was an open revolving door bail policy. It would be possible, perhaps, for people to try to stir up some nonsense about that, and the Opposition, quite responsibly, is not saying that. As I understand Mr Humphries's remarks, he is saying that it is a requirement that the merits of every person's case be looked at by a court, and that they can go at liberty unless a court or decision maker finds against them on one of the grounds of the Act. I think that may be the clearest simple-form explanation of what the Bill is doing.

Mr Humphries has circulated some amendments which he is foreshadowing. Given the complexity of this legislation and some of the points that he raised in his speech, I think I should refer to the issues that he has raised but has not

moved amendments on and deal with the amendments when they come up - other than to indicate generally that the Government does have problems with these amendments and, as presently advised, will not be supporting them.

I shall take us through Mr Humphries's comments. He remarked that it warmed the cockles of his heart that we were preserving the language of the Magna Carta in relation to cruel and unusual punishment, which, of course, is a phrase that finds its way into the American Constitution. It is the basis for their Supreme Court ruling in some cases against capital punishment, recently reversed, and that whole - - -

Mr Humphries: The Bill of Rights.

MR CONNOLLY: Yes. It was picked up from the Magna Carta, found its way into the American Constitution, and is one of the hottest political issues in the United States today. It is interesting how this language sticks around.

Mr Humphries probably would be even happier with the earlier Act that applies in the ACT. Members might be interested to know that part of the law of the ACT, pursuant to our Imperial Acts Application Act of 1986, is part of a statute of King Edward I, passed in the year 1285, relating to waste committed in a wood by one tenant in common. That is quite irrelevant to this debate but is a piece of antiquarian history that I am sure a good conservative like Mr Humphries would be pleased to know about.

Mr Humphries raised Part IV of the Bill in relation to the power of the police officer to dispense with some of those procedures on charging. Paragraph 13(1)(c) sets out the requirements that the police officer must comply with when charging the person. He pointed out that subclause 13(4) allows the police officer to refrain from doing that in order to prevent the escape of an accomplice of the accused or the loss, destruction or falsification of evidence.

I am advised that that, essentially, is a sort of emergency rule to allow the police to move more swiftly and not have to comply with these procedural requirements if they think something is about to happen. It mirrors, in some sense, the equivalent provision in the New South Wales legislation, in section 19 of the New South Wales Act, but contains additional protections in that in New South Wales the police officer can refrain from complying with some of the requirements which themselves are less onerous. There is no requirement to advise of an interpreter in the New South Wales legislation; there is no requirement to advise of a next friend in the New South Wales legislation; but there is the power to refrain from other formal provisions in this emergency situation, and then the New South Wales Act is silent.

We go a little further by inserting subclause 13(5), which does require the police officer who takes advantage of this emergency rule to set out and record the reasons for doing so. I think that is a provision that is acceptable. It strikes a balance between the need, perhaps, to move swiftly if there is a crime about to be committed or evidence about to be destroyed and preserving the clear requirement on the officers to comply with the Act and inform persons of their rights. It does model a provision that has been in force for some 14 years in New South Wales, apparently without abuse. It toughens it up to some extent with a requirement to record the exceptional reasons.

I note that Mr Humphries is not seeking an amendment of it but was drawing it to our attention. I would say yes, that we should have our attention drawn to that, we should keep an eye on it, and if there is any reason to believe that AFP officers are abusing that - there is no reason to believe that they would - if there are complaints, it would be something that the Assembly would look at and would question the need to continue. As at present advised, it is a taking up of an emergency rule in the New South Wales Act, but toughening it by requiring the officer to record the reasons, and it would be likely to be used only in very exceptional circumstances.

Mr Humphries referred further in his remarks to the position in Part VI, the appeals provision. He noted that in Division 1 of Part VI it, in effect, only allows conditions to be pulled back, whereas in Division 2 a tougher requirement can be imposed. I think there is a sensible reason for that. Division 1 is talking about review by authorised officers, so we are talking about police bail imposed by a police officer and able to be varied by a more senior police officer. I think it is appropriate that there be that fairly instant power to seek a review by another officer who is in the station, who is just around the corridor, and that a more senior officer may well ease the bail.

It is significant that the review right here extends not just to the accused, the person on bail, but to the Crown. If the informant, the police or the Crown feel that there is a need to toughen up bail, they can appeal. The scheme of the Act is that, if the original police bail is considered to be inappropriate, the informant, the police, at least the arresting officer, or the DPP representing the Crown, has to go before a magistrate to get the tougher condition. I think that is a sensible civil liberties approach; to say that, if you are wanting to toughen up on a police decision to not impose bail or not impose bail with onerous enough conditions, that ought to be a matter for a magistrate, not a more senior police officer.

There is always a duty magistrate on duty within the ACT on 24-hour call, available either in chambers or at night at home. The police officer who makes the original bail decision would know all the police case and would be expected to be cautious about releasing a person into the community, knowing the police case against them; but, if they did, and more senior police thought this was a risk to the community, you could get before a magistrate very swiftly as magistrates are on 24-hour call. I think that is a sensible civil liberties approach - to leave that discretion to the court rather than a more senior police officer. Again, it is a matter that Mr Humphries was not moving an amendment on at this stage but drew to our attention.

That is essentially our rationale and there is, we say, the power, perhaps, to rearrest. Again, let us keep an eye on this. If we seem to have any abuse or if we seem to have any problem for police officers - I guess that there is a potential problem there if people are getting out into the community and re-offending because there is some clumsiness or because of the lack of power in the police at a more senior level to increase bail - we will look at it again. The present view of the Government is that this is a sensible balance; to give a court the power to impose tougher conditions, and the police officer the power, at first instance, to provide more generous conditions, if you like, but not to impose tougher bail.

Mr Humphries was questioning whether, through the consequential provisions, we were abolishing entirely the concept of citizen's arrest. While that is an ancient remedy which I think has relevance to the modern law - it certainly horrifies me to think that citizens might get enthusiastic about the concept of

citizen's arrest and run around the Territory purporting to arrest their fellow citizens - I can assure him that we are not totally abolishing the concept of citizen's arrest in this piece of law reform.

What we are doing is abolishing the concept of the surety arrest whereby a person who has gone surety has, probably, on the current law, the power to arrest. There is almost an argument that they may have a duty to arrest. We are abolishing that ability of the person who has gone surety to run around and arrest the person who was granted bail. We are not, with this piece of law reform, seeking to totally abolish the concept of citizen's arrest.

I thank both Mr Humphries and Ms Szuty for their comments in support of the Bill. We will debate the specific amendments in due course.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

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

Clause 5

MR HUMPHRIES (11.23), by leave: I move:

Page 3, lines 3 and 4, subclause (1), omit "subsection (2)", substitute "subsection (2) and (3)".

Page 4, line 6, add the following subclause:

"(3) Where -

(a) a person who has been accused of an offence is being held in custody in relation to the offence; and

(b) at the time at which the offence was committed the person was at liberty on bail in respect of another offence;

the person is not entitled to be granted bail in respect of the first mentioned offence unless the court or authorised officer to whom application is made for bail is satisfied that exceptional circumstances exist justifying the grant of bail.".

What this does, in effect, is establish one of the presumptions that we were talking about before, but on slightly more insistent level, I suppose you might say. We are talking here about the circumstances of a person who is granted bail by a court or by, perhaps, a police officer, is out on bail and commits a further offence while out on bail. What this amendment does is say that a person in those circumstances, having once been given the right to bail, having appeared to get that grant of bail and then been let out into the community to enjoy his or her liberty once again, who then commits a further offence which warrants arrest and a further consideration of bail, ought not to be entitled to a further grant of bail.

A provision of this kind was originally drafted by my colleague Mr Stefaniak for the old Bill. I have softened the provision slightly because I acknowledge that there are certain circumstances where a person ought to be entitled to some bail, even though they have breached once already the right to bail. For example, a person on a fairly serious offence, perhaps charged with assault or something of that kind, who is out on bail might be going to court for another offence such as speeding, or a road offence of some kind.

In those circumstances it is arguable, I would submit, that you ought to be able to let a person out on bail a second time, notwithstanding their earlier offence. In those circumstances, Madam Speaker, I think that we do provide some relief through the last few words in that amendment, where I talk about exceptional circumstances justifying the grant of bail. But the assumption being set up by this amendment is that a person who has once been granted bail and has committed another offence while out on bail ought not to be entitled to a second grant of bail.

That, I think, Madam Speaker, is a perfectly fair argument to make. The object of this Bill, I would argue, is not just to make sure that people are granted bail but to make sure that the community is protected. It sets out in clauses 22 and 23, in detail, the sorts of things the court must take into account, and the protection of the community flows through those provisions quite extensively. We are talking here about providing protection for, particularly, other witnesses, particularly perhaps in the case of, say, a domestic violence accused, the protection of victims, or potential victims, but also protection of the broader community.

A person who has once been granted bail by a court or a police officer and who then goes out and offends again ought not, it seems to me, have a prima facie case of entitlement to bail. That person has clearly, in some way, stretched their luck too far and ought not to be granted bail unless they can establish some exceptional circumstances for that to take place. I am not saying that they should never be granted bail, but the assumption ought to be that they should not be able to go back and commit a third offence out in the community in those circumstances. Madam Speaker, that is the reasoning behind the amendments to clause 5.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.27): Mr Humphries introduces these amendments and says that the bail legislation should not just protect the interests of the accused; it should protect the interests of the community, and the community ought to be concerned about persons who, while on bail, commit further offences. I can agree with all of what he says so far.

I would point out that the criteria for granting bail, in clause 22, list essentially three interests that are to be borne in mind by either the police officer, or the magistrate or judge: Firstly, the probability of a person appearing in court to answer their bail; secondly, the interests of the person charged, the interests of the accused; and, thirdly, the protection of the community. They are not in descending order of hierarchy; they are equal interests and they are each preserved.

The Bill goes on to set out a little bit more specifically each of those interests, and in relation to the protection of the community it sets out three subcriteria: Firstly, the protection of the community against interference with evidence or intimidation of witnesses, which obviously is a matter for the court; secondly, the

likelihood of the person harassing other persons, which again is a relevant factor; thirdly, and it is subparagraph 22(1)(c)(ii) that is relevant here, the likelihood of a person committing an offence while released on bail. Paragraph 22(1)(c) is expanded by subclause 22(2), which says that a reference to committing an offence is to be interpreted broadly. It refers to offences against a law in the Territory, a law of the Commonwealth or a law of another State or Territory, and that is deliberately done.

In particular, Mr Humphries mentioned that perhaps we are talking about domestic violence. Obviously, one would want to be very careful about a person who has a record of repeat offences or of committing offences while on bail; that should be taken into account against them in the bail decision. We are broadening this here to say that you can look at their record or likelihood of committing offences anywhere in Australia, not just in the ACT. That is a more powerful provision than the equivalent New South Wales legislation.

The equivalent New South Wales legislation, the Bail Act of 1978, again sets the criteria for bail, and again sets out one of the criteria as being the protection of the community, one of the subcriteria being the likelihood that a person will commit an offence while at liberty on bail. That is in subsection 32(1). But the New South Wales legislation then goes on to limit the type of offences that you can have relation to, and it is essentially offences that are likely to be of a sexual or violent nature, where the likely effect of the offences on the victim of the original offence may be relevant, and whether there is likely to be a large number of offences committed. So, the New South Wales legislation is really saying that the likelihood of committing a further offence is not to be considered a criterion unless we are talking about sexual or violent offences, unless we are talking about offences against a specific victim, or unless we are talking about repeat offences.

In the ACT we are saying that the likelihood of a person committing any offence whilst released on bail is a relevant factor, and obviously the prosecutor will say to the court, to a magistrate, "This person, we believe, is likely to commit offences while on bail; the evidence for that is that the offence in respect of which they are currently making an application was committed when they were on bail". So, the decision maker would have before him the fact that the accused has committed the current offence while on bail, and the prosecutor would say, "We think that goes to show that the community should be protected, and in this case bail should not be granted".

It must be conceded that what Mr Humphries is proposing is pulling back fairly dramatically from Mr Stefaniak's original proposal. Mr Stefaniak's original proposal was that you could never get bail if an offence was committed while you were on bail. Mr Humphries is retreating from that, but he is saying that it is a presumption that you should not get bail if the offence with which you are charged was committed when you were on bail. I think that presumption is unnecessary. We are getting reverse presumptions in a Bill that itself is creating a presumption. As Mr Humphries stated, and as I endorsed in my summing-up remarks, this Bill is not so much about a presumption in favour of bail as about a presumption that the case against every individual be carefully considered, having regard to a set of criteria, and that you are entitled to be released unless a decision maker, looking at the relevant criteria, can make a case against you.

Looking at the Bill with that objective, looking at the fact that the likelihood of a person committing an offence while released on bail is provided for in this Bill at paragraph 22(1)(c) for adults, and is picked up with similar rigour for bail to children in clause 23, and looking at the fact that that is a much broader provision than the equivalent New South Wales legislation, which really limits the likelihood of offending on bail only to violent or sexual offences or offences against the particular victim or serial offences, I think that gives the community sufficient confidence that their interests will be protected.

Mr Humphries is quite right in saying that the interest of the community is an important factor and that a person who has a record of committing offences while on bail is a person whom the community would expect to be protected from, but the Government's view would be that sufficient protection is granted by making that clearly a criterion and by expanding it to cover a range of offences, any offences, under Territory law, Commonwealth law or law of another State or Territory, which stands in contrast to the New South Wales legislation.

It is, again, perhaps significant that New South Wales, under some years now of Liberal government, has not seen fit to introduce a reverse presumption. In fact, they actually have a reverse presumption for drug offences, which we do not think is necessary here; but there has not been a reverse presumption for where an offence has been committed on bail. In fact, the criterion that you can look at for the likelihood of recommitting an offence while on bail in New South Wales is far narrower than here.

So, we understand the community concern Mr Humphries addresses. We take the view that that concern is adequately addressed by the Bill in its present form. Again, I could say that when this guidance is given to magistrates and judges and police officers, with this criterion, if there is a suggestion that it is not adequately being taken into account, the Assembly could look at it again; but here we are really giving a direction that says that the likelihood of a person committing any offence while on bail is a relevant factor. We are going further than New South Wales. I think the decision should be left to the decision maker, being the police officer, the magistrate or the judge.

MR HUMPHRIES (11.34): I think the argument has been well put already by both me and the Attorney, but I might restate again, from my own point of view, that this is an argument about presumptions. We have already spoken about the presumption - I mean "presumption" in inverted commas, perhaps - that a person is entitled to bail. There would again be a presumption here, even where a person comes before a court, even with these factors clearly set out in clause 22, that that person is entitled to bail. It might not be a very strong presumption, but it is there; and it seems to me that the presumption ought to work in the other direction in this situation. The right to bail is a right, undoubtedly; but it carries with it responsibilities, and a person who fails to honour those responsibilities, it seems to me, in most circumstances, has voided or at least potentially voided that right.

We do have another presumption of exactly the same kind, in fact, in clause 9. Under clause 9 a person shall not be granted bail except in exceptional or special circumstances. That sort of reverse assumption is already in this Bill. If any circumstances should apply to it, it should be a situation where a person has already shown that they cannot comply with the basic requirements of bail, and that is not to go out and commit offences while they are at liberty. That is just a question of what sorts of presumptions are appropriate.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.36): Briefly, members, Mr Humphries raises clause 9 and says that there is a reverse presumption there, and he is right. Perhaps I should explain why that is there. That is the case of a person who has been convicted by a court, by a magistrate, and sentenced to a term of imprisonment, or in a Supreme Court convicted by a jury and sentenced to a term of imprisonment, and has an appeal. It is every person's right to appeal against a sentence of imprisonment. What we are saying there is this: "You have been convicted and sent to gaol. You are likely to stay in gaol till your appeal is heard. There must be exceptional circumstances for a person to overturn a conviction imposed by a court. We should not be having a presumption that when you are appealing against a conviction you should be entitled to bail".

We are talking there about a very different class of person. We are talking about a person who has been convicted of an offence and is seeking bail in relation to an appeal, as opposed to a person who is being charged with an offence which it is alleged they committed while out on bail. They are in a very different situation from the person who has been convicted by a relevant court. Mr Humphries is right in saying that what we are arguing against appears in clause 9. But we would say that that is a very different set of circumstances; that is talking about a person who has been convicted by a court, and it is appropriate there to have a reverse presumption.

Amendments negatived.

Clause agreed to.

Clauses 6 to 12, by leave, taken together, and agreed to.

Clause 13

MR HUMPHRIES (11.38): I move:

> Page 6, line 18, paragraph (1)(c), after "informed", insert "in a language that the person is likely to be able to understand,".

Clause 13, as I have explained already, talks about the sorts of things that a police officer must advise an accused person of when that person is sitting in a cell after having been charged with an offence, or possibly even before that point. Certainly they have to be informed about that matter when they are in police custody, and those matters are quite explicit. Again, this is probably a statement of the law which does not exist; it has not existed before now. It talks about informing a person that he or she may apply for bail, communicate with a legal practitioner, have recourse to the services of a competent interpreter, and communicate with any other person, presumably a member of the family or someone like that who might be able to provide some assistance to them.

It is interesting to note that these series of rights are for a person who happens to be sitting in a gaol cell. It seems to me that telling somebody in English that they are entitled to the services of a competent interpreter is a little bit of a right that you could do without. It is quite clear that that person has the right to be informed that they have access to an interpreter, but the Bill does not actually say that they do have a right to an interpreter. It says that they have the right to be told, in some language, that they have recourse to the services of a competent interpreter.

It seems to me, Madam Speaker, that this clearly is a nonsense unless that person gets informed of that right in a language that he or she will understand. The Bill actually contemplates the circumstances of persons sitting in the cell who might not have an understanding of the English language. In those circumstances that person has, in effect, no benefit from subparagraph (iii) in paragraph 13(1)(c) unless they can understand what is being told to them. Again, a person being told that they can apply for bail will have no benefit from that advice unless they actually understand what the advice is.

There is a very vexed question here about resources and about how much we can afford to provide to people in certain circumstances. The cost of interpreters in our courts already, I suspect, is a very high one at this stage. The right of people to get those sorts of interpreters does incur some considerable expense to the public purse. But the fact is that this Bill actually says that a person shall be advised of their right to an interpreter. It seems to me that that is a nugatory kind of advice unless they actually get something flowing from it.

I assume that, having made the decision to give them access to those resources, they actually get that person in; but I have no doubt, Madam Speaker - I regret to say this - that there is a very real potential for that to be abused by some people on occasions. I am not making a reflection on our police. I am saying that there is every capacity for that to be abused at some point. Someone could come in to some person sitting in a cell who might not understand a word of English and say, "Hey, mate, you have the right to an interpreter if you want one. Do you want one?". The occupant looks up blankly and the person says, "He does not want one", and goes back out. That can happen. That sort of thing happens in other States. I hope that it has not happened in the ACT; but it can happen, and we need to rectify that by this kind of amendment.

We are talking about inserting after the word "informed", at the beginning of that paragraph, the words "in a language that the person is likely to be able to understand". We are not talking about having an absolute requirement which might, in some way, cause difficulties in satisfying these requirements. We are not talking about having to actually find a person that the policeman is absolutely positive will be able to speak the same language as the person accused, but we are talking about a reasonable attempt being made to synchronise the advice of that person's right with their actual knowledge of that right. I think, Madam Speaker, that if we are going to have a grand sounding provision like this in our legislation we have to make sure that it is backed up properly by a provision which actually makes it of some use to the person who is going to get the benefit.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.43): Madam Speaker, I must confess that when I first saw this amendment and spoke with Mr Humphries about his series of amendments I said, "Yes, Gary, I think we can probably be with you on that one", because the purpose and goal of the amendment is something that everyone would agree with. I am sure all members of this chamber would agree that it is a desirable goal that anyone who is before the criminal justice system have access to information in a language that they are able to understand. I note that the amendment says "able to understand", not, as you were referring to, "likely to understand". There is clearly a difference and having "able" is a far more onerous provision.

Having then looked at the clauses proposed to be amended, I would have to say that this goes further than the law in any other State in requiring and guaranteeing access to that information in a way that is comprehensible to the non-English-speaking person. It is significant that we go far further than New South Wales. The New South Wales Bail Act only says that you have a right to be told that you can talk to a lawyer and you have a right to a telephone to get in touch with a lawyer. It is rather similar to the phrase that we would be familiar with from American crime movies.

Our proposed law says that you have the right to a lawyer and the right to use a telephone, in the facilities provision at the end of this; but it also says that you have a right to have recourse to the services of a competent interpreter. It also says, and this is another important addition, that you have the right to communicate with any person of your choice who can be expected to assist you with the bail. So, we are going beyond the New South Wales Act and what is often understood to be the common law position that is not actually legally enforceable in Australia whereas it is in America - the right to a lawyer - and saying that you have a right to a lawyer, a right to an interpreter, and a right to any person whom you want to come in to assist you.

The problem with Mr Humphries's proposal is that I think it is going too far. It is saying that the police officer making the initial contact must be able to speak to the person in a language that the person is able to understand. Mrs Grassby tells me that there are 120 languages that are certified to the telephone interpreter services in Australia.

Mrs Grassby: No, there are 120 languages spoken in Australia.

MR CONNOLLY: There are 120 languages spoken in Australia. While we have a very competent police force, they do not all speak 120 languages. We have a telephone interpreter service.

The process guaranteed under this legislation, which is, as I say, a significant breakthrough in Australia, a significant guarantee of recourse to the services of a competent interpreter, would be this: The person is charged and is at the downstairs counter in Civic Police Station. It is clear to the police officer that they cannot speak or understand what is being said to them. The police officer, speaking only English, will get on the phone to the telephone interpreter service. The telephone interpreter service will go through the process of trying to talk to the person, and often will be able to do it straightaway; but it is not uncommon in Canberra for there to be a bit of running around and toing-and-froing as the interpreter service tries to track down a person who speaks some obscure dialect - - -

Mr Berry: And is qualified.

MR CONNOLLY: As Mr Berry reminds me, the person has to be a competent interpreter; so we are talking about the qualified person through the telephone interpreter service. I really think, Mr Humphries, while we endorse entirely the sentiment that a person has a right to understand the proceedings against them, that this is a significant breakthrough that we are producing here. It is a guarantee that the arresting police officer, who, more likely than not, will speak only English, although we encourage more multicultural officers in the AFP - it is

part of the AFP's equal opportunity program to try to get more officers who speak community languages - will get in contact with an interpreter service. That really is the best that you can require of the police officer.

There are little cards in a number of the more widespread community languages, the grouping of community languages that we are familiar with that we put on the back of how-to-vote cards at election time and that political parties think are the more widely spoken languages; but, again, we really cannot expect a police officer to be able to have a card to advise the person in every possible language, in every one of the 120 that Mrs Grassby tells me are the telephone interpreter service accessible languages.

All we can really do is require the police officer to have recourse to that telephone interpreter service; to get on the blower, which is what happens now in practice - we are going to make it a requirement of law - hopefully be able to get straight through and recognise the language and get an interpreter straightaway. In some cases they will have to go through what may be a process of the telephone interpreter service having to identify the dialect or language and find an interpreter.

This is a significant breakthrough in the law. It is a significant protection to Canberra citizens, dramatically different from the New South Wales protection, and I think it goes far enough. I think really that Mr Humphries's proposal is unnecessary, in that there is a protection, and potentially difficult, in that it is casting a statutory duty on the police officer to provide the information in a language that the person is able to understand. The arresting police officer at one o'clock in the morning at the charge counter over at Civic Police Station is not himself or herself necessarily able to do that. The best that we can require of a police officer is to get an interpreter service in as quickly as we can, and that is what we are attempting to do in relation to subparagraph 13(1)(c)(iii). In addition to that, the other guarantee is that the person can go to the phone and ring a friend.

Mr Humphries: If they understand what has been told to them.

MR CONNOLLY: In New South Wales you have only the right to ring a lawyer. We have the right that we try to get onto the interpreter service and the right of the person charged to use a phone to ring up anyone. The likelihood would be, in relation to the person speaking an obscure language or dialect and the interpreter service being unable to work out what it is, that they might be able to get onto the phone and get a friend or relative who has some English skills or is able to tap them into the interpreter service.

What we have here is really a leading edge in terms of citizens' rights in Australia - robust protection for the rights that Mr Humphries wants to guarantee and that we want to guarantee - and we say that they are adequately guaranteed by the law as proposed by the Government.

MR HUMPHRIES (11.49): The Minister might be wishing to guarantee rights, but I maintain that the rights are of no particular use unless they are in a form which is accessible by ordinary citizens. First of all, the Minister says that no other State does this particular thing, so why should we? Since when has the argument that no other State does a particular thing been an obstacle to what this Government does? Since when has that been the case? Are we afraid of trailblazing? Are we afraid to do something - - -

Mr Kaine: This Government is. There is no change.

MR HUMPHRIES: Mr Kaine has already spoken about that this morning. Having the most conservative government in Australia sounds pretty right, after what the Minister has just said. If we are going to give these rights to people in legislation, let us back them up appropriately. What is the point of being able to tell someone that they can communicate with a friend if they do not understand what is being told to them? It is absolutely useless.

Mr Kaine: It is like the old white Australia test.

MR HUMPHRIES: Yes, indeed; the white Australia test seems to be coming back here. These are rights more accessible - - -

Mr Connolly: That is just silly.

MR HUMPHRIES: No, Minister, it is not silly. These rights you are granting in your Bill are accessible in these circumstances principally to Anglo-Celts, people with an understanding of English, not to other people. It is a fact of life. You look at what you have there.

Mr Connolly: I can see your press release being written now. A stunt!

MR HUMPHRIES: There is no requirement for a police officer to actually inform an accused person of anything under this Bill. There is no requirement - - -

Mr Kaine: This is the Attorney-General speaking. He does not want his prisoners to understand.

Mr Connolly: I take a point of order. I ask that that allegation be withdrawn. He is accusing me of not wanting to allow prisoners to know their rights. I clearly stated the contrary. It is a grubby interjection.

Mr Kaine: Madam Speaker, I will speak to that. He said that he could see the media release already written. If he wants to get into that sort of argument, we will get into the argument with him. It is quite clear that he has some sort of a mental block to the very reasonable proposition that the shadow Attorney-General is putting forward, but he does not want to hear it. I think the fact stands for itself.

MADAM SPEAKER: Mr Kaine, I do not think it is in order, though, for you to say that he does not want people to be informed. As he has correctly pointed out, he does want people to be informed and has argued that case. I do think that perhaps that is a little out of order and perhaps you should withdraw.

Mr Kaine: I think, Madam Speaker, that he is arguing against the proposition that a prisoner be informed, in a language that he can understand, of what his rights are.

MADAM SPEAKER: Mr Kaine, with respect - - -

Mr Kaine: Clearly, he is arguing that he does not want that to be put into effect.

MADAM SPEAKER: Mr Kaine, that is different from your initial statement and that is a correct statement on your part; but your initial statement was that Mr Connolly does not seek to have people informed, and Mr Connolly rightly pointed out that he does seek to have people informed and has argued for that. Your subsequent statement, in clarification, was a little different; so could you withdraw the first one and stick with the second.

Mr Kaine: Madam Speaker, I accept the fact that he wants to have them informed, but not in a language they can understand. Other than that, I withdraw any imputation.

MADAM SPEAKER: Thank you, Mr Kaine.

Mr Connolly: Anyone reading the transcript will know that that is nonsense.

Mrs Grassby: Madam Speaker, that is not right. I listened to Mr Connolly's speech. Mr Connolly's remark was that the police would contact the interpreter service. We have an extremely wonderful interpreter service in this country. I know, because I have used it myself for people. Let me tell you that he has already said that the policeman is bound to do that for the person. That is what the Bill is saying; that the man has the right to ask for an interpreter service.

MADAM SPEAKER: I believe that Mr Kaine withdrew any imputation of ill intent on Mr Connolly's part.

MR HUMPHRIES: Madam Speaker, given your ruling, I would ask that you ask the Attorney to withdraw the suggestion that my statements are predicated on the desire to grandstand through press releases.

Mr Connolly: I withdraw any suggestion that Mr Humphries would be seeking to make political capital in issuing a press release.

MR HUMPHRIES: Thank you very much. Madam Speaker, the fact of life is that nobody is requiring through this Bill a policeman who might be monolingual to tell an accused person anything. That is why in subparagraph (iii) we talk about a police officer informing the person, or causing the person to be informed. That is why that provision is there. It is designed, I believe, to cover the situation of a person who does not understand the language and who needs to have someone else come and interpret for them. That is why that is there; but it needs to be made explicit. I think that getting an interpreter at one o'clock in the morning is not a real problem. If the telephone interpreter service is not available then, there is nothing in the Bill preventing that person from being advised of their rights the following morning. I would prefer, of course, for them to be advised straightaway; but, if they cannot be advised straightaway, the following morning is certainly available.

It seems to me, Madam Speaker, that if the Government wants to take credit for having been revolutionary, for having established clearly an expansive basket of rights for citizens of the Territory, it ought to back them up appropriately with a capacity for those citizens to understand what their rights are. For those in this community who do not understand English very well, I think that we have to accept that these rights are of less value unless they can be interpreted for them.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.55): Let me briefly respond. While I awfully accused the Opposition of trying to write a press release on this, the Opposition is trying to suggest that this Government is not concerned about the rights of non-English-speaking persons. What I said in my speech, and reiterate, is that this provision is more robust than anyone else has done. This is leading edge stuff. This is guaranteeing the access to an interpreter service, a thing which - - -

Mr De Domenico: Make it state of the art.

MR CONNOLLY: It is, Mr De Domenico. What you are proposing potentially causes a cumbersome and ineffective process for police officers who, themselves, do not speak all the languages. We have the right to an interpreter service, which is the most important right that we can grant, and the only real right that we practically can grant.

What I also should mention is a question that Mr Stevenson asked of me, and one that all members should have an answer to. Mr Stevenson said, "What happens if a police officer does do this?". What happens if we do have the cynical police officer, that Mr Humphries said would not exist within the AFP but might exist in other parts of Australia? Clause 52 of the Bill does say that it is not in itself an offence for a police officer not to comply; but that you can proceed under the AFP discipline Act, which would lead to a disciplinary proceeding against a police officer for failing to comply with a lawful direction. So, there is a sanction there and if there was any evidence, which defence lawyers would be quick to grab, the police could be sanctioned.

So, we have a requirement for the police to get in touch with the interpreter service. We have a process of sanction which anyone who feels that they were not properly advised would be able to pursue. I think that in that we have a very robust defence of the rights of non-English-speaking persons, rights that this Government is pledged to protect and does so in this Bill.

Question put:

That the amendment (**Mr Humphries's**) be agreed to.

The Assembly voted -

AYES, 8	*NOES, 9*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Humphries	Ms Follett
Mr Kaine	Mrs Grassby
Mr Moore	Mr Lamont
Ms Szuty	Ms McRae
Mr Westende	Mr Stevenson
	Mr Wood

Question so resolved in the negative.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole

MR HUMPHRIES (11.59): Madam Speaker, I want to comment on clause 45 that the Attorney made reference to, particularly the beginning of Part VI, Divisions 1 and 2. What the Attorney was saying is that, in effect, there is a statutory assumption that an accused person will go from more onerous to less onerous conditions as they move through the appeal process, the review process; that at least they have a chance of getting better. The assumption is that they only get better rather than get worse. They might not do any better, but they certainly would not get any worse. That is a strange kind of assumption to incorporate into the law, particularly when it is not expressly stated. I also wonder where that leaves the recommendations of the Royal Commission into Aboriginal Deaths in Custody. We really have here a situation where, in effect, we are stating this in a loose kind of fashion without expressly doing so.

It seems to me that if you want to create a regimen of that kind you should insert in clause 39 the words that a decision reviewed may result in a substitute decision which is less onerous than the first decision. Otherwise, you are giving a police officer the power to do something but not the means of enforcing that capacity. I think this kind of legislation, by that sort of implication, is not very satisfactory. We really need to have some kind of clear statement of what the Government is trying to do in these provisions. Although I am not suggesting an amendment, I predict that if those remain unamended we will have a problem with those provisions in due course.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.01): I note Mr Humphries's remarks and it is something, perhaps, that we should keep an eye on. The assumption behind this and the scheme essentially, as I said earlier, is that the more senior police officer might decide to be more lenient on the spot in the station. If there is a need to get tougher and a need to, in effect, revoke bail and relock up, we think that that is better vested in the judicial officer, the judge, or in effect the magistrate. The ability to whip across and get a magistrate in and get a matter reviewed by a magistrate should not prove onerous. If there does seem to be any difficulty with this, it is a matter that we could review. I think essentially you were saying that this may need review. Well, let us see. There are no amendments currently before us. I would suggest that we pass it in its current form and keep the matter under review.

Remainder of Bill agreed to.

Bill agreed to.

BAIL (CONSEQUENTIAL AMENDMENTS) BILL 1992

Debate resumed from 9 April 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (12.02): We have already covered this Bill fairly comprehensively, I think, by our earlier discussion. This effectively mops up all over the place. We are in the process of removing phrases or words like "recognisance" in favour of "bail undertaking", and they appear in many places. They are being removed systematically, one assumes.

I make only one minor comment about this. The term "recognisance" obviously has a very restricted meaning now that it is not in common use in everyday language, whereas the word "undertaking" is commonly used by lots of people, particularly in this place. We do need to be aware that by rendering some judicial or legal words into more understandable words we also in a sense open up an avenue for confusion, because that word "recognisance" has a unique meaning at the moment whereas "undertaking" does not have a unique meaning. In a sense we create opportunities for people to confuse those meanings.

I accept that that is the scheme of things. I am not arguing that we should be thinking of new words, but there is always a downside to this process of simplification, and that, I think, is one such downside.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.04), in reply: Perhaps I should respond to that. Mr Humphries is correct in saying that what we are proposing to do is to remove a term that is fairly arcane and legalistic. Ninety-nine per cent of persons appearing before a magistrate and being told that they are released on their own recognisance would not have a clue what that meant. We are replacing it with a word that persons would understand.

It is meant not to alter the substantive law, and I should make that clear. If a court were presented with an argument as to whether this Assembly meant to change the legal meaning and the legal implications of the term, the court would see from the *Hansard* that we did not mean that at all. It is rather the process of putting the legal concept into simple language, a concept which is often espoused and is often difficult because legal concepts can be complex and it is hard to find a simple, plain English word. This is a positive process and I can assure Mr Humphries, as he acknowledged, that we are not intending to change the legal meaning; we are just intending to wrap that concept up in a word that is understandable to the community.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.06 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Public Debt

MR KAINE: I address a question to the Chief Minister and Treasurer. I refer her to media reports that have indicated that if the Prime Minister's One Nation expenditure statement is implemented the States and Territories will accrue $28 billion in additional debt by 1995-96. Does the Chief Minister agree that the One Nation expenditure statement will result in such debt? How much of this does she expect will accrue to the ACT?

MS FOLLETT: I thank Mr Kaine for the question, Madam Speaker. I am not aware of the media statements that report that One Nation, the Federal Government's package, would involve the States in additional debt of $28 billion. If Mr Kaine could refer those comments to me, I would be happy to get some advice on them for him and provide it as soon as I can.

MR KAINE: I wish to ask a supplementary question, Madam Speaker. Since the Chief Minister conveniently overlooks what she knows to be true, I draw - - -

Ms Follett: On a point of order, Madam Speaker - - -

MADAM SPEAKER: I think that is - - -

MR KAINE: I said that she overlooks it, Madam Speaker, and I think that is a fair statement. I draw her attention to a document, of which she is a co-author, which was tabled at the Special Premiers Conference. It states:

> Projections based on the "One Nation" Statement economic assumptions indicate that the States will accumulate $28 billion in additional debt by 1995-96. This is $10 billion more than the accumulation of Commonwealth debt over the same period and is equivalent to a doubling of State general government debt.

Since the Chief Minister is a co-author of that document, does she agree that the One Nation statement is economically flawed, and how does she plan to achieve the "massive cutbacks in essential services" which she says, in a document of which she is a co-author, have to be put into effect here?

MS FOLLETT: Madam Speaker, no, I do not agree that the One Nation statement is economically flawed. As members here will be aware, that statement contains a great deal that will be of benefit to the whole of the nation, the ACT included. I think Mr Kaine conveniently overlooks what is in that statement for the ACT. It is a fact that we stand to benefit from the additional funding for roads, heritage sites and so on. He conveniently overlooks those matters.

If I could come to what Mr Kaine appears to be saying about a massive debt as a result of that statement, I think he ignores again the situation of the ACT, with which he should concern himself most. Madam Speaker, I have repeatedly undertaken to constrain the Territory's debt so that our Territory does not end up in the same position as some of the other States which are virtually crippled by debt.

Mr Kaine knows that, and I think that for him to imply in his question that anything that I would do would alter that situation is simply silly. My budget record should prove to Mr Kaine and the rest of the community that I am very serious about containing debt. It is the case, Madam Speaker, that no other State is in the same position as the ACT. Mr Kaine knows that very well. If he is arguing that the One Nation statement will involve the ACT in additional debt, I really think that statement is as silly as he knows it to be.

Mr Humphries: On a point of order, Madam Speaker: I ask that the document from which Mr Kaine has spoken be tabled in the Assembly.

Mr Kaine: I am quite happy to table a copy, Madam Speaker.

MADAM SPEAKER: You may move a motion that that be tabled, Mr Humphries.

Mr Humphries: I do so move, Madam Speaker.

Mr Moore: And incorporated in *Hansard*?

Mr Humphries: It is a bit long. I move:

> That the "Executive Summary" be incorporated in *Hansard*.

MADAM SPEAKER: The motion is: That the document, "Commonwealth-State financial arrangements - A position paper by Premiers and Chief Ministers, May 1992", be tabled and that the "Executive Summary" be incorporated in *Hansard*.

Motion agreed to.

Document incorporated at Appendix 2.

Milk Authority

MR LAMONT: My question is to the Leader of the Opposition as chair of the Public Accounts Committee. The ACIL report to you, which was tabled in this house yesterday, makes the following comment:

> ACT Milk. Another rort.

It then goes on:

> I tried to interest Tony de Dominico in this during the election campaign but he didn't take up the offer.

Do you have the same lack of interest in this matter as Mr De Domenico appears to have? Is the ACIL report accurate?

MR KAINE: Madam Speaker, I do not believe that I have to answer this question - I will, but I would seek a ruling from you as to whether I should - because it is based on a wrong premise. There is no report from ACIL to me. I will make it quite clear. A personal document that was prepared by a person was given to me after discussions on a number of issues at a private luncheon at which only two people were present. Somebody tabled in this house yesterday a document that was clearly a stolen copy of a personal paper that was given to me by the author on the basis of personal discussions.

Mr Lamont: I take a point of order, Madam Speaker. The requirement in the answering of a question, one would hope, is that it is relevant. I have asked a specific question of the Leader of the Opposition as chair of the Public Accounts Committee and would ask him to answer it.

MR KAINE: The document was not given to me in my capacity as a member of the Public Accounts Committee; it was given to me as a private member of this Assembly. It is private business. It has nothing to do with the Public Accounts Committee. It has nothing to do with Mr Lamont, and it has nothing to do with Mr Berry, who is waving a copy of it around. I say, unequivocally, that the copy of the document that Mr Berry has, with a cover sheet, is not a copy of the document that was given to me.

AIDS Bus

MR STEVENSON: My question, which is to the Minister for Health, Mr Berry, concerns the vehicle that we know as the AIDS Bus. On behalf of a constituent, I ask whether or not there is any age restriction on the distribution of condoms, needles and literature from the bus.

Mr De Domenico: That is B for "bus" or A for "AIDS".

MR BERRY: I thank Mr Stevenson for the question. I appreciate the advance notice that was given in relation to it. Of course, you will be given an accurate answer. That is something for which Mr De Domenico does not have much regard when it comes to his statements in this place, as we recall over ACTION, when he was done over comprehensively. So, do not stick your head up again, Tony.

There is no age restriction on materials provided by the AIDS Bus; the age of the client is not asked. However, condoms, needles and syringes and literature are not handed out indiscriminately. Each client is assessed individually by trained staff working on the bus. Bus workers investigate the level of knowledge, such as the need for further education or information for the client and the reasons for wanting the condoms and/or syringes. Requests for needles and syringes which are made by a young person are carefully evaluated and may be refused if considered inappropriate.

I think the AIDS Bus caters for all ages. Just about everybody here is, or could be, covered. It is a comprehensive service that is provided for the community. It was started in the ACT in advance of that which occurs in other States, and it has been criticised in some quarters. It is a service that I am sure will assist in the campaign against AIDS, and it is recognised as such by experts in the field.

Pornographic Material

MR HUMPHRIES: My question, which is directed to the Attorney-General, concerns moves for tighter regulation of the display of pornographic material in newsagencies in the ACT. Has the Minister met with the Independent Women's Rights Group on this issue? If so, what occurred at that meeting and what was its outcome? What action does the Government intend to take to protect children from premature exposure to soft pornographic publications in newsagencies and other everyday retail outlets, particularly in light of the evidence presented in the report on the problem which was recently circulated by Mr Connolly's Labor colleague the member for Capricornia, Mr Keith Wright?

MR CONNOLLY: I thank Mr Humphries for the question. I have met with representatives of the group that he mentioned. The meeting became less than amicable when I said that I believed that they were attempting to mislead me and other members. That occurred because they produced to me photocopies of covers of two magazines, and said, "This is the sort of thing we are talking about". One magazine was entitled *Picture* and the other was entitled *Biker Hustler*. They then said, "And this is the sort of thing that is in it", and they produced a very large, full-colour photograph of a group of people engaged in explicit sexual activity. I said to them, "You are misleading me. This is not the type of material that is included in *Picture* or *Post* or that type of magazine. You are showing me a picture from a hard-core, restricted magazine". They denied that and said, "No, this is the sort of thing we are talking about".

I looked at the magazine in question, the *Biker Hustler*, and saw that it is a category 1 publication which is restricted in its sale in newsagencies and which is covered by the Commonwealth laws. They said, "This is the sort of thing that is available on unrestricted display in newsagencies". I challenged them on that. I said, "Did you get it from a newsagent?". They said, "Well, no, actually, we didn't; but we were told that it came from a newsagent in Dubbo". So, Madam Speaker, I was less than impressed by a group showing a piece of restricted, category 1 pornography and claiming that it was the sort of thing that was involved in the *Picture*, *Pix*, *Post* debate, because it is a quite different type of material.

I said to them that this Government is, and remains, committed to espousing the cause of equality and women's rights, that the best way to get this material out of circulation and defeat the sort of prurient interest that a certain group in the community has in this type of material is through raising awareness. I said to them, as I have said publicly, that these days you tend not to see the page 3 girl in the popular press and the poster on a workshop wall, which was familiar eight or 10 years ago, because attitudes are enlightened. I said to them, as I have said publicly, that I do not think censorship is the way to go about it; we have had that debate. Because they seem to be concerned about the magazines that display bare breasts, I have challenged them, as I challenged Mr Moore, to come up with a definition which would prevent the display of the bare breast on *Pix* magazine but allow the display of the bare breast for Rubens or *National Geographic* or what-have-you.

I did meet with them. I believe that they were pushing a misleading line by showing me - I wonder whether they showed other members - a very graphic picture of quite hard-core pornographic material which is properly very restricted, and they claimed to me that this was the type of material that is in the soft-core porn debate. I also said to them that I encourage them to talk to newsagents and suggest self-regulation, which is a sensible way to go. I have noticed that in a number of service stations and newsagencies in Canberra this sort of material is now not on open display but is on more restricted display.

I would add that I was most concerned at suggestions from a member of the Canberra community that people should go into newsagencies and smash videos and rip up magazines. I was particularly concerned to see that when I also was aware, as members who read the *Canberra Times* would be, that there is an individual in Canberra who is currently facing the court in relation to accusations that on three occasions he has entered an X-rated video store and attempted to set it on fire. The store is in a building which is shared by restaurants and other facilities.

Mr Humphries: Innocent people as well.

MR CONNOLLY: Indeed. That type of violent activity and anyone who condones or encourages it here, I think, would deserve condemnation from us all. I share their concern, as we all would, I am sure, about material that demeans women; but I do not think a censorship approach - a Joh Bjelke-Petersen approach - is the way to achieve it. All it does is force it underground. In the X-rated video debate, I can recall, at one stage, saying to Dennis, "Look, Dennis, one day you are going to want to ban *Playboy*", and he jokingly said, "No", but here we have a campaign that wants to ban *Pix* and *People* magazines, and I think that really is quite silly.

School Dental Service

MR MOORE: My question, I believe, is directed to Mr Berry as Minister for Health, but he may wish to refer it to the Minister for Education. Parents have been informed that the School Dental Service will be withdrawn from schools and that children requiring school dental examination or treatment will need to be taken to a central location by their parents. With your commitment to social justice, and since this change is likely to have most impact on those who are already most disadvantaged socially, what action are you intending to take to protect the teeth of such children?

MR BERRY: I thank Mr Moore for the question. The School Dental Service has been the subject of some attention in Health since this Government came to office. Recently some community based cluster clinics have been established. This arises from the Grants Commission's recognition that the ACT School Dental Service is overfunded compared with those of other States.

In 1991 our management improvement plan for dental services proposed ways to enable the School Dental Service to be more cost efficient. The strategy that is being adopted involves changing the current system of providing dental care within all government primary schools to a system of regional or cluster clinics. Each clinic is to be permanent, servicing an area that will cover a number of government and private primary schools. There will be no changes to service delivery for children attending a base school. Children from the nominated feeder schools will be seen on an appointment basis. Two pilot cluster clinics were established in 1991 - one in the northern suburb of Spence and the other in the southern suburb of Curtin. These clinics have proved to be very successful and have received minimal adverse comment from parents whose children use the service. I am pleased to advise the Assembly that all children will continue to be provided with the highest quality of dental care.

That, Madam Speaker, is an approach which is being taken by the Government to maintain services in recognition of the Grants Commission's assessment of the ACT position. Undoubtedly, some parents would prefer the convenience of having every school with a dental clinic in it, but we have a wider obligation to the rest of the community and have to reduce funding for dental clinics on a suburb-by-suburb basis. I think the pilot cluster clinics will prove to be of advantage to the community. Where there are needs to adjust the way that we deliver this service to the community, of course we will consider them in the context of better dental care for the people of the ACT.

MR MOORE: I wish to ask a supplementary question, Madam Speaker. In your answer, Mr Berry, you suggested that all students will still have access to, and that their needs will be met by, the School Dental Service. How, then, do you intend to ensure that children whose parents cannot easily transport them to these cluster groups that you are talking about will be able to have assistance?

MR BERRY: Already the children from private schools travel to the public dental clinics. Arrangements are made at the school base for people to travel from those schools to public, Territory schools where the service is provided.

Mr Moore: But parents are being told that it is their responsibility. They are being told, "You get the kids there". What if they do not have a car?

MR BERRY: If you have any instances where people cannot get to these clinics because they do not have the money to get there or - - -

Mr Moore: They just will not go, Wayne.

MR BERRY: Do not wave the flag around unless you have instances. If you can show me some evidence that there is something wrong out there, I will give you an undertaking that I will take a close look at it.

Mr Moore: A close look at it? That is a great undertaking.

MR BERRY: No, hang on a minute. Here we go again, waving the flag around, seizing on the emotions, and not delivering the goods. It is all care, no responsibility Michael Moore; that is what it is. We want some evidence from you. I am happy to look at evidence and do something to fix it, but I am not going to respond to having the flag waved around just on sheer emotion.

Anabolic Steroids

MRS GRASSBY: My question also is to the Minister for Health. What action is the ACT Government taking against the use of illegal anabolic steroids, as reported in the media lately? Will our Government be doing something about this?

MR BERRY: The Follett Labor Government deplores the use of drugs to achieve an advantage in sport. We have seen some great sports stars dragged down by the use of drugs, and it has always seemed to me to be a great pity. The uncontrolled and unsupervised use of performance-enhancing substances and methods is obviously dangerous to health, and it is an insult to the whole ethos of sport and healthy competitive activity.

The Commonwealth established the Australian Sports Drug Agency Act in 1990. This Act enables the agency to test sportspeople for banned substances and methods, according to a list approved by the International Olympic Committee. The ACT Government is currently preparing a proposal for complementary legislation which would enable the Australian Sports Drug Agency to use its powers and carry out its functions within the ACT and on ACT athletes. Similar consideration is being given in other States as well. The agency then would be

.able to test individuals for the use of banned substances and maintain a register of defaulters. Within strict privacy guidelines, the register of defaulters would be available to the relevant government agency and/or Minister. A check could then be made to ensure that the proper suspensions from sport or other sanctions had been imposed by the relevant sporting organisation. All ACT Government assistance to sporting organisations and individuals would be subject to their agreement to this proposal, in conjunction with the Commonwealth and the States.

The ACT Office of Sport and Recreation will be initiating a concerted education program on this subject in schools and colleges, as well as amongst sporting organisations. A drugs education and awareness program for the junior sporting community, jointly organised by the Australian Sports Drug Agency and the office, was commenced this year. These education programs will address the good sportsmanship and cheating issues, as well as identifying and emphasising the downside of the physiological effects that the use of most banned substances, particularly the steroid group, has.

Madam Speaker, that is a sign of some positive moves in that direction. But, can I say to the Liberal Party: It appears to me that their performance-enhancing drug has run out and they probably need another dose because it is the end of the week and they are starting to look a bit flat.

South African Liberation Centre Building

MR DE DOMENICO: My question without notice, which is to the Minister for the Environment, Land and Planning, Mr Wood, relates to the eyesore that is otherwise known as the South African Liberation Centre or the Pan African Congress building near the official South African Embassy. Given the Government's constant boasting about its relationship with the Trades and Labour Council, will the Minister now ask his trade union colleagues to remove this eyesore as a gesture of encouragement in the important political, social and cultural changes that are currently occurring daily in South Africa?

Mr Lamont: Put it on the heritage list, too.

MR WOOD: Madam Speaker, I think Mr Moore's interjection is perhaps quite valid.

Mr Moore: No, it was Mr Lamont's interjection.

MR WOOD: I have to get the voices behind me right. That building has served a very useful purpose and, in its part in a worldwide movement, has been significant in changing attitudes in South Africa. Mind you, I do not think those on the other side of this Assembly would always have conceded that point. But the fact is that the existence of buildings like that and the groups who used them, along with a whole host of other measures, was very effective in changing policies in South Africa, and I applaud what is happening there. There is still a long way to go; moves are under way, but I cannot speculate about whether new constitutions will come into place. Those groups may believe that that building still has, or may well have, a role in the future. While they think so, that building can stay.

MR DE DOMENICO: I wish to ask a supplementary question, Madam Speaker. Can I, once again, ask the Minister: Will he have consultations with the Trades and Labour Council, and when will he have that building removed?

MR WOOD: It has been there quite a long time. I simply repeat what I said - - -

Mr De Domenico: But it is not authorised. It is on our land and it is not authorised. Does it have a planning permit?

MADAM SPEAKER: Mr De Domenico, you have asked your question.

MR WOOD: I am quite happy to see that building there, and I think most Canberrans and Australians agree with that. When the time comes for those who use it to believe that it is no longer necessary, I will do anything I can then - and only then - to facilitate its movement.

Community Consultation

MS SZUTY: Madam Speaker, my question without notice is to the Chief Minister. Officers from the Chief Minister's Department met recently with representatives of the Tuggeranong and Belconnen Community Councils to discuss ways of expanding and facilitating community consultation processes. This was reported in this week's edition of the *Northside Chronicle* and the *Belconnen Chronicle*. Could the Chief Minister inform the Assembly as to any proposals which have been developed by her department and the timetable for pursuing these?

MS FOLLETT: I thank Ms Szuty for the question, Madam Speaker. Yes, I think it is well known that, as a government, we have every intention of involving the community a great deal more in all of the decisions that affect them, and I believe that it is extremely important that there be real consultation with the community on what form of consultation they would prefer. On many occasions I have put forward the idea of community councils or community committees which are formed on a regional or suburban basis and which allow those people from the community who have an interest in these matters to take a full part in the decision making. I have put forward a pretty broad range of issues that people might wish to take part in - planning decisions, schools, roads, their parks and so on.

Madam Speaker, at present I would have to say that consultations are at a preliminary stage. As soon as we have a developed program and a timetable, to which Ms Szuty has referred, I would be delighted to let people know about them, because it is, to me, a very important plank of our platform and a very important reason why we are in government.

Kambah and Wanniassa High Schools - Asbestos Ceiling Tiles

MS ELLIS: My question is directed to the Minister for Education and Training. I ask: What arrangements are being made for the removal of broken asbestos ceiling tiles at Kambah and Wanniassa high schools?

MR WOOD: I suppose mention of the word "asbestos" brings concern and, when it is in a school, maybe parents worry. When tiles were broken at Kambah and Wanniassa high schools we discovered that they were asbestos in part. We removed them promptly, and conveniently it happened during the Easter holidays. All the proper processes were carried out, and during the removal and subsequently there was air monitoring which shows that there is no problem remaining. There is a new ceiling, and the children continue to work well in an area that is environmentally sound.

Court Witnesses

MR CORNWELL: Madam Speaker, my question is to the Attorney-General. About a month ago, I think it was, some 17 people - members and staff, ex-members and ex-staff - were required to give evidence in a committal hearing in the ACT Magistrates Court. While some of us were placed on standby here at our place of employment - we were given half-an-hour's notice, that is, that we would be called upon, and I might add that I am grateful for the DPP arranging that - many others were standing around the court, literally, for several days. My question is: Is there any way that we can improve these procedures and so reduce the time of witnesses - I include the police in this - having to stand around near the court, which is extremely wasteful, as you can imagine, and which also, I suggest, is possibly a disincentive for people to be involved in matters that come before the courts?

MR CONNOLLY: It is a good question from Mr Cornwell. The particular matters are of some sensitivity, and I must be very careful in my comment, for obvious reasons. The Director of Public Prosecutions has the carriage of calling witnesses, and he - I say "he" because it is a he - is an independent office holder and is not subject to directions from government. To some extent, the speed of the committal depends on the speed at which the prosecution puts its case or the defendant, or the defendant's solicitor, cross-examines. When you have a matter in which the defendant is taking a large amount of time doing one thing or another, or when proceedings are closed for some hours when there is a cross-appeal into the Supreme Court, or for whatever other reason the process slows down, it makes it very difficult for the DPP to be able to predict accurately when people are required. They certainly try to do that, and I understand that they tried to do it with all members and staff in relation to these present matters.

It raises a question generally about committal proceedings which is of some concern to me. I think we are at a point, particularly in this Territory but also in Australia generally, at which committal proceedings are going on for too long and at which there are some major commercial types of matters - white-collar crime, if you like - because committals have gone on for years but the matter is never brought before a jury. I think it is a challenge for law enforcement authorities and governments across Australia to speed the process up. It is frustrating, but it is part of the right of any accused to call a person for cross-examination. While what you say is right - it may be a disincentive for people to attend to give evidence - the accused has a right to subpoena you; so whether it is a disincentive or not is not the point. The defendant has a right to call a person to court to give evidence. It is part of the system, and we have to try to make the system work more smoothly. There is no easy solution.

Graduate Nurse Programs

MRS CARNELL: My question without notice is to Mr Berry, the Minister for Health. He has indicated that it would cost approximately a million dollars to run the graduate nurse programs this year and that, due to budgetary constraints, the programs had to be axed. Most of these young nurses are still without jobs. I ask the Minister whether it is true that 30 Vietnamese male nurses have recently been employed at Woden Valley Hospital. I would like to know what that is costing the ACT Government, in terms of wages, supervision and medical indemnity.

MR BERRY: Do you have their names? I do not know their names or addresses, but I will - - -

Mr Humphries: Do you know about them at all?

MR BERRY: I do not check the name and address of every person who is employed, or the daily employment rates. But I will check the information that has been put before the Assembly. Is there a difference between Vietnamese nurses and other nurses?

Mrs Carnell: We want to know why they were put on, if they were, instead of the graduate nurses who you promised would be put on.

MR BERRY: That is another one of your ridiculous allegations, and I will take it with a grain of salt.

Mr Kaine: On a point of order, Madam Speaker: I do not believe that the Minister has a right to enter into debate on this question. He was asked a question. He should either answer it or decline to answer it, but he should not enter into debate on it.

MADAM SPEAKER: Mr Berry, would you answer the question, please.

MR BERRY: Graduate nurses continue to be employed on a needs basis. They are selected from applicants on merit, as I said they would be, and that process continues.

Mrs Carnell: Amazingly slowly.

MR BERRY: Nothing is ever fast enough for the Liberals - or slow enough when they are in government. Graduate nurses continue to be employed in the hospital system on a needs basis. You do not employ people when you do not have jobs. We are employing them to fill positions that are vacant, on the basis of merit. That is fine, I think. Is that all right for the Liberals? It is not so bad.

Mrs Carnell: But that was not the question.

MADAM SPEAKER: Order! The question has been asked; the question is being answered.

MR BERRY: In relation to nurses from Vietnam, I am prepared to find out the detail of that; but I do not know.

Mr Kaine: It does not matter what country they come from.

MR BERRY: It does to the Liberals, apparently.

MRS CARNELL: I wish to ask a supplementary question. Mr Berry, could you please undertake, at least on notice, to answer whether the 30 Vietnamese male nurses who are currently being employed are a cost to the ACT Government, in wages, supervision or medical indemnity?

MR BERRY: If you had put it on notice, I could have asked about the exact employment status of every individual in the hospital system, and I could have had the information here for you today. But now that you have raised it without notice, I will inquire of hospital management as to their names - and addresses, if you like - and their employment status in the hospital system.

Mr Humphries: Will you tell us when you find out?

MR BERRY: I will tell you in due course.

Garbage Bins

MR WESTENDE: Madam Speaker, my question without notice is directed to the Minister for Urban Services. In relation to his announcement to trial big bins later this year, would he indicate: Firstly, when and where will the trial take place; secondly, how long will it take; and, thirdly, why is there a delay?

MR CONNOLLY: It is good to see that Matthew Abraham's column is read by members opposite and sets the agenda. The first thing to say is that they are not big bins. They are not the 240-litre bins which have been, quite properly, rejected by an Assembly committee, on environmental grounds. We are talking about a wheelie bin - a bin that has wheels and is easy to move around - of perhaps 120 or 140 litres; not the bin that Mr De Domenico was photographed putting out the rubbish in during the last election campaign.

This is a medium size bin which, with a once-weekly collection, would provide about the same capacity as what people are currently entitled to. At the moment you can put out two 55-litre bins twice a week, so you can have rather more collected now. It will be trialled in conjunction with kerbside recycling, we would hope - that is, a kerbside arrangement for material. It is not something that can be jumped into and done for the whole of Canberra. There is an expense involved, so government has to look at this with all other expenses. You are constantly telling us to be careful about expenditure; we are being careful about it.

At the moment I cannot tell Mr Westende which precise suburb it will be trialled in, although it is intended that it will be a north side suburb or a couple of north side suburbs. Slightly earlier than that, we may be trialling it in a Housing Trust joint development in Ainslie, which is an appropriate area in which to trial something; but that is still being developed. The intention is that we will see how it operates, and we will get community reaction. It is easy for commentators to say that there is a clear community view on this; I think there is a very divided community view. I get about equal numbers of letters from people saying, "We must have big bins immediately", and those saying, "We must never have big bins"; so this compromise that the Labor Party is proposing needs to be trialled.

We need to get the economics of it and see whether the community is prepared to take part in the recycling side of it. If it is just an opportunity to dispose of more material to land fill, we would be likely to withdraw from it because we do not want to encourage that. It will happen, we hope, later this year. It will have to be costed and budgeted. All the figures will be put before the Assembly or, in any event, the Estimates Committee, and we will be able to take a close look at it. If it is successful, we can do it throughout the rest of Canberra.

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

MADAM SPEAKER: Members, because there are television cameras in here, I would like to suspend the sitting for five minutes to allow their removal.

Sitting suspended from 3.10 to 3.15 pm

PERSONAL EXPLANATIONS

MR KAINE (Leader of the Opposition): Madam Speaker, under standing order 46, I seek leave to make a statement and to table a document.

Leave granted.

MR KAINE: Yesterday a document was tabled in the house by Mr Moore, and some aspects of that were taken up by Mr Berry and others during the debate. The author of that document, in his own defence, has written a letter to Mr Berry - he has provided a copy to me - with his comments in connection with that paper. Since the author's integrity has been questioned in this house, I think he has a right to have his case put to members. Accordingly, I seek the leave of the Assembly to table a copy of his letter to Mr Berry, in explanation of his position.

Mr Moore: And incorporate it in *Hansard*?

MR KAINE: I am quite happy for it to be incorporated in *Hansard*; therefore, I seek leave to have that done.

Leave granted.

Document incorporated at Appendix 3.

MR MOORE: Madam Speaker, I wish to make a personal explanation, under standing order 46. In that comment the Leader of the Opposition indicated that I tabled a document. In fact, I read from a document and then it was tabled at the will of the Assembly, not through my motivation at all. I think it was inaccurate to say that I tabled the document.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport), by leave: I agree with Mr Kaine, that Mr Trebeck, the director of ACIL, has a right to make a statement. He has supplied a letter to me, as Mr Kaine said. I do not know why he sent a copy of the letter to Mr Kaine.

Mr Kaine: Because it relates to a document that was mine; that is why.

MR BERRY: Thanks for the explanation; he did not say that in here. May I also read into the record, Madam Speaker, the following information from a contractual document which was provided by officers of the Ministers for racing in relation to this consultancy. This was provided to me with advice from my department. On the issue of confidential and proprietary information, at clause 11(a), under the heading "Delegate's Information", it states:

> The Consultant acknowledges and agrees that, unless already in the public domain, any and all information concerning the Delegate's business is "confidential", and agrees that it will not permit the duplication, use or disclosure of any such information to any person (other than its own employee, agent or representative who must have such information for the performance of its obligations to the Delegate), unless such duplications use or disclosure is specifically authorised in writing by the Delegate.

Madam Speaker, that clearly relates to the information which will be contained in a report which is to be presented to Ministers for racing. It was a matter that I mentioned yesterday in the course of discussion on this issue. I remain concerned about this issue, particularly the confidentiality aspects. Racing Ministers, or their officials, have not seen this report; yet some elements of that information have been provided to Mr Kaine, which, in my view, ought to have remained in confidence until the Ministers for racing decide on the future of the report. There is no guarantee that the report will become a matter of public record. That, ultimately, is a matter for the Ministers to decide.

I raise that in response to some of the things that were said in Mr Trebeck's letter, and I point out to members that I am still concerned about the issues that were raised in the minute to Trevor Kaine, which I remind members was tabled in this Assembly with a "With compliments" card, or what appears to be a "With compliments" card, under the heading of ACIL, despite Mr Trebeck's claim in his letter that it had nothing to do with his company and was not headed or signed in any way.

I raise those issues out of concern. Perhaps that is the end of it, but it is a matter of public record now. I think all of the information needs to be laid on the table. Issues concerning confidentiality and proprietary information are a matter of concern in relation to this matter. As I have indicated, I will be writing to Ministers for racing on the matter.

MR KAINE (Leader of the Opposition): Madam Speaker, may I seek leave to make another comment on the matter? I know that it is probably tedious, but I think it is important. I would like leave of the Assembly.

Leave granted.

MR KAINE: I would just like to make the point that the document that was given to me by the author did not have that cover sheet on it. I do not know the source or the origin of that document. That is why Mr Trebeck is quite correct when he says that the document he gave to me was neither headed nor signed in any way that would indicate authorship or that it was related to ACIL. I do not want to table it, because it is the same as the document already tabled; but I am quite happy for anybody in this Assembly to see the document that I have. The document that was tabled has on it an additional cover sheet of which I have no knowledge.

Mr Lamont: Table the cover sheet.

MR KAINE: I do not have a cover sheet. It is not on my copy.

AINSLIE VILLAGE
Discussion of Matter of Public Importance

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

The need for an independent inquiry into the operation of Ainslie Village Limited.

MR CORNWELL (3.22): Madam Speaker, in introducing this matter of public importance - "the need for an independent inquiry into the operation of Ainslie Village Limited" - I think it is germane to provide some very relevant background information. Ainslie Village accommodates about 300 people. It receives quite substantial funding. In 1990-91 it had operating revenue totalling $1.5m, including more than $868,000 in government subsidies and grants. My source for that information is the directors report and financial statement 1990-91 of Ainslie Village Ltd.

Most of the government subsidies and grants, Madam Speaker, come through the supported accommodation assistance program, or SAAP; but there is also some funding from our own ACT Housing Trust, and in 1990-91 that was about $26,000. Further, upwards of about $10m, according to a correspondent in the *Canberra Times* yesterday, or $8.8m, according to another source - take your choice - has been spent over the years by ACT administrations upon capital works at Ainslie Village. Whether it is upward of $10m or $8.8m, I think we all agree that it is a considerable amount of money.

Thus, because of the involvement of the ACT Housing Trust and the money spent by successive ACT administrations over the years, the operations of Ainslie Village can, and indeed should, properly be a matter for this Assembly. However, due to a quite extraordinary arrangement some years ago, Ainslie Village is run by a limited company which holds a lease terminating on 4 May 2000, with an option for another 10 years.

There is nothing wrong with this, Madam Speaker, except that the result of this arrangement is that Assembly members appear to be prevented from asking questions of this Government concerning Ainslie Village Ltd. This was a situation that I encountered recently when, on 7 April, I asked two questions, No. 24 and No. 25, of the Minister for Housing and Community Services, Mr Connolly. This is, indeed, an extraordinary situation, let me repeat, where a substantial and valuable property has been handed over, according to the lease, for 5c a year if demanded - - -

Mr Connolly: You would have got an answer.

MR CORNWELL: You will have your chance. It has been handed over to a company looking after people who have nowhere else to live and many of whom have a variety of social problems. It could be argued, Madam Speaker, that what I have so far outlined in relation to Ainslie Village's operations and reasons for

being is really no different from what applies to any other charitable organisation running accommodation for such people and in receipt of government funds. Indeed, there is not a great deal of difference between Ainslie Village and, say, the Salvation Army's Mancare facility.

However, there is a difference. The difference is that, unlike such a worthy organisation as the Salvos - and may I put a plug in here, please, for the Red Shield Appeal later this month, to which I hope you will all contribute substantially - Ainslie Village Ltd has been the subject of complaints from residents over the first 12 months of its operation. These complaints culminated in April 1991 with the decision of the then Minister for Housing and Community Services, Mr Bernard Collaery - - -

Mr De Domenico: Who?

MR CORNWELL: Mr Bernard Collaery. The decision was to establish a review of Ainslie Village Ltd, to be conducted by an independent consultant from outside the ACT. The review, apart from responding to residents' complaints, also conformed to Mr Collaery's own wish that a review be conducted within 12 months of Ainslie Village Ltd commencing operations. Those operations began around March or April 1990.

The establishment of the review was confirmed by letter dated 15 April 1991 to a resident. The terms of reference were developed as follows, and they are worth quoting:

> The review should examine and assess whether the Company has:
>
> . interpreted its Articles and Memorandum of Association in an equitable manner;
>
> . vested in the General Manager of the Village decision making powers in relation to the day to day management of the Village;
>
> . given staff and residents ample opportunity to be involved in decision making processes;
>
> . operated Ainslie Village in a responsible, effective and efficient manner;
>
> and, as a result determine whether an appropriate standard of service has been provided to residents both existing and prospective.
>
> Emphasis must be placed during the review on the roles and responsibilities of:
>
> . the existing Board structure, including the Chairperson, the Board Executive and the sub-committees,
>
> . the office bearers of the Company, and
>
> . the staffing structure of the Village.
>
> Consideration must also be given to the principles of SAAP.

The terms of reference, I believe, Madam Speaker, are important because at least one point, and that is the third point - "given staff and residents ample opportunity to be involved in decision making processes" - is the subject of one of the current complaints from residents in respect of the behaviour of the Ainslie Village Ltd board. It is one of the current complaints, not just a complaint that was current 12 months after its inception.

Two months after this commitment and terms of reference were drawn up, the Government changed and Mr Connolly replaced Mr Collaery as the relevant Minister.

Mr Lamont: Mr who?

MR CORNWELL: Mr Connolly replaced Mr Collaery as the relevant Minister, Mr Lamont. Mr Connolly twice confirmed that the review would go ahead.

Mr De Domenico: How many times?

MR CORNWELL: Twice. The cock did not crow three times, only twice. However, in a letter of 3 September to a resident, Mr Connolly made changes to the terms of reference. These were referred to, I say in fairness, by the Minister as minor, although this is disputed by others. I want to make it clear that I make no judgment upon how significant the changes were, whether they were major or minor, because other developments soon rendered such nuances quite irrelevant.

Following an appearance before the Assembly's Estimates Committee in September 1991 by Mr Connolly, who is nodding agreement, where again there was no implication that the review would not proceed, nothing more was heard until January 1992, when information became available that the review had been cancelled - despite, I remind the Assembly, two written undertakings that it would go ahead.

Mr Connolly: Information became available because there was a letter saying that.

MR CORNWELL: You will have your chance, Mr Connolly, I have no doubt. Instead of the detailed review with specific, even if amended, terms of reference, Mr Connolly proposed, in January 1992 or thereabouts, to reduce this independent inquiry to a SAAP service review which was to be conducted later in 1992. Effectively, this was an internal review. One could almost say that it was Caesar to Caesar.

Mr Connolly's reasons for cancelling the very detailed independent review are frankly unknown, as far as I am concerned; but the genesis for originally conducting this review still remains. Indeed, if anything, the reasons have been reinforced by more recent events. Prime among these more recent events is the formation of a 100-member Independent Residents Association and supporters - formed, these people claim, because of a lack of confidence in the directors and management of Ainslie Village Ltd.

This lack of confidence is reflected in allegations about personalised number plates for Ainslie Village Ltd company vehicles. AVL-111 and AVL-222 were mentioned, and that led me to place a question on the notice paper - one of the two questions that apparently could not be answered by the Minister for Housing and Community Services, as I explained earlier. This lack of confidence is also

reflected in concerns about fee paying consultancy contracts relating to Ainslie Village being awarded to companies of which members of the board are principals or members. This lack of confidence is further reflected in management's decision that a resident can no longer have a vegetable garden. Here we have a recession on, people want to grow vegies, and they are told that they will have to rip up their vegetable garden and, I think, replace it with lawn.

Finally, this lack of confidence is reflected in the decision to terminate occupancy of an auto repair business - CWC Auto Services, I understand is the name - after 12 years of occupancy and a written assurance and request from a previous Minister that the business could and should remain, albeit with a possible relocation.

Mr Lamont: Which Minister?

MR CORNWELL: This was Mr Collaery, and I quote from the letter:

> I am pleased to be able to inform you that following discussions between the ACT Housing Trust, ACT Public Works and the Village, any new designs for further redevelopment will examine options which will allow your current workshop to remain undisturbed, or at least to be moved to another appropriate location on site.

Secondly, it states:

> I recognise the value of your work, your role in the training of apprentices and the relationship that you have built up with the Village over time and would be pleased if you could continue to operate your business on the site.

It is signed "Bernard Collaery" and dated 9 May 1991.

I suggest that these examples offer a range of issues between the important and the petty. They all, however, indicate a breakdown of communication and trust between residents of the village and the Ainslie Village Ltd board. To some extent, Madam Speaker, I think the problems are those of perception, and to support this contention I refer to a comment made in a letter to the editor in the *Canberra Times* yesterday by Mr Peter O'Dea.

Mr De Domenico: He does not work for ACIL, does he - Peter O'Dea?

MR CORNWELL: Former redevelopment adviser to Ainslie Village, Mr De Domenico. In the letter to the editor, Mr O'Dea said in part:

> Ainslie Village board's chairman Kelvyn Enright describes the residents as "guests" and says he is running a multi-million-dollar business ... and there lies the nub of resident complaints.
>
> Mr Enright provides a valuable insight into the management/resident relationship or, in his own terms, the company/guest relationship.

Further, in an article in the *Canberra Times*, Mr Enright is reported as saying:

> Our view is that people needing supported accommodation do not have the necessary skills to run a multi-million-dollar business.

The article also states:

> The ability to discriminate between gossip, fact and policy was important.

I suggest that these quotes clearly indicate that the board has one idea of what Ainslie Village stands for and how it should be run, and the residents clearly have another. The problems, however, real or imagined, between these two groups will not be easily resolved and certainly not by inter-party negotiation. I suggest to you that the gap has become a gulf between these two parties.

Therefore, while we do not take sides, I believe that this Assembly should intervene, and we should do so for several reasons. Firstly, ACT Government funds are paid to Ainslie Village Ltd; secondly, allegations have been raised about the operations of Ainslie Village; thirdly, the degree of alienation between management and residents will not go away; fourthly, the situation has the potential to embarrass this Assembly if we fail to act; fifthly, the residents have sought our assistance in establishing an independent review; and, lastly, an independent review of Ainslie Village was intended originally.

Therefore, I urge you to support this MPI and, in Mr Enright's words, we should also attempt to discriminate between gossip, fact and policy in this matter of Ainslie Village Ltd.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.37): I noted very carefully Mr Cornwell's remarks. I must say that Mr Cornwell was temperate in his remarks and did not attempt to create a whiff of scandal or a smell about this Government. There is only one smell about this Government at the moment and that is that we seem to have a problem on the fifth floor which is clear to anyone who leaves the lift. We seem to have a plumbing problem up there.

Mr Cornwell: I am one of the most reasonable people I know, Mr Connolly.

MR CONNOLLY: Indeed. The history of Ainslie Village is, by and large, as set out by Mr Cornwell; but there are a couple of points that need to be clarified, and I will do so. The village had its origins as a hostel for construction workers and migrants in the 1940s. It was handed over to the Department of the Capital Territory in 1976. It was run by private contractors on a fee for service basis from 1976 to 1980. During that time it deteriorated; it gained a reputation for disorder and violence; and it was a fairly unpleasant part of Canberra.

After that deterioration it got to the point where only some 30-odd people were living there and the buildings were in a very run-down state. The Federal Government at the time began seeking alternative management strategies for the village. As a result of that, a company known as Ainslie Village Management Pty Ltd was formed with the purpose of running the village. That company had the objectives of providing low-cost accommodation for unemployed and other people, of providing employment opportunities for the residents and others and of providing recreation facilities.

It was around this time that the motor mechanic business came to be formed on the premises. I would like to advise Mr Cornwell and the Assembly that yesterday I intervened in that matter. I wrote to the chair of Ainslie Village and requested that they stay their termination of the sublease for some three months, both for the motor mechanic business and for Megalo arts. I have been advised by the chair of Ainslie Village, Mr Enright, that they will accede to that request. They do not have to. As Mr Cornwell correctly stated, they do have the lease for the village. It is a legal lease. The relationship with both Megalo and CWC is as sublessees, and I have no more power to intervene in that than I would in the relationship between Lend Lease and a shopping centre tenant. But I did ask that they stay their hand, and they have agreed to do so; so that is some progress.

It was in the late 1980s that controversy began to erupt around Ainslie Village, and we had conflict between staff and residents and the then company running the village, which was resident controlled. I think that is the significant difference between now and then. At that time Ainslie Village was resident controlled and we had conflict between some residents, some other residents, the staff and the then company.

The situation was fairly abysmal and unworkable, and there was a request for action from government. As a result, a new management structure was created and, in April 1990, responsibility was transferred to this new company, Ainslie Village Ltd. Coincidentally, the transfer occurred at the time of the Alliance Government, although the process was well in train during the period of the Labor Government. So, both Minister Grassby and Minister Collaery had an oversighting role in setting that up. After the new company had been set up, Mr Collaery indicated that he wanted a management review some 12 months into the process. When I came into government that was under way.

At the time there were a lot of accusations and counter-accusations flowing into my office. A large number of letters were coming from various residents making accusations, sometimes contrary accusations. As Mr Cornwell said, we should not be here trying to distinguish gossip from truth or substantial matter from trivial matter. One matter which did cause me quite some delay in setting the terms of reference was that the original terms of reference seemed to focus on what seemed to me to be a legal point - whether or not Mr Enright, who was chair of the company, chair of the board of directors, could be appointed to a full-time executive position within the company. There were allegations that he could not and there were requests for the review to look at that. It always seemed to me to be purely a legal question whether the company allowed that. Many of us would be familiar with companies - - -

Mr De Domenico: It is very unusual for that to happen, though, Terry, you must admit.

MR CONNOLLY: I would say not. It is very common for a company to have an executive director. It is almost the standard practice with chairs. I did not see any problem with that. It was legal and I decided that that was not an appropriate matter to have within the terms of reference for a consultant; that that was a matter that we could get legal advice on. It was either legal or it was not, and I was advised that there was no illegality in that.

When the matter got to the Estimates Committee - and Mr Cornwell referred to that - a question was asked about a consultancy that had been identified. Mr Templar, the Commissioner of the ACT Housing Trust, advised the Estimates Committee on 27 September that that person would not be continuing with the consultancy; that a new consultancy would need to be undertaken. Mr Moore, in fact, then declared an interest in this because he was a director and took no further part in the proceedings. Mr Templar said:

> The consultant had to withdraw because of ill-health. We are in the process of re-letting that consultancy to somebody else. We have not done that yet.

So, around about that time, September, the consultant withdrew. Again Mr Cornwell was right in saying that I wrote to people saying that it was my intention to proceed with this consultancy. I am always a little sceptical about consultancies, and I think you would all agree that that is sensible. Governments are here to govern, not always to be setting up consultancies and having inquiries. To get political for a moment, a moment only, I point out that there was an interjection earlier on in response to a government answer. I think Mr Berry made some reference to inquiries and there was some scoffing from opposition benches to the effect, "You should not be having inquiries".

I think that generally we should be wary about consultancies, but I was prepared still to continue with the consultancy. There was toing-and-froing about who was to do it, who would be sufficiently independent. The original consultant was regarded by all sides as acceptable. There were difficulties in working out somebody else who was acceptable. It got to the end of the year; it got to January. There was always going to be a SAAP review coming up in the middle of this year, around June-July, and I formed the view in January that I was not going to go through a process of selecting a tender and letting a contract for a consultant inquiry in March-April-May at considerable cost, followed by a SAAP review.

Mr Cornwell said that this became apparent. It became apparent because the Housing Trust wrote to a number of people, and I have written to a number of people. Whenever anyone has written to me about this, this is the response they have been getting since January. It is that I decided in early January not to proceed with an independent consultancy but to have a SAAP review which could be expanded to provide a forum to agitate these issues. That is my current intention. The SAAP review process could be described as internal.

There is another allegation which somewhat muddies the waters. It is true that the person who holds the chair's position did, some years ago, actually write the SAAP review document. That leads to all sorts of allegations, but that does not mean that he would do the review. I would like to table the SAAP review document because the review is a quite complex process. There are something like 45 pages in the ACT service review manual with 10 or 11 matters detailed on each page - so there are some hundreds of matters - setting out issues that are to be addressed in the process of a SAAP review.

A SAAP review can be a process of some rigour. It is a process which is designed, essentially, to ensure that the service is delivering outcomes that are acceptable. It is correct that there should be such reviews because, as Mr Cornwell said, significant public dollars go into these processes. I table the final version of the ACT SAAP service review manual.

My intention has been that the SAAP review would be more, however, than just the departmental process of going through the steps in the manual. The review would be a joint Commonwealth-State exercise because SAAP itself is a joint Commonwealth-State exercise. It is my current proposal that we will expand the SAAP review to ask specific questions. I regard them as questions rather than terms of reference. I want to establish a steering committee to lock them in. I think that we need to look at whether Ainslie Village has operated in an efficient and effective manner; met its objectives as detailed in its memorandum of association; provided an appropriate level and type of service for potential and existing residents; adhered to the relevant principles of the SAAP program, such as user rights, which are a very important aspect of this and an aspect which is covered in the document I have tabled but which can be more finely looked at; and whether staff and residents have had ample opportunity to be involved in the decision making process. They are essentially the same issues as were going to be part of an independent consultancy.

The SAAP review process around the middle of this year, in my view, will be an appropriate opportunity for us to look at whether the public is being well served by the company. I must say that I have no reason to doubt that. I do not want to canvass the merits. It is appropriate that there be a SAAP review. There is agitation from a group of residents, and has been for some time. It is appropriate for us to broaden the SAAP review to allow any allegations that are to be made against Ainslie Village Ltd to be aired and, just as importantly, to give Ainslie Village Ltd an opportunity to refute any allegations of impropriety that have been made.

We are obviously keen to see Ainslie Village continue to serve its very important role. I think Ainslie Village is a very important part of Canberra society. It provides accommodation for people who may not easily fit into other modes of accommodation. There was a view, a view that I think Mr O'Dea was referring to in his letter, that Ainslie Village is too big and that we should go to a smaller unit, to ordinary Housing Trust style accommodation. I think there is a proper role for something of Ainslie Village size. I have certainly made it my business to go out to Ainslie Village, spend some time there, wander around, speak to people and have a good look at the place. I would urge any members who have not done that to do so. I am of the view that Ainslie Village is filling a very important need in Canberra society; that if it were not there we would have to reinvent Ainslie Village or something like it. I did not get from Mr Cornwell the view that the Liberal Party is opposed to the Ainslie Village concept.

In order to progress this expanded SAAP review, I propose that we establish something in the nature of a steering committee to ensure that there is acceptance that the review is impartial. I would be looking at a steering committee comprising a representative from the company, Ainslie Village Ltd, and a representative of the residents. I am told that the Independent Residents Association represents something like 100 of the residents, and I have no reason to doubt that. That may well be the appropriate body to pick the resident representative from. The Housing Trust has a role, obviously, as the principal funding body, the body that has the original lease and that has contributed the capital works for the project. The Commonwealth also has an important role

because the Commonwealth SAAP program provides a substantial part of the dollars, and the Commonwealth has an interest in ensuring uniform standards and acceptable standards for SAAP programs across Australia.

There would be an independent chair. I hope that, once we get the village representative and the residents' representative, we could get agreement on an independent chair fairly swiftly. I would not allow this process to bog down for months with bickering over who is to be an independent chair. The important point is that we wish to establish a steering committee which will allow both the residents and the company to have an input in developing the terms of reference for an expanded SAAP review.

Mr Cornwell: Pardon me, Mr Connolly. I do apologise. How many people were going to be on that steering committee?

MR CONNOLLY: As I said, we are looking at four. We are looking at a representative of the company, a representative of the residents, an ACT Housing Trust representative, a Commonwealth representative from the SAAP program and, we would hope, an independent chair, which would take it to five. But, as I indicated, there would have to be agreement between the residents and the company as to who would be an independent chair, and I would not be allowing any ongoing bickering over that to delay the process. I would encourage them to get together and pick a chair; but, if they cannot, we will go on in any event.

Mr Kaine: Can I suggest Greg Cornwell?

MR CONNOLLY: Mr Cornwell's impartiality is well known; but not for this role, I fear. I would expect this to be a fairly swift process. We do not want a mini royal commission; we do not want some process that is legalistic and drags on for weeks or months or years - and it is very easy for these things to go that way.

We want a process which can be seen to be impartial, which can be seen to answer the needs of residents who feel that they have some complaints that need to be aired, but which satisfies the needs of Ainslie Village management, who are equally entitled to defend themselves and have their reputation cleared of any allegations that may be made against them. We want something that will go through the overall program of the SAAP review process, which is to ensure that SAAP dollars are wisely spent and meet the needs of the persons they are meant to be directed towards and that will ensure that the persons who are meant to be the recipients of SAAP funds have a role in the way in which that money is spent.

That solution, Madam Speaker, I think, is one that members would find satisfactory and that allows a process to occur. It is possible to read from the document that has been circulated to members some sort of malice on my part in cancelling the review. That was never the case. The case, as was said to the Estimates Committee, was that the original consultant would return the brief. The process of trying to pick another consultant and draw up the terms of reference dragged on. When it got to late December last year and early January of this year, I took the view that it was more sensible to wrap it up in a single process as I have outlined to the Assembly today. I hope that answers the needs.

MRS CARNELL (3.53): Mr Connolly has very well made a whole speech totally unnecessary, which we are very pleased about; but I would like to use the opportunity to bring - - -

Mr Lamont: It would save a lot of time, because most of your speeches are unnecessary.

MRS CARNELL: Thank you. Time is the important thing, Mr Connolly. I think we would be very pleased to accept an inquiry. It is what we set out to do this afternoon with the MPI. What is absolutely essential, though, is that the inquiry be carried out in a timely fashion. It really needs to be done quickly. It is essential that CWC Auto Services be allowed to stay while the inquiry is going on. It is essential that the chairperson be independent and acceptable to the residents. The residents are the people that we all should be worrying about in this whole process. We should be making sure that Ainslie Village is a happy place where people want to live, and that the services provided to them are appropriate.

The problems that have occurred, I hope, will be sorted out in this inquiry. I think Mr Connolly's comments earlier that it is normal or it is acceptable to have an executive chairman are a little bit unusual. In the private sector executive chairpeople normally are certainly not used. The major reason for that is not that the people involved may or may not be inappropriate or may behave in an unusual fashion. It is just that it always creates a stench; it always creates a thought that somebody might be misleading a board. That may not always be the case, but I would like to bring to the Minister's attention that it is not a normal procedure in private enterprise. I commend the Minister on the setting up of the committee.

MR DE DOMENICO (3.55): What my colleague Mrs Carnell said and to a certain extent what Mr Connolly said make my speech irrelevant. Some people might think that all my speeches are irrelevant. In this instance with Ms Follett - - -

Ms Follett: We would never say so.

MR DE DOMENICO: I thank my colleagues, even those on the other side of the house. We are delighted that sanity has prevailed in this instance. It just goes to show you - and I mean this sincerely - that this Assembly is eminently more sane and perhaps all sorts of other things that the former Assemblies were not.

I am delighted that the views of the residents will be taken into account. I think the most important thing to come out of this MPI is that, notwithstanding that we tend to hear the word "consultation" from time to time, this perhaps is one of those examples where consultation will take place. We are delighted about that.

I endorse the comment made by my colleague Mrs Carnell that it is very unusual, to say the least, in the private sector and in other areas that an executive chairman is also a managing director, so to speak, and also that executive chairmen and managing directors tend to gain other monetary benefits from time to time in the things that they executively chair, manage or direct. I have said that as delicately as I can. I am delighted that the Government has seen fit now to conduct this inquiry. We support it. I am sure the residents are delighted that at least they have got what they wanted - an independent inquiry. May it report very quickly and may the residents continue to be as happy as they were before the concerns were expressed.

MS SZUTY (3.57): I would also like to offer a few comments on the situation at Ainslie Village at present. As outlined by Mr Cornwell, the current role of Ainslie Village is to support people in accommodation as long as it is necessary, which will then enable them to move on to fully independent living. Ainslie Village, therefore, has an important role to play in the ACT in supporting people in our community who need that support.

The Minister's decision on not going ahead with the independent consultancy while a supported accommodation assistance program review is pending is a sensible decision. Community organisations are constantly being reviewed in the ACT, and it seems sensible in this case not to have two reviews in the same year. A more rigorous than usual SAAP review is entirely appropriate in the current circumstances, and I commend the recommendation to the Assembly.

MR LAMONT (3.57): I have much pleasure in rising to speak in this debate, particularly given the opportune nature of the Opposition's MPI. It is the first thing this week they have done properly. The announcements of the Minister, I might add, were considered and determined before this matter was placed as an MPI. The history of the supported accommodation assistance program bears a great deal of relevance to understanding the position that we have arrived at in relation to the operation of Ainslie Village.

SAAP was preceded by a range of programs for homeless people. Some were administered and funded by the Commonwealth and others by the States. These programs, introduced during the 1970s, catered for a wide range of target groups and began to shift the focus of service for homeless people from large centres run by traditional charities to small-scale shelters run by local community based groups. That, indeed, was a central part of the strategy.

In 1983 the Federal Labor Government initiated a major review of all Commonwealth and State programs providing support and accommodation to people who were without shelter and to women escaping domestic violence. The review identified a wide range of programs in this area and a variety of issues such as the lack of logic within existing arrangements, the lack of coordination and the excessive complexity, the lack of planning, the inadequate funding for existing services and the lack of coordination and planning across States and between States and the Commonwealth.

The review recommended that the programs be integrated in the new Commonwealth-State cost shared program administered by the States and governed by a five-year Commonwealth-State agreement. SAAP was then introduced in all States and Territories with effect from 1 January 1985. In 1986-87, $75.9m was appropriated for SAAP - $49.1m by the Commonwealth and $26.8m by the States and Territories. The April 1987 census of service providers showed that 1,139 outlets were funded by SAAP, with an estimated bed capacity of 8,382. In the ACT in 1986-87, $2.4m was appropriated for SAAP - $1.5m by the Commonwealth and $900,000 by the ACT. In 1986-87, 16 outlets were funded in the ACT, including three general services, three women's refuges and three halfway houses, four non-accommodation services and three youth services.

In late 1987 the Commonwealth and States appointed a consultant to conduct an independent review of SAAP. The aims of the review were to examine the needs of victims of domestic violence and homeless people in crisis, the effectiveness of SAAP in meeting these needs and the appropriateness of advisory mechanisms

and Commonwealth-State administrative arrangements. The review identified a number of problems to be addressed, but found that the replacement of previously uncoordinated programs by SAAP had provided the basis for a more efficient and effective system to meet the needs of homeless people in crisis. The review also found that significant benefits both at the service level and in respect of program efficiency and effectiveness had occurred.

The review made a number of recommendations relating to the structure of SAAP, service quality and performance, program management and accountability, and the program's administrative framework. The review recommended that SAAP continue as a joint-funded Commonwealth-State program supported by a new five-year agreement effective from 1 July 1989. The objective of the current program is to provide transitional support and accommodation services for homeless people and victims of domestic violence and to help them to return to independent living or other appropriate alternatives as soon as possible.

Under the agreement, the Commonwealth and States provide base funding each year equal to their respective SAAP funding for the previous year plus indexation. For the years 1989-90 to 1991-92 the Commonwealth offered growth funds to the States on a dollar for dollar, matched basis. The offer to each State is based on population distribution, with a minimum amount of $150,000 being provided in the ACT. In the ACT in 1990-91 the SAAP budget was $4,568,000. With these funds, 23 accommodation services provided 428 beds per night, and there were 10 non-accommodation support services.

In 1990 the functional review of SAAP was established as a result of decisions made at the October 1990 Special Premiers Conference. The review identified six options for the reform of the administration of the program. The option supported by our Government was to enhance the efficiency and effectiveness of the current program. The option would enable the streamlining of the administration of the program to ensure that the resources directed to administration are minimised and service delivery maximised. SAAP is an excellent cooperative program between the Commonwealth and States, and it is indicative of the Federal and ACT governments' commitment to social justice.

Madam Speaker, I am extremely pleased that the Minister, in his address this afternoon, indicated that the SAAP review which was due in 1992 will be significantly expanded to include appropriate additional terms of reference for an inquiry into the operation of Ainslie Village.

In relation to the commercial activities undertaken within the village - that is, Nat McGahey's workshop and Megalo - my personal view is that such facilities in the village-type setting of Ainslie Village are appropriate. But, as the Minister has indicated, it is within the province of the board to determine whether or not such facilities continue to operate as part of the sublease of Ainslie Village.

I am also appreciative of the fact that the Minister has announced this afternoon that a steering committee will be established - comprising, most importantly, representatives of the Ainslie Village residents - to determine the type of facilities which they wish to see continue to operate on the premises currently occupied by Ainslie Village. I am confident that the expanded review will have a positive outcome for the residents of the village, and that the process my colleague has put in place emphasises the needs of residents of the village and will adequately address the needs of all of the parties associated with the village.

MR WESTENDE (4.05): Madam Speaker, I have been out to Ainslie Village, and I am very impressed with what is happening there. I support the Minister in his undertaking for the inquiry, but I think there are still some concerns by the residents that they have only one representative. I therefore ask the Minister whether he would undertake to make the guidelines of the inquiry as wide as possible so that they include the management structure of the village, and whether it would be possible for the Assembly to have a look at the terms of reference before they are finally set by the Minister. On receiving an undertaking on those matters, I would certainly support the Minister in this inquiry.

MR KAINE (Leader of the Opposition) (4.06): Madam Speaker, had the Government not buckled under to our request for this inquiry - and I give Mr Cornwell full credit for bringing this matter up and putting pressure on the Government to do so - and had they not buckled under to the pressure and agreed so readily to the inquiry, I would have spoken passionately in support of it. I do not need to do that now, but there are a couple of points that I think need to be made. The first is that - - -

Mr Berry: It would not make any difference either way.

MR KAINE: I keep referring to this Government as the most conservative status quo government in the world. They will not do anything unless they are forced to, and this is another example. They have been sitting on this for months. It was not until Mr Cornwell put the blowtorch on them that they decided to move. But there are a couple of issues that are important. Mr Lamont's history lesson was interesting, but of course totally irrelevant. Some of us have been around for a long time and know the history of Ainslie Village. Of course, that history is totally irrelevant, because what is relevant today is the circumstances in which the residents of the village find themselves. All that history for the last 10 years is totally irrelevant.

What this inquiry has to focus on is the current situation, what is wrong at Ainslie Village and what needs to be done to fix it. That should not take very long to find out. I hope that the inquiry moves rapidly and that we can define very quickly what the problems are and have them rectified, firstly, in the interests of the people who live there and work there and, secondly, in the interests of the broader community.

No change should be permitted to the present situation there while this inquiry is taking place. Any proposal to evict anybody should stop here and now, until this inquiry is completed. Let us protect the interests of the people there now. One of the things that the inquiry has to determine is: Is Ainslie Village just a residential village or is it to be a true village with all of the things that you would expect a village to have as part of the life of the community there? I suspect that in the end it will be determined that the latter is the case and that those people who contribute to the life of the village and people outside of it by the things that they are doing there should be retained and encouraged.

I encourage the Government not to take any precipitate action or to allow any precipitate action to take place while this inquiry is taking place. It should be done quickly; it should be over quickly; we should have the results on the table; and we should all be able to get on with our lives without the constant

harassment and threats that are sometimes a part of life. With that, Madam Speaker, again I commend the Government for accepting so readily that there is a need for an inquiry, and I commend Mr Cornwell for applying the blowtorch to bring them to that realisation.

MADAM SPEAKER: There are no more speakers. Therefore, the discussion is concluded.

PERSONAL EXPLANATIONS

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Pursuant to standing order 46, I would like to make a very brief personal explanation. I have cleared this with Mr Cornwell. A matter that I should have addressed in my remarks on the MPI was the issue of answering questions in relation to Ainslie Village. I should set the record straight for *Hansard*. Mr Cornwell did place on notice some questions in relation to Ainslie Village. There was some toing-and-froing between officers of my department and Ainslie Village as to whether Ainslie Village had to answer questions by members of the Assembly in relation to the parts of the village's activities that are publicly funded. I think Mr Cornwell became aware of that and accepted an offer to get the information direct from Ainslie Village and, as a result, withdrew the questions.

My position, when I became aware of this toing-and-froing, was very firmly that Ainslie Village would answer questions and that if Mr Cornwell had left his questions on the notice paper he would have got his answers. I wanted to make that clear and also say that those persons from Ainslie Village who have been here to witness this debate have been fortunate enough to see a rare occasion on which there has been unanimity and the Assembly, in confronting a problem, has tackled it in a sensible manner.

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I seek to make an explanation under standing order 46. In the course of question time Mr Kaine tabled a document entitled "Commonwealth-State financial arrangements: A position paper by Premiers and Chief Ministers", which Mr Kaine asserted I had put my name to. Madam Speaker, I want to clear up one issue, and that relates to the One Nation statement. In the executive summary of that document, under projections based on the One Nation statement economic assumptions, it states that the States will accumulate $28 billion in additional debt, and so on.

I want to make it very clear to members that it is based on the economic assumptions; it is not caused by the One Nation statement. Very briefly by way of explanation, could I say that one of the economic assumptions in the One Nation statement is, in fact, a low inflation rate. That means for the States a lower revenue than perhaps they had anticipated from things such as sales tax and payroll tax. It is important that we make the distinction that they are projections which are based on economic assumptions and not projections which are caused by the One Nation statement.

Mr Kaine: I am glad that you had a briefing on that point after I asked the question.

MS FOLLETT: No, I did not.

ABORIGINAL DEATHS IN CUSTODY
Ministerial Statement and Papers

Debate resumed from 8 April 1992, on motion by **Ms Follett**:

> That the Assembly takes note of the papers.

MR HUMPHRIES (4.12): First of all, I congratulate the Chief Minister. On my calculations, she becomes today the Territory's longest-serving Chief Minister.

Mr Kaine: She had to wait a long time.

MR HUMPHRIES: She had to wait a long time. I congratulated her predecessor, so I congratulate her today as well.

Mr Wood: You are probably no longer the longest-serving Health Minister.

MR HUMPHRIES: That is probably right. I had to get it in while I still could. I am still the longest-serving Education Minister.

Mr Lamont: At the rate you were closing down the schools you would not stay that way for long.

MR HUMPHRIES: I do not know about that.

Madam Speaker, this statement is a very important one in dealing with a national problem. The problem is not just the question or position of Aborigines who are incarcerated and who might, in those circumstances, die in incarceration, as has been clearly stated before. Rather, it is a question about the position of Aborigines generally in Australian society which causes them to be so often in incarceration and in a position where apparently death is a real possibility. In 1975 the National Population Inquiry said:

> In every conceivable comparison, the Aborigines and Islanders ... stand in stark contrast to the general Australian society ... They probably have the highest death rate, the worst health and housing, and the lowest educational, occupational, economic, social and legal status of any identifiable section of the Australian population.

In 1992, 17 years later, the joint ministerial statement included as a foreword in the response by governments to the royal commission's report contains the following words:

> The Royal Commission investigated the deaths of 99 Aboriginal and Torres Strait Islander people in custody. In doing so it established a vivid profile of the lives of those who died - young people for the most part who had experienced unemployment, inadequate education, separation from their natural families, early contact with the criminal justice system, poor health, problems with alcohol, economic and social disadvantage.

It is very tempting to conclude, Madam Speaker, that regrettably, despite the enormous attention and enormous sums of money spent in the general area of improving the economic and social position of Aboriginals in this country, little has changed in the last 17 years.

Let us first of all look at the question of the size of the problem and the size of the group of people affected by this problem in the ACT. The 1986 census showed that the total ACT Aboriginal and Islander population stood at 1,220, which is a major increase on the 823 recorded in the 1981 census and the 248 in the 1971 census. However, only 40 of the nation's 21,541 Torres Strait Islanders lived in the ACT at the time of the 1986 census. The ACT therefore has 0.6 per cent of the national Aboriginal and Torres Strait Islander population living here. That may not be a major segment of our population, but it is one that needs to be critically examined in areas such as this by bodies such as this.

I indicate, Madam Speaker, that the Liberals offer strong bipartisan support on this issue to the Government. We welcome the response that the Government has tabled as a very positive step in the direction of improvement in this area. The Opposition Leader received a letter from Ms Follett last year seeking a bipartisan approach. I wrote back on behalf of the Opposition in September last year to outline the party's position, and I want to quote from that letter. I said:

> The Liberal Party supports the establishment of an inter-departmental committee to formulate a draft response from the Territory Government. We welcome a bipartisan approach on this issue but would of course need to see the response before we could endorse it.
>
> The Royal Commission found that Aboriginal people die in custody at a rate exactly equal to that of non-Aboriginal people. However, it is clear that the very large number of Aboriginal deaths in custody is a function of the imprisonment rate.
>
> The report identified poverty as well as Aboriginality as major factors in the imprisonment rate. In particular, the Liberal Party supports recommendation 246 which recommends that all Australian governments put an end to the lack of accurate and comprehensive information on inputs to and activities of Aboriginal health programs.
>
> There is a very real concern that status of Aboriginal health has not progressed in the past decade. The Liberals are also concerned that there has been no evaluation of the impact and effectiveness of Aboriginal health services operating in Australia, despite the fact that some services have been operating for almost 20 years.
>
> We would be keen to see an assessment of the health needs of the Aboriginal community in the ACT.
>
> The Liberals strongly support moves which would eliminate Aboriginal social, economic and cultural disadvantages. These disadvantages have been the principal reason for the disproportionate number of Aboriginal people in custody.

> The needs of Aboriginals in the Territory presumably differ from those elsewhere in Australia. The Liberals would be interested to see how the inter-departmental committee assesses the needs of Aboriginals in the ACT.

Madam Speaker, as I said in that letter, the Liberals continue to support initiatives which would deliver appropriate services to our Aboriginal and Islander community.

The Chief Minister's statement spoke about meetings between her and local Aboriginal representatives, and it is good to see that there is consultation going on between the Government at the highest levels and those people, although I must say that I would like to have seen her statement focus a bit more clearly on the problems that are actually being faced by ACT Aboriginal communities. For example, what problems has the ACT experienced with Aboriginal people being kept in custody? Of course, the Chief Minister explained that we do not have much information about that; but I will come back to that in a moment.

Is there a problem, for example, with substance abuse? We can assume that there is a major alcohol problem in the ACT, based on the key report in this area, which is now some three years old but which I assume is still relevant. It is the report entitled "Aboriginal Needs in the ACT Region", a report to the ACT Housing Trust and the ACT Community and Health Service in July 1989. That was a report written by the Aboriginal and Torres Strait Islander community and by one Elizabeth Cane - no relation to the Opposition Leader.

Mr Kaine: If it is a good paper I would be happy to be related.

MR HUMPHRIES: Sure. Madam Speaker, the report was not presented to the Assembly at the time, as far as I can recall; so it has been a document which has been more or less in-house to the ACT Government. But, although it is three years old, it remains the most comprehensive statement of what is actually happening to Aboriginals in our community at the present time, which is, perhaps, a matter of some regret. It pointed to problems with alcohol and substance abuse, housing difficulties, lack of awareness of government health services and low educational standards among the Aboriginal community in the Territory and the region. I want to quote a couple of paragraphs from the report. It said:

> ... alcohol is the primary problem for Aboriginal people in the region; particularly as it relates to premature death, domestic violence, poor health and escalating poverty. The study reveals that very few people use or are even aware of government and non-government detoxification centres, rehabilitation and counselling services.

It went on to conclude:

> ... Aboriginal people have difficulties with and are ignorant of almost all the essential services. They suffer from alcoholism, live in poor over-crowded conditions, have poor health and are poorly educated.

I understand that this report has been the basis for some bids by the Government under the Aboriginal health strategy, although I do not know whether it needs to be updated to improve the availability of that money. I would be interested to hear from the Chief Minister in due course more about the way in which this bid is proceeding and, in particular, about what its likely outcome would be.

Madam Speaker, I have some concerns about the question of data collection, and I have raised this already in the Assembly. In question time on 9 April I asked the Chief Minister about the rate of incarceration of Aboriginals in the ACT, or by ACT courts, and she was unable to give me some basic data about that at the time. She said in response to my question:

> I think that the rate of incarceration in the ACT is something that we do not have accurate data on and we will, indeed, be looking to collect that data.

She also said:

> We have every reason to suppose that these people in the ACT face the same degree of difficulty that Aboriginal and Torres Strait Islander people face everywhere in the country and that we need as a Government, and indeed as a community, to address those problems.

It seems to me to be pretty alarming that we are proposing to spend our share of the $150m package that has been put forward by the Federal Government to deal with the problem of Aboriginal deaths in custody when we, in fact, have what the Chief Minister has called a supposed problem. I am not saying that the Chief Minister is wrong; let me make that quite clear. I am merely saying that perhaps we should have done more work before committing ourselves to take part in this strategy.

The commission found, for example, that Aboriginals were 29 times more likely to be in gaol than non-Aboriginals. I would expect, Madam Speaker, that, if the rate of incarceration of Aboriginals in the ACT was 29 times the rate for non-Aboriginals, ACT Corrective Services would know about it, even without hard figures; that the police would know about it; and that therefore the ACT Government would know about it. Apparently there is no general impression even available about what exactly is happening in our ACT courts and legal system. For any given instance of imprisonment, the chance of an Aboriginal dying was actually slightly less, according to the commission, than of a European or an Anglo-Celt, if you like, dying in custody.

The debate then shifted from what happened to Aboriginals when in custody to the very high number of Aboriginals that found themselves in custody in the first place and in gaol, in particular. The fact is that the Aboriginals are the most imprisoned race in the world. That point is quite central to the entire debate. Yet here in the ACT we simply do not know what the scale of the problem is because we do not have the facts, or at least we do not have a complete set of facts.

Having asked that question of the Chief Minister, I went to look at such other evidence as was available and I noticed that in the "Paying the price" report on the need for an ACT gaol there is some evidence about rates of incarceration of Aboriginals. The rate of Aboriginals sentenced to serving orders, non-custodial orders in the ACT, appears to be slightly higher than the incidence of Aboriginal people in the ACT.

Ms Follett: That is not custody, though, is it?

MR HUMPHRIES: I know that. I bear that in mind, Chief Minister. It is not custody, but it is some evidence of what is happening in the courts. I will not produce those figures, because it is a long table; but there are figures on the number of Aborigines in prison in other gaols outside the ACT that have been sentenced by ACT courts.

If you could expect a rate of being in custody of 29 times the white rate, you could expect a reasonably high figure; but this report says that in the last two censuses, those of 1989 and 1990, there were no Aboriginal prisoners identified, and in each of 1987 and 1988, the preceding two years, there was only one in each of those years. One would expect a rather higher figure than that if we had a problem with Aboriginals being sentenced by ACT courts to custody in New South Wales gaols; but that is not the case, according to this report. Obviously, we have a further set of figures to look at, and that is rates of Aboriginals in custody in our lockups and remand centre, which is not yet available. That is the information that I assume the Chief Minister was talking about when she made those comments the other day.

Looking at the evidence contained in those other documents, it is not entirely clear whether we do have a particularly high incarceration rate in the ACT. I assume that it is also equally clear that we do not have a particularly high rate of deaths in custody in the ACT. It does raise this basic question, Madam Speaker: Are the underlying problems which have been addressed by the royal commission and which form the basis of its recommendations, which have been largely accepted by the ACT and other governments, actually applicable in the ACT? Are we actually dealing with a problem which is a real problem in the ACT?

We are getting money from the Commonwealth. I do not say that we should not take money from the Commonwealth - of course we should - but in this case are we spending it wisely, given the lack of information about the basic problem we are dealing with? I do not know. It is quite conceivable that our position in the ACT could be quite superior to that of other States. I point, for one thing, to our police force. I am quite convinced, as I said this morning, that we have a much better police force than is enjoyed by most other States and Territories. That being the case, it would not be unreasonable to expect that we would have, as a result, somewhat more responsible behaviour on the part of those police towards Aboriginals in custody.

The data collection question is quite critical to this problem and I think that should be understood on both sides of the house. I am pleased to see that this is being addressed by the Government. *(Extension of time granted)* Thank you, members. The Government said in its response:

> Our current lack of statistics too easily allows these people to be invisible. Such statistics are needed if we are to effectively respond to the needs of the community. The ACT is committed to improving the collection of statistics in a wide range of areas including health and the criminal justice system.

That is good; but I wonder why it has not started before now. We are, as I have mentioned, getting our fair share - - -

Mr Berry: Not enough and not soon enough - the old cry of the Opposition.

MR HUMPHRIES: That is a good point, Madam Speaker. We have a problem here which was identified some time ago and there is no evidence to date that we have even started to collect details of what Aboriginal people are going into our gaols or our detention centres. There is no evidence at all. There has been no attempt to start to collect data on it, as far as I am aware, and that, I think, is reprehensible. It really is reprehensible.

We are going to get a share of that Commonwealth money, of course, as has been indicated. The $150m over five years is welcome, although I do note that Victoria's Minister for Aboriginal Affairs said that the amount was inadequate and that the $30m a year over five years was less than the amount spent to hold the royal commission in the first place. I assume that that is based on the assumption of one amount of $30m per year. I do not know how much of that the ACT will get, but in due course we will see.

The Chief Minister's statement covers commitments in the areas of policing, custodial facilities and procedures, proclaimed places, legislative reform, health, housing, education, cross-cultural training, data collection and monitoring. In each of these areas we welcome the initiatives and will support them, even if they are not borne out by what is actually said in the royal commission's findings for the whole of Australia in terms of the ACT.

There is one last comment I wish to make, Madam Speaker. In the section on legislative reform the Chief Minister states:

> Legislation enforcing the principle that imprisonment should be utilised only as a sanction of last resort is also being prepared.

That particular sentence gave me a bit of concern. I believe, and the Liberal Party believes, that equality before the law is paramount. Obviously, we accept the penalties that people might face once they - - -

MADAM SPEAKER: Mr Humphries, I am sorry to interrupt you, but it is 4.30. I point out that you are entitled to another four minutes for your speech. Perhaps you would like to pick that up when this debate is resumed.

MR HUMPHRIES: Do you assume that we are going to adjourn, Madam Speaker?

MADAM SPEAKER: There is an automatic adjournment at 4.30, and I am about to propose that. I wanted to allow you the right to continue with your final four minutes at another time.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: It now being 4.30 pm, I propose the question:

> That the Assembly do now adjourn.

Tuggeranong Link

MS ELLIS (4.31): Madam Speaker, I would like to bring to the attention of this Assembly the publication of the report called "Voices from the Valley" by Kerryn Tink for Tuggeranong Link. This report was recently launched by the Chief Minister, who praised the work of author Kerryn Tink and the continuing work of Tuggeranong Link and its network of neighbourhood houses in the South Tuggeranong area. At the launch the Chief Minister said:

> It is a particularly valuable document for the Government as it clearly identifies the needs of women at home in the Tuggeranong Valley.

A total of 37 women were interviewed by Ms Tink and her team and the suggestions received, the findings of the report and the resulting recommendations are a testament to their work. Madam Speaker, the recommendations will prove invaluable to community organisations and government alike in the future planning and development of community centres.

The report contains 16 recommendations in all which directly relate to Tuggeranong Link and the management of the community houses presently existing in Tuggeranong. These recommendations deal with public awareness, resources and the need for the continued work of the dedicated volunteers who run the community houses. The recommendations will assist Tuggeranong Link in improving the community support they provide. This report was an effective study of what women of all ages and backgrounds want and need from community and neighbourhood houses.

The involvement of ACT TAFE is an important aspect of the training facilities available at neighbourhood houses. At the moment TAFE runs three classes in machine sewing at the Richardson Community House and aims to run a further course for women in the second semester. I understand that TAFE intend to respond to the report, and I hope that this will give scope to increased training for women through Tuggeranong Link.

It has been clearly established that there is a need for more community support in the Tuggeranong Valley. Tuggeranong Link does not currently fully meet the needs of the community, even though the facilities that do exist are working to maximum limits. In her report Ms Tink points out:

> The population of ... Tuggeranong is expected to increase at an annual rate of 12.8 per cent. This represents 42 per cent of the increase for the entire ACT region for the period 1990 to 2000.

With this projected rapid rate of population increase, consideration must be given not only to providing more of these community facilities but also to encouraging and assisting in the development of a broad range of uses involving all elements of the local community requiring support and assistance.

Already the Government has responded to these demands by providing an additional neighbourhood house in the suburb of Conder, which will be completed by early 1993. The provision of this new neighbourhood house in Conder illustrates this Government's recognition that we must provide resources and facilities while new areas are developing and not ignore or forget the continuing needs of the community. "Voices from the Valley" will also prove invaluable in providing community comment for consideration by Government when planning similar community facilities in the newer areas of the ACT, for example, in Gungahlin.

Tuggeranong, like Gungahlin, will continue to grow at a rapid rate, and as a member of this Assembly I intend to support and assist Tuggeranong Link whenever necessary. I will be meeting with the coordinator, Vivienne Joyce, next Friday, and will keep the Assembly informed of the continuing work of this group. Madam Speaker, I again congratulate Kerryn Tink, her team and the dedicated workers of Tuggeranong Link, and I commend the report to members of this Assembly.

Unparliamentary Language

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.34): Madam Speaker, I want to speak briefly about events here on Tuesday when, in a debate, reference was made to the "storm-trooper" nature of a certain public servant. I think there was a significant element of jocularity in the debate at that time, certainly by some government members. I think it was the Chief Minister who got the call as we endeavoured to defend that public servant. However, there are no provisions in our standing orders for any remarks concerning public servants to be withdrawn, and I do not have any complaint about that.

I simply want to put on record that if there was any serious intent, and I do not know that there was, it is certainly not the case in respect of this very senior and very respected public servant who is a senior officer in my department. In any event, that officer, in the discussions that were going on, was acting under my instructions and was carrying out government policy. If there is to be any criticism at any time, I am more than happy to participate in that sort of debate.

Unparliamentary Language

MR HUMPHRIES (4.36): Madam Speaker, the Minister rising on that matter puts me in mind of making a few comments as well, on the same subject, broadly speaking. I was a bit disturbed by that exchange, for a couple of reasons. I will not go into my thoughts on the actual words spoken; but I will say that, as the Minister has pointed out, there is no standing order requiring that words of that kind be withdrawn. Certainly, there are standing orders dealing with imputations against members - - -

Ms Follett: Standing order 54, offensive words.

MR HUMPHRIES: The Chief Minister interjects, "Offensive words". I would suggest that offensive words are words one would not utter in the presence of - - -

Ms Follett: Storm-trooper?

MR HUMPHRIES: The word "storm-trooper" is not offensive, as such. It is a perfectly acceptable word. It depends on the context and application of the word. If I were to call Hitler's armies marching across Europe storm-troopers, there is nothing offensive about that. If I were to use some four letter words, they certainly would be offensive in this place and you would certainly ask me to withdraw them. That is what "offensive words" means, in my view. We have seen strong language used about people outside this chamber. I think of a particular bishop, for example, who has been at the receiving end of some of that.

We have to work out just what stance we want to apply to that. I hope, Madam Speaker, that that will be done in due course, through a process of working it out rather than through taking points of order in a way which is difficult to rule on in a very short period. I note also, Madam Speaker, that there was an altercation about certain words that Mr Berry used with respect to Mrs Carnell on Tuesday, and you said that you would advise the Assembly the day after, Wednesday.

MADAM SPEAKER: No, that is not true. I said that I would do so after I had had a chance to read the *Hansard*, and I have not yet, Mr Humphries.

MR HUMPHRIES: I beg to differ, Madam Speaker; but the *Hansard* may show me to be wrong, in which case I will happily withdraw that.

MADAM SPEAKER: Fine. I will pursue that one then.

MR HUMPHRIES: I do hope that we will see some work on that one, because I think it is a matter of some concern to members on this side of the house.

Question resolved in the affirmative.

Assembly adjourned at 4.38 pm until
Tuesday, 19 May 1992, at 2.30 pm

ANSWERS TO QUESTIONS

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 21

Housing Trust -Insurance

MR CORNWALL - asked the Minister for Housing and Community Services
Who pays (a) building insurance, and (b) contents insurance of ACT Housing Trust properties.

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

(a) The Commissioner for Housing is an own insurer of buildings.

(b) Tenants are advised and encouraged at time of allocation of a Housing Trust property to take out insurance cover on their own belongings. The Housing Trust does not provide any insurance cover for the contents of properties.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 23

Housing Trust - Rental Rebates

MR CORNWELL - asked the Minister for Housing and Community Services -

(1) What procedures exist to ensure ACT Housing Trust tenants in receipt of rental rebate remain entitled to that rebate.

(2) If procedures do exist, how frequently are they applied and how are they applied, ie a general check, random selection.

(3) If procedures do not exist, why not.

(4) In 1991-92 how much will rental rebate concessions cost the ACT.

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

(1) Rental rebates are only granted for a specific period. At the expiration of the period tenants must lodge a fresh written application accompanied by up to date evidence of income. In addition, tenants are required to advise the Housing Trust of any changes to their income which take place during the approval period.

(2) The length of the approval period and frequency of review depend on the source of income. Statutory incomes such as Age and \ Invalid Pension which are unlikely to change substantially are reviewed annually. Incomes derived from other sources are more liable to change and accordingly rental rebates are reviewed each six months.

(3) Procedures exist to check the level of rental rebate for which tenants are eligible.

(4) The estimated amount of assistance provided through rental rebates is $40,003,000.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 30

Housing Trust - Maintenance Work

MR CORNWELL- asked the Minister for Housing and Community Services -

(1) Does the ACT Housing Trust sub-contract maintenance work on Housing Trust properties to the private sector.

(2) If so,what was the cost and what percentage of the total did this amount constitute in the maintenance budgets of:
a) 1989-90; and
b) 1990-91.

(3) If the Trust does sub-contract, how is the contract awarded (e.g. by tender or by some other means)

(4) If by tender, approximately how long in advance of maintenance being carried out are tenders called.

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

(1) The ACT Housing Trust sub-contracts maintenance work on Housing Trust properties to the private sector both directly and through the Building Assets Maintenance Section of the Department of Urban Services.

(2) The cost and percentage of private sector work in comparison to the total maintenance budget is as follows:

a) In 1989-90, $8.24M worth of maintenance work was undertaken by the private sector, representing 6196 of the total maintenance budget.

b) In 1990-91, $7.04M worth of maintenance work was undertaken by the private sector, representing 5596 of the total maintenance budget.

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(3) Contracts are awarded by two methods:

a) by open tender which takes a minimum of six weeks.

b) from selected tender using at ,least three quotes, which takes three weeks (contractors are invited to quote on the basis of previous satisfactory performance and recommendation)

(4) Open tenders are called approximately 8-10 weeks in advance of maintenance being carried out. Selected tenders are called approximately 4-6 weeks in advance of maintenance being carried out.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 32

Housing Trust - Maintenance Work

MR CORNWELL- asked the Minister for Housing and Community Services
(1) Do tradesmen doing maintenance or painting of ACT Housing Trust properties have to be licensed in the ACT.

(2) If not, what quality control can the Trust exercise upon the standard of work carried out by these tradesmen in Trust properties.

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

(1) All electrical, plumbing and gas maintenance is undertaken by licensed people with trade qualifications. There is no formal requirement for painters or those involved in other minor repairs to be licensed.

(2) Under current arrangements maintenance and painting is managed by the Building Assets Maintenance Section (BANS.) of the Department of Urban Services, who supervise all work.

Housing inspectors carry out inspections on a large sample of work supplied through A.M. and any unsatisfactory work is referred back to A.M. for correction. These arrangements ensure a high standard of maintenance service to the Trust.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 33

Housing Trust - Waiting List

MR CORNWELL - asked the Minister for Housing and Community Services
(1) At 29 February 1992 what were the numbers on the waiting list for ACT Housing Trust accommodation

(2) What currently is the average waiting time for such accommodation.

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

(1) The numbers of people on the waiting list at 29 February 1992

were:

(a) 5,391 applicants seeking allocation of Trust accommodation

(b) 1,326 current tenants seeking transfer to alternative Trust accommodation.

(2) Currently the average waiting time over all combinations of size/style/location of accommodation is 32.75 months.

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 56

Chief Minister - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 8 April 1992:

In the period 7 August 1991 to 31 March 1992
(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.

MRS FOLLETT - the answer to Mr Kaines question is as follows:

I have made seven interstate-visits in my official capacity as Chief Minister in the period 7 August 1991 to 31 March 1992, 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 S 446-00

(ii) CITY VISITED: Brisbane
DATE/S: 11 - 12 October 1991
REASON FOR TRAVEL: Address the luncheon and attend the dinner as the Minister for Tourism at the Australian Tourism Awards
ACCOMPANIED BY: Nil personal staff

COST OF VISIT: Chief Minister $ 966-00

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(iii) CITY VISITED: Adelaide
DATE/S: 27 October 1991
REASON FOR TRAVEL: Heads of Government Meeting
ACCOMPANIED BY: Roy Forward - Senior Private Secretary
COST OF VISIT: Chief Minister $ 728-00

Roy Forward $ 767-00

(iv) CITY VISITED: Adelaide
DATE/S: 20 - 22 November 1991
REASON FOR TRAVEL: Premiers and Chief Ministers Meeting -- -
ACCOMPANIED BY: Roy Forward - Senior Private Secretary
COST OF VISIT: Chief.Minister $ 1316-00

Roy Forward S 1195-00 .

(v) CITY VISITED: Goulburn
DATE/S: 13 December 1991
REASON FOR TRAVEL: NSW - ACT Consultative Forum
ACCOMPANIED BY: Roy Forward - Senior Private Secretary
COST OF VISIT: Chief Minister Nil

Roy Forward Nil

(vi) CITY VISITED: Kaman
DATE/S: 28 February - 1 March 1992
REASON FOR TRAVEL: To open and address a seminar of the Licensed Clubs Association of The Australian Capital Territory
ACCOMPANIED BY: Nil personal staff

COST OF VISIT: Chief Minister $ 310-00

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(vii) CITY VISITED: Melbourne
DATE/S: 13 March 1992
REASON FOR TRAVEL: Represent the ACT at the Small Business Ministers Conference
ACCOMPANIED BY: Roy Forward - Senior Private Secretary
COST OF VISIT: Chief Minister $ 474-00

Roy Forward $ 513-00

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 127

North Building - Refurbishment Contracts

Mrs Carnell - asked the Minister for Urban Services

(1) Has the refurbishment contracts) for the North Building been awarded. If so, to whom.

(2) If there is more than one contract, could the Minister provide a list of all contracts awarded and to whom.

(3) If the contracts) have been awarded to a companys) could we have a list of Principals of the Companies.

Mr Connolly - the answer to the Member s question is as follows:

(1) and (2) The contracts for the Refurbishment of North Building have been awarded and were done in 2 separate parcels.

Namely(a) Refurbishment. (b) Interior Fittest.

Refurbishment was awarded in 3 separate Trade Packages as follows:

Package 1 - Building Works and Site Management
JOHN PFEIFFER PTY LTD trading as
JOHN PFEIFFER CONSTRUCTION

Package 2 - Mechanical Works
AIRMEN PTY LTD

Package 3 - Electrical works
O"DONNELL GRIFFIN PTY LTD

Interior Fittest was awarded in 3 separate Trade Packages as follows:

Package 1 - Partitioning
T OK CARPENTRY & PARTITIONING

Package 2 - Electrical and Data Cabling
ODONNELL GRIFFIN PTY LTD

Package 3 - Workstations
CO-DESIGN & ARLES

(3) The Principals of the companies concerned are :

(1) JOHN PFEIFFER CONSTRUCTION:

John Pfeiffer,

John Pfeiffer, junior
Mary Pfeiffer

(2) AIRMEN PTY LTD

T Ross
M Ross

(3) ODONNELL GRIFFIN PTY LTD

A publicly listed company and a division of Grinnell Asia Pacific Pty Ltd

(4) T OK CARPENTRY & PARTITIONING

T OKelly
K Boric

(5) CO-DESIGN & ARMS

Is the trading name for Felted Commercial Interiors Pty Ltd, a wholly owned subsidiary of BTU Nylon Pty Ltd, a publicly listed company.

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APPENDIX 1:

(Incorporated in Hansard on 13 Nay 1992 at page 403)

SOME SUGGESTIONS FOR TREVOR KAINE

I Introduction

The Liberal Party now faces three years in Opposition in the ACT. With the prospect of "stable" (as opposed to good) government, the party at least has the chance to develop and articulate a strong critique of the actions of Labor and, in the process, better convey its philosophy and policies than hitherto, including the advantage of not being hamstrung by a minority group (the Rally).

If it to do this effectively, it needs first to have a dear perception of the main forces which will be shaping the ACT economy and community over the coming decade.

Then it needs to know exactly what it is the party stands for - the fact that this has to be said indicates that there is less than general understanding now of what this is.

Third, the party - needs to select a range of policieeissues/activities/ opportunities that will exemplify the above.

And finally, it needs to be able to communicate its agenda and its position to the community far more effectively than in the past.

All of this constitutes the development of a strategy - the process any forward thinking business or organisation regularly undertakes. Unless it is formulated, more or less systematically, the risk is that actions will be seen as ad hoc, uncoordinated, directionless; if this is so, it is most unlikely to be successful.

The following notes are intended as thought joggers and suggestions on these matters.

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2 The future shaping of the ACT

Up to now the ACT economy has achieved above average growth, due to the influence of federal government expenditure. Even during previous Liberal Governments this has been the case overall, if not in every year. It will not be the case in future, regardless of who is is power federally.

The Fightback! package implies a considerable winding back of government expenditure and, perhaps more important, employment of Commonwealth public servants. There is no doubt that throughout the rest of the country, hostility to "Canberra" is widespread. Canberra-bashing can be expected to increase; even the use of coarse expressions like "knee

ping" recently quoted by Peter Reath will be popular elsewhere. Within the ACT itself, the Liberal Party needs to recognise that a much reduced role for government is in the national interest.

The Commonwealth, through the Grants Commission/Premiers Conference process, can similarly be expected to be increasingly tough on Canberra, justifying such action on the grounds of bringing the ACT back to "more normal" levels of per capita funding.

The question is: how can a reduced role for government, sad less Commonwealth funding of Canberra residents, convert into a positive for the ACT?

The answer lies in the way in which the private sector can capitalise on the intrinsic advantages which the ACT presents, and the environment which is created by the ACT Government to enable it to do so. This in turn requires an understanding of the factors which constitute competitiveness the attractiveness of the ACT location within a competitive Australian economy. This could be quite a detailed undertaking in its own right (and would be a valuable study) but the main factors include:

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Positives

• the population of Canberra and Canberras role as the centre of the southeast region;

• the levels of skills and education of the ACT workforce (including importantly women with school age children), making it well suited to high technology and/or tertiary activities (e.g., computing, educational services, consulting services of various types, engineering, financial, medical, legal etc); .

• the established infrastructure (especially communications, transport, and convention facilities) and the institutions which could assist greater private sector activity (such as universities, the High Court, the ANSI, CSERO and several government research bureaus);

• the natural and man-made attractions which make Canberra a popular tourist destination, either directly (Parliament House, the War Memorial etc) or indirectly (a stopover en route to the snow), plus accommodation facilities; and .

• the high average incomes of the population, hence boosting demand for goods and services;

Negatives

• the cosseted environment of the ACT hitherto and the non business (in earns cases anti business) attitudes which are common;

• the high cost, high tax, tightly regulated environment of the ACT economy which makes successful business establishment and operation difficult;

• the hostile industrial relations .environment which makes fostering cooperative "we and us" (not "them sad us") relationships between workforce and management difficult; the prevalence of old style unionism and class struggles;

• the excessive involvement of government in activities which should be the domain of the private sector (and, more recently, the threat of this increasing - e.g., lead development); sad

• the anti-Canberra attitudes elsewhere in the country.

3 Liberal philosophy and broad policy

Liberal philosophy, especially as embodied in Fightback!, aims to build on the positive elements of the above list and eliminate or ameliorate the negatives. A succinct statement of this philosophy needs to be distilled and oriented to the ACT situation. Most of the items can be drawn directly from Fightback! and the key watchwords are:

• competition, not privilege;

• choice, not restrictions and regulations;

• consumer benefits, not vested interests or protecting incumbents;

• individual self-reliance, not the nanny state mentality; and

• incentive to strive and succeed.

4 Some specific issues

Here are some specific issues. They are in no particular order and are far from complete. .

• Action buses. An absolute disgrace. Not just the recent dispute but the whole work practice nonsense and overall financial performance. Why not a Liberal Party position paper on Action which diagnoses .the problems sad suggests appropriate solutions? Quantify the losses per taxpayer. Use ether catchy measures of non performance which will outrage the community. Obtain comparative performance data from other States, public and private, to illustrate. Speak to local private operators in Canberra and Queanbeyan. Answer: privatise, perhaps with specific subsidies where needed for clearly identified ."community service obligations."

• ACT Milk. Another Fort. Why should we have a government controlled system of milk delivery? What are the costs and benefits? I tried to interest Tony de Dominica in this during the election campaign but he didnt take up the offer. Drawing on work we have recently completed on milk distribution. systems in other States, we estimate, and could quantify, that there are large excessive costs in what Canberra pay for milk than in a more competitive situation (even despite the frequent assertion that Canberra retail milk prices are the lowest in Australia). The present incumbents do very well out of the system and would fight hard to retain i±.

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Consumers lose. Whose side is the Liberal party on? An attachment explains some of the issues.

• Retail Trading hours. I mentioned this in my letter last year. The Liberal party doesnt seem to want to know about the subject even though it commissioned last years review. People like Kate Carnell think shopkeepers would be disadvantaged by deregulation: The subject needs further debate so that the implications are better understood and present fears are dissipated. Trading hours deregulation has recently been identified by the government body EPACT (chairman Fred Gruen) as one of the best ways to boost youth employment. Is the Liberal party interested in this outcome?

• Tourism. This area hats represent one of Canberras best hopes for future private sector development, jobs etc. Im sure the party has a tourism policy but Id be very surprised if it has thoroughly analysed the factors holding back tourism development (see above list of factors affecting competitiveness) and proposed appropriate remedies for them. Industrial relations reform is, of course, a major requirement (penalty rates, youth wages et). So again is the issue of trading hours.

• Taxis. Canberra has a monopoly taxi co-operative. As a result, the service offered is frequently poor and/or arrogant. The high costs of taxi plates (which is possible only as economic rent from the regulatory environment) mean that consumers pay more than they should. In turn, this means that some people cannot afford taxis at all or as often as they would like. While -Canberra is not an easy place to service (skewed demand - high at some times of the day, low at others) there are ways around this type of difficulty (e.g., taxis only on the road at certain times of the day which would be easy if the cost of plates were not so high). The regulatory regime which underpins the present system should be streamlined and preferably done away with altogether.

• Waste watch. The government has recently established a waste watch hotline. It remains to be seen how effective it will be. When I contacted it to obtain the address I was advised to hand deliver my complaint because "not all mail is getting through." What this implies can only be imagined, an ideal matter for the party to pursue. But why not establish your own waste watch group? Past experience with the Federal Libs convinces me that this is a very productive activity. Useful information is brought forward. It puts you in touch with a wider group in the community. And the subsequent promotion of the issues which are raised is very potent politically because it engenders a reaction of outrage among decent people and taxpayers.

• Schools. Last years controversy over funding of non-government schools was a disgrace, showing Labors politics of envy at its worst. I maintain that the Liberal party did not adequately capitalise on it. But it needs to be taken much further. Schooling is a very important issue where real choice can be given to parents if only the funding is directed at the student and no:

the institution. Recent reforms in New Zealand provide a great deal of experience from which the Liberal party here can learn. A major aspect, of course, relates to the militancy of teacher unions. Again, a Liberal sponsored discussion paper on the subject would be timely and would enable you to lead the debate.

• The Racing Industry. We are shortly to complete a major study on the racing industry (gallops, trots and dogs) for State and Territory Racing Ministers. It will be the most comprehensive of its type ever undertaken in Australia. Apart from measuring the size and importance of the industry and its linkages to the rest of the economy, the exercise has given us insights. into the .way racing operates and is controlled: It is not a happy picture. Even in Canberra there are plenty of examples of waste, lack of competition, and power plays which are not in the interests of patrons or taxpayers. At the appropriate time, we would be happy to provide you with a briefing.

Contracting Out. The Liberal party should start work now in identifying opportunities where the contracting out of government services should occur. There are no shortage of examples. In some instances attempts initiated by the Alliance Government were subsequently reversed. You should draw more attention to them as well as identifying new ones printing for instance. Quantifying the extent of consumer/taxpayer benefits is, of course, the key.

• Land Development. Presumably the Liberal party will be strongly opposing any suggestion of a return to government-run land development in the ACT. Apart from being inefficient, more costly and more time consuming, it sends exactly the wrong type of signal to the community about the future direction for the ACT. But dont merely put out press statements. What is needed is more detailed analysis of the effects. The industry should be able to assist in this. Without it your opposition, given the composition of the Assembly, will count for nought.

• Land Tenure. A colleague is a wise maker near Bungendore. The industry there and near Murrembateman is referred to as the Canberra wine region. Ironically, there are no grapes grown or wine produced in the ACT itself. The absence of secure land tenure manes this -too risky. This and related examples could be used to help establish the case for reform.

• Industrial Relations. Whether or not the union movement nationally is becoming more responsible or realistic is debatable. My view is: perhaps, but far too slowly. Within the ACT there is little evidence for encouragement. The TLC is far too powerful and too entrenched in positions of authority. The public sector unions hold far too much sway. The fact that strikes may be less common than they once were is no necessary proof that things have improved - just that there is little resistance anymore. Examples abound - e.g., union influence and fl"j;.

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potential for veto in issues such as part-time work and changed work patterns (a clear responsibility of management), union vetoes over office moves, the periodic rat-baggery of health, schooling and transport unions etc. As background reading - and a cause for sober reflection - I attach a recent speech given in Melbourne by New Zealands leading businessman on the impact to date of the Employment Contracts Act. That shows what could be done here - especially in Canberra.

5 Marketing considerations

The above are merely a dozen or so examples of policy-related issues which the Liberal party could take up to demonstrate the differences between it and Labor. There must be dozens more. To pursue them effectively would require a different approach than in the past. In particular, spore research before going public, the preparation of discussion papers as a basis for a more pro-active media stance, the co-ordinated use of appropriate MLAs, the involvement of business and community groups and individuals, and so on.

I'm sure it can be done and the very fact of a new approach can itself be a marketing plus, provided the delivery is consistently achieved. Once one early success is achieved, the next will be easier; the media will acknowledge performance despite any innate scepticism it may have. Identify those who if not actually favourably disposed to the party, are prepared to take matters on their merits.

Obviously, a marketing strategy will also have to be developed and integrated into the research program. A planned sequence of activities by all your colleagues will be necessary.

Do the existing members all have media training? A number give the impression of not being at all comfortable with the media or knowing how to turn it to advantage. Remember Sir Jos adage of feeding the checks and note Bob Carrs very effective use of the media (especially for a person without much charisma).

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Choose media topics carefully and make sure the angle is correct. Ive noted a few of your comments recently which in my view dont fit into this category:

• bike helmets. Sure its a safety issue but what about parental responsibility?; if the concern is with kids why have a blanket requirement?; helmets are desirable but making them compulsory is, or at least should be, quite a different matter,

• the Grants Commission report. I cannot see the point of a press comment that merely forecasts that the report may be hard on Canberra; surely the issue is whether the reports logic is correct and, even more so, what should be done if Commonwealth revenue is reduced; your interview elements were just an opinion and left me thinking so what?;

• the ACT Budget. I might have been mistaken, but I thought I heard you saying recently that Follett should not have ruled out extra borrowing for the ACT to give the Government more flexibility; if so, that is again sending a very contrary message to the community about the Liberal partys sense of fiscal responsibility and determination to minimise expenditure and taxation;

• use of school . facilities for other purposes. Why not send the positive massage first about the desirability of achieving greater efficiency in the use of public assets and then add that attention would, of course, have to be paid to things like congestion and safety; as it was, all I heard was the negative message, which sounded like protecting the status quo.

Finally, there should be far less public displays of friendliness towards Ms Follett. I thought the image of you giving her flowers on Valentines Day was it? - was quite inappropriate in the middle of an election campaign when you are trying to convince the electorate she is the enemy. That doesnt mean adopting Keating-like vitriol and abuse but in public I wouldnt go beyond formality and always refer to Ms Follett not Rosemary. To repeat, you are trying to convey to the electorate that You

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and your colleagues are strongly opposed to much/most of what this Government is doing. You undermine this capacity if it seems that you are all really good mates. And as for the public display of one of your colleagues kissing her hand - absolutely dreadful imagery.

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APPENDIX 2:
(Incorporated in Hansard on 14 May 1992 at page.462)

COMMONWEALTH- STATE FINANCIAL.

ARRANGEMENTS

A POSITION PAPER BY

PREMIERS AND CHIEF MINISTERS

MAY 1992

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SUMMARY

The Financial Position

It had been acknowledged by all Governments that there is a need for substantial reform of Commonwealth-State financial arrangements as part of the wider program of micro-economic reform.

Substantial progress has in fact been achieved in the area of micro-economic reform, with the States taking a leading and responsible role. However, there has been very little progress on Commonwealth-State financial relations. A crisis in State finances has resulted from:

the collapse of asset-based revenue due to the ending of the land property and share market booms and a . contraction of credit growth;

cuts in commonwealth general current and capital revenue payments which cannot be accommodated (from 1982-83 to

- 1991-92 the real reduction in general revenue funds (excluding identified health grants) and-general purpose capital payments has been $3 . 4 billion); and

the reduction in States financial flexibility due to the increasing proportion of Commonwealth grants paid in the form of tied payments. (Specific purpose payments have increased from 30.4 per cent of total Commonwalth payments to the States in 1982-83 to 41.1 per cent in 1991-92.)

The negative impact of the reduction in Commonwealth payments to the States cannot be overemphasised. Since 1982-83,

Commonwealth own purpose outlays have increased by 35.5 per cent in real terms, compared with a reduction of 1.7 per cent for Commonwealth payments to the States. Until 1989-90 the effect of this-finaacial squeeze on State budgets was cushioned by revenue growth resulting from the one-off speculative boom in asset prices. Only.since this speculative bubble has burst has the underlying financial position of the States been exposed.

Projections based on the "One Nation" Statement economic assumptions indicate that the States will accumulate $28 billion in additional debt by 1995-96. This is $10 billion more than the accumulation of Commonwealth debt over the same period and is equivalent to a doubling of State general government debt. If States are to contain their structural deficit without increasing taxes or charges, massive ongoing cutbacks in essential State services will be required - by 1995-96 State deficits will be equivalent to almost 50 per cent of the States health budgets.

The alternative of drastically increasing State taxes, charges ,, and debt levels would involve job losses and a loss in

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business competitiveness at a time when the economy can least afford such losses. This option would also adversely impact on low inflation outcomes.

The States believe that this budget crisis must be addressed immediately according to the following principles:

a) re-establishment over time of a revenue base commensurate with expenditure responsibilities;

ii) certainty, predictability and real growth of Commonwealth funding;

iii) greater flexibility for the States in the use of

Commonwealth grants: ,

iv) rationalisation of functions between the Commonwealth and the States should be budget neutral and be based uponthe principles enunciated at the Conference of Premiers in November 1991; and appropriate ongoing consultation on Commonwealth/State financial arrangements..view of the Commonwealths rejection .of the national income sharing proposal, the States put forward the following proposal

The Way Forward

The level of Commonwealth payments to the States could be increased on the following basis:

total grants, excluding grants for on-passing; to be a fixed share of total Commonwealth taxation revenue broadly in line with that applying in the early 198Vs and sufficient to re-establish, over time, a revenue base for the States commensurate with their expenditure ponsibilities guarantee of total payments, excluding grants for onpassing, in any year to not fall below the 1991-92 level indexed in real per capita terms; and the above arrangements to be adjusted, where appropriate, to reflect changes in functional responsibilities.

This option proposed by Mr Dawkins two weeks ago involves a sharing of fiscal responsibility between the Commonwealth and the States while ensuring that States are able to maintain service provision.

Specific aggregates as a proportion of Commonwealth payments to the States should be reduced to no greater than 30 percent. This is comparable too the level at the beginning of the 1980fa. States believe that this target could be achieved within 5 years.

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- 3.11 -

The Commonwealth and the States should agree to consult in an ongoing Commonwealth-State forum on any proposals that frill impact financially on each other. As a first step in this process, the Commonwealth should negotiate with the States on eliminating the adverse budget impact of the Superannuation Guarantee Levy; and ensure the new petroleum resource rent tax arrangements operate on a revenue neutral basis for all States.

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Electronic data for this page is not available but it is included in the printed Hansard.

agree or disagree with the analysis and its conclusions but I reject any suggestion that it is other than objective A number of people an sides of the issue have remarked to to on its professionalism In my opinion, the matter remains important to the well being of the ACT economy and to youth employment in particular

I trust that these comments are helpful m g is context what bas been, for me, a able incident I apologise that you have cause to doubt do professional objectivity of my company and I lope you see able to accept these assurances to

I am sending a copy of this letter to Mr Trevor Kaine, because of his interest in the matter. Because of the comments which were made in the Assembly, I would have no problem in this letter being tabled.

Yours sincerely

DB Trebeck
Director

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