DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 June 1992

Wednesday, 17 June 1992

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

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mrs Carnell**, from 1,064 residents, requesting that the Assembly reject any attempt to permit the establishment of a free-standing abortion clinic in the ACT.

By **Mr Berry**, from 326 residents, requesting that the Assembly repeal the Termination of Pregnancy Act 1978.

The terms of these petitions will be recorded in *Hansard* and copies referred to the appropriate Minister.

Abortion Clinic

The petition read as follows:

> To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:
>
> > ACT law prohibits free-standing abortion clinics;
>
> Your petitioners therefore request the Assembly to:
>
> > Reject any attempt to permit the establishment of a free-standing abortion clinic in the ACT.

Termination of Pregnancy Act

The petition read as follows:

> TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY:
>
> The petition of certain residents of the ACT draws to the attention of the Assembly:
>
> > The ACT Termination of Pregnancy Act (1978) currently prohibits the establishment of an independent abortion clinic in the ACT. The current system for obtaining abortions is

> restrictive, time consuming and distressing for women. As a result the great majority of women are forced to travel to clinics in Sydney for abortions each year. This situation is inequitable, and is not in the best interests of women's health.

Your petitioners therefore request the Assembly:

> To repeal the ACT Termination of Pregnancy Act (1978).

Petitions received.

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1992

The Clerk: Private members' business notice No. 1.

MADAM SPEAKER: I call Mrs Carnell.

Mr Berry: Madam Speaker, I wish to raise a point of order pursuant to standing order 156. In doing so, I would also like to refer to section 15 of the Australian Capital Territory (Self-Government) Act. Subsection 15(1) of the Act says:

> A member of the Assembly who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.

Subsection 15(2) states:

> A question concerning the application of subsection (1) shall be decided by the Assembly, and a contravention of that subsection does not invalidate anything done by the Assembly.

Standing order 156 states:

> A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract. Any question concerning the application of this standing order shall be decided by the Assembly.

Madam Speaker, I raise that issue because of some potential embarrassment to this Assembly by Mrs Carnell presenting this Bill to change the Drugs of Dependence Act. Specifically, I refer to the proposed provision whereby the Bill seeks to allow pharmacists to prescribe methadone. Mrs Carnell, of course, is the president of the Pharmacy Guild in the ACT. Mrs Carnell also, as I understand it, conducts a pharmacy business. Directly, there is no contract in relation to this matter but what, in effect, is occurring is that Mrs Carnell is attempting to set up the circumstances where a contract can be made between the Territory and pharmacists.

I think it would make good sense, without putting it to a vote in the Assembly, if Mrs Carnell were to withdraw the Bill and rethink her position for the moment. I would recommend to Mrs Carnell that she also consider her participation on the Drugs Committee while it considers these matters. I suggest to her that she withdraw the Bill and consider her position. One of her Liberal colleagues might want to present the Bill later on.

MADAM SPEAKER: Let me respond to the point of order. I will consult the Clerk for further advice in a moment. But, as I understand it, none of us has yet seen the Bill. So the Assembly is not in a position to judge whether standing order 156 applies or not.

Mr Berry: Mrs Carnell is, though.

MADAM SPEAKER: Mrs Carnell is, yes, of course. But the Assembly is not in a position to judge. Of course, on this particular question, as I understand it - and this is what I was going to consult the Clerk on, just to be absolutely sure - it is the Assembly that decides whether the matter is a matter of conflict.

The procedure is quite clear. Either Mrs Carnell can choose to withdraw the Bill of her own accord or the Bill can be presented to the Assembly and the Assembly, once it has seen the Bill, can decide whether it is in contravention of standing order 156 and the provisions of the self-government Act. That is my ruling on the matter. Mrs Carnell, you may proceed.

Mr Kaine: Madam Speaker, I would seek leave to speak to the point of order raised by Mr Berry.

MADAM SPEAKER: There is no provision to speak to points of order.

Mr Kaine: I am seeking leave to do so, Madam Speaker.

MADAM SPEAKER: I am sorry, Mr Kaine. I was not listening carefully enough.

Mr Kaine: I seek leave to speak on the point of order.

Leave granted.

Mr Kaine: My reason for speaking, Madam Speaker, is that Mr Berry has legitimately raised a point that I think every member of this Assembly should be concerned about. I think it is reasonable to say that it perhaps raises in the minds of onlookers who are not aware of what is going on in here a question as to Mrs Carnell's motives and perhaps even her integrity. So I think something needs to be said in counter to the proposition put forward by Mr Berry.

I am not disputing for a moment the propriety of Mr Berry in raising the matter he raised. But I think there are one or two points that need to be on the record in this matter, and then Mrs Carnell is free to make up her own mind about what she does from there. The first is that, of course, Mr Berry's point has to do with contracts. There is no contract involved here. All we are debating is the general proposition that the Government should open up treatment centres. If after that there is a contract to be put into place, then arises the question of whether Mrs Carnell has a conflict of interest or not. But I do not believe that the question of conflict of interest comes into the general proposition that the treatment centres should be established by the Government.

The second thing is the question of intent. There is clearly no intent on the part of Mrs Carnell to seek personal gain in putting forward this amendment to the law. What she is trying to do is to facilitate the actions of the Government in putting in place a methadone program. Nobody can interpret that as meaning that some kind of personal gain is likely to flow from it. I think these points need to be borne in mind. I suggest, Madam Speaker, that it is reasonable that those arguments be put on the record, lest people reading the *Hansard* at some future time accept Mr Berry's proposition that there was something improper in what Mrs Carnell is doing. It needs to be on the record, and I thank the members for allowing me to put it there.

MRS CARNELL (10.39): I present the Drugs of Dependence (Amendment) Bill 1992.

Title read by Clerk.

Mr Berry: Madam Speaker, I move that this Bill be discharged.

MADAM SPEAKER: Because Mrs Carnell had the call, Mr Berry, you need leave to move that. Could you seek leave?

MR BERRY: I seek leave.

Leave not granted.

MADAM SPEAKER: The standing order now allows the Assembly to decide whether the Bill constitutes a conflict of interest or not. Mrs Carnell may proceed. It will be up to the Assembly after that.

MRS CARNELL: I move:

> That this Bill be agreed to in principle.

This Bill that I present today overcomes a stumbling block to the expansion of the methadone program in the ACT. The Bill will expand the definition of "treatment centres" under the Drugs of Dependence Act to include the premises of a pharmacy, "pharmacist" being already defined in the Act. My intention is that this change will remove legal obstacles and signal to community pharmacists that they are welcome to put forward their applications to be approved as treatment centres. This would allow a general practitioner, with the written approval of the medical officer of health, to prescribe methadone and have the methadone dispensed in a community pharmacy. It would also allow stabilised methadone addicts from the Woden Valley Hospital program to collect their daily doses from an approved pharmacy close to their home or place of employment.

I think it is important to note that community pharmacies will still have to meet the requirements of the Drugs of Dependence Act and seek approval as treatment centres. This is not an invitation for indiscriminate distribution of methadone through all pharmacies. It should not be too difficult for pharmacies to meet conditions of approval. Pharmacies, for the most part, are a cost-efficient network to supply methadone, are highly regulated, are secure and controlled, and almost no corruption can take place in pharmacies due to the regulations that

are already in place. I envisage that pharmacies will not be used for methadone treatment in its initial stages, but that they will provide a service to stabilised addicts. However, the responsibility of determining the conditions of such a service would fall to the approving authority.

Let me say something about the philosophy underlying this Bill. Community pharmacies are recognised as being part of methadone programs in New South Wales, Victoria, Western Australia, South Australia and Queensland. There is actually no methadone program in Tasmania or the Northern Territory. So, in all States that have a major methadone program, pharmacy is regarded as being an integral part of that program.

Methadone programs have existed in Australia for in excess of 20 years. During this time, the programs have changed quite substantially. In their early days, methadone was regarded as a short-term treatment to wean dependent persons off heroin. It was soon found that this sort of treatment, with forced withdrawal, was not overly effective in the majority of cases. In the following years, a new philosophy has emerged. This is the philosophy of harm minimisation. This means that addicts might find themselves on the methadone program for a prolonged period of time, and sometimes even for life. This change has necessitated a reassessment of the number of places available on methadone programs, and of the sort of treatment that should be available on these programs.

Over recent years in New South Wales, the number of people on the methadone program has increased dramatically, from about 840 in 1985 to in excess of 4,000 today. In Victoria there were 100 people on the program in 1981; today there are over 1,700. Although places in the ACT program have increased, it is still regarded that at least double the number of currently available places is required in order to maximise the benefit of the program. It is also necessary to reassess what we are trying to achieve with our methadone program. It must be understood that the intensive programs of the past should be considered only a small part of a total methadone program. Such programs have been authoritarian in nature. They often involve frequent urine tests carried out under conditions which, to say the least, do little to promote personal dignity. They require the client to toe the line on many rules and regulations, often with clients threatened with being thrown off the program if they transgress.

This is the basis of the program we have had at Woden Valley Hospital. This sort of program addresses only the first stages of coping with heroin addiction. It does not address a dependent person's need to regain a position in the community and a sense of real personal worth. As we now know, addicts are likely to be on the methadone program for a long time, which means that we must provide a program which actually allows them to maintain a normal lifestyle. The program must not be intrusive into their efforts to build a stable family life, to maintain employment and to undertake education.

This program should not be judgmental in nature. It must not make the people on the program feel any less worthwhile as human beings. This means that the sort of treatment that may be appropriate when a person first comes onto the methadone program may not be right for the stabilised addict or for somebody who has been on the program for some time. This is where pharmacy fits into the overall program of rehabilitation. Community pharmacies represent a pre-existing and cost-effective network to supply methadone. They provide a

low cost service to the methadone dependent person. Given the 6.5 per cent decrease in general purpose funding handed down by the Commonwealth last Friday, it is difficult to expect that there will be any substantial new public funding for the methadone program at Woden Valley Hospital. Distribution through community pharmacies represents a real alternative solution. It actually adds to the current program.

Most importantly, clients like it. Pharmacies are not institutions. The treatment that they are able to provide is not intrusive. The people receiving treatment are able to meet and mix with other people. They are treated like real human beings with problems and feelings, like all other members of the community who have a medical problem. They strike up and maintain good relationships. They feel that the chance of relapsing at a community pharmacy is demonstratively less likely than is the case at an institution. Recently a study was carried out in Victoria of 234 methadone addicts who were receiving their methadone through pharmacy. One of the questions in this survey was, "What would you do if there was no program available through pharmacies?". Forty-four per cent of this 234 sample - a fairly big sample in this sort of arena - said that they would go back to using heroin. Twenty-one per cent said that they would seek their methadone through an institution or clinic. Four per cent even claimed that they would suicide.

A clinic or institution was seen by these people as a bad alternative, since these places were often difficult to get to. It was said to be difficult to hold down a job, given the style of treatment available at these centres. If space was available, these people indicated that they would much prefer local supply. In the same survey 101 of the 234 respondents had actually spent time in gaol because of their use of drugs. Only nine of the respondents now admitted being involved in any type of illegal activity. In fact, 93 of the respondents were now in full-time employment. This survey categorically shows the very real place that pharmacy has in the methadone program. Australia-wide, over 800 pharmacies are involved every day in providing methadone through programs in their various States.

It was over two years ago that discussions started in the ACT about using pharmacies as methadone distribution points. Indeed, Mr Berry announced details of a pilot scheme in August last year. It was said at that stage that the extension of the program to pharmacies would allow the number of places on Canberra's methadone program to almost double, from 107 to 200 - something that is sorely needed. Currently the waiting list for the methadone program in the ACT can be up to three months. It is totally unsatisfactory to have a person in crisis present at the methadone clinic only to be told, "We will assess you now, but unless you are pregnant or have HIV you will have to go on the waiting list". This is especially soul destroying, given the monumental decision that the addict has just made to seek a course of treatment and to sort out his or her often shattered life.

Unfortunately, the necessary legislation to allow the extension of the methadone program to pharmacies was never brought forward in the last Assembly, and it is this legislation that I present today. The legislation that I present today was foreshadowed last year and the year before as well. This legislation in no way pre-empts the findings of the Select Committee on Drugs, which will bring down its report on methadone, hopefully, in August. What this legislation does is allow a platform whereby any decisions that are made can actually be put into place.

Mr Berry, when he announced a pilot scheme last year, found that he was in the position of not having the legislative base to actually put his pilot scheme into place. I am withdrawing that problem. This time, when a report is presented, the legislative platform will be in place.

Remember that pharmacists do not generate methadone prescriptions. Pharmacists merely respond to a prescription legally generated by either Woden Valley Hospital doctors or doctors approved by the Board of Health. On that basis, if nobody generates a script, then nobody dispenses methadone. The average price of methadone in Australia at this stage through pharmacy is $3 a day. But the price is as low as $1 in some States for pensioners and others, and it goes up to as high as $6 in some States for specific types of treatment. So in the ACT, where between five and 10 people would be handled by each pharmacy involved, you are really not looking at a large amount of money. Suggestions from Mr Berry that it will cost $5,000 are totally unrealistic in a place like the ACT.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.53): Madam Speaker, I seek leave to move a motion that this Bill be discharged.

Leave granted.

MR BERRY: I move:

> That this Bill be discharged.

Madam Speaker, I raised this matter earlier in an effort to prevent unnecessary attention being drawn to the matter, and to prevent any - - -

Mr Humphries: You could have raised it privately beforehand. That would really have done the trick.

MR BERRY: It was raised earlier to prevent unnecessary attention being drawn to the matter. It was raised earlier to prevent unnecessary embarrassment to Mrs Carnell. But I think all my efforts in that regard have gone unheeded, and I think we have to draw attention to some of the details of this issue which require close consideration by the Assembly, not only in the interests of Mrs Carnell because she is not prepared to look after herself, but also in the interests of the Assembly as a whole.

The first issue that we have to address is this one of conflict of interest. Public perception is of great concern to us as legislators. What goes on in this place not only has to be fair but also has to be seen to be fair by the ordinary person in the street. I would say that Mrs Carnell's participation in this particular piece of legislation might well be argued by the ordinary person in the street to be a conflict of interest. It will reflect on her and it will reflect on this Assembly. Where does the conflict lie? Madam Speaker, the Bill quite clearly provides for "treatment centres" to be interpreted as premises at which a pharmacist practises pharmacy. I might add that it also talks about a hospital, a nursing home, a hostel or other institution that ordinarily provides treatment for persons who are drug dependent in relation to any drug of dependence. They, of course, were not mentioned by Mrs Carnell. I am not quite sure what the reasons for that are.

The issue, of course, is pharmacists and the provision of methadone at pharmacies. Mrs Carnell, as I said earlier, is the president of the Pharmacy Guild in the ACT. She represents pharmacy owners, the businessmen. It is the businessmen's union for pharmacies - and women - - -

Mrs Carnell: You are not being sexist, are you, Wayne?

MR BERRY: No. I am being very serious about an issue which is of great embarrassment to you, and I am trying to save your bacon. Let me comment on Mrs Carnell's figures. We have checked this morning, and in Queanbeyan it costs about $50 a week for the issue of methadone to the 100 or 110 people who want it. It has been said in the past that as many as six pharmacies might be interested in issuing methadone, so we will have - - -

Mrs Carnell: The price we gave at that stage was $2.50.

MR BERRY: Are you telling me that you will charge less than Queanbeyan? Come on now!

Mrs Carnell: You are talking about negotiations that have already happened.

MR BERRY: Come on! I did not come down in the last shower. So we would have about $1,000 per week going into a pharmacy. That is about $50,000 a year, on those figures. If I were an ordinary person in the street marching by and listening to the loudspeakers outside this Assembly broadcasting this issue, I would say, "What on earth is Mrs Carnell doing being involved in this thing?". The president of the Pharmacy Guild, the business side of pharmacies, is pressing legislation in the Assembly to ensure that there is a higher income to pharmacists. The president - - -

Mr De Domenico: On a point of order, Madam Speaker: I ask Mr Berry to withdraw that statement - "to ensure that a higher income is derived by every pharmacist". That is not the case, Madam Speaker. I think he should withdraw that. There was no imputation by Mrs Carnell that there was any assurance of a higher income for anybody.

MR BERRY: How much higher is just a matter of the figures - mine or hers.

MADAM SPEAKER: Mr Berry, I would ask you to withdraw any unnecessary imputation.

MR BERRY: It is not an imputation of anything incorrect.

Mr Humphries: Then withdraw it.

MR BERRY: It is an issue of fact.

Mr Humphries: You have been asked by the Speaker to withdraw.

MR BERRY: I withdraw any imputation, but I say to you that it is a matter of fact that pharmacy incomes will increase. Pharmacy incomes will increase if this - - -

Mr Kaine: The Speaker is not interested in fact. She said so in her statement yesterday.

Ms Follett: On a point of order, Madam Speaker: Mr Kaine interjected, "The Speaker is not interested in fact". I believe that that is a reflection on the Chair and must be withdrawn.

Mr Kaine: That is exactly the statement the Speaker made yesterday - she will rule irrespective of the veracity of the statement.

MR BERRY: Right; and she has ruled, and I withdraw any imputation of improper motives. But what I am saying to you is that, to the ordinary person in the street, the perception will be that Mrs Carnell, as the president of the Pharmacy Guild and a pharmacy owner in the ACT, is involved in a process of legislation which will result in higher incomes for pharmacists in the ACT. Even the Leader of the Opposition would consider that to be a conflict of interest.

Mr Kaine: Mr Berry, I think that what you are doing is quite shameful.

MR BERRY: And I would too, if I were you, because you are ashamed - and you should be ashamed. What I also point out to you is that, quite aside from the issue of conflict of interest, there is a committee - - -

Mr Kaine: Apart from anything else, you are deliberately using up private members' time; and this is quite deliberate, I am aware.

MR BERRY: I gave you the opportunity earlier. There is also the issue that the committee which has been put together by this Assembly to consider this matter is busily beavering away, looking at methadone programs all over the country, I suspect.

Mr Humphries: The world.

MR BERRY: Oh, the world. You never know where we are going. They are beavering away to come to a decision in relation to this matter. It seems to me arrogant in the extreme to now produce legislation which may or may not be a consideration of the committee. The committee may, dare I suggest, argue when it makes its report that there ought not to be legislation of this order. But why then - - -

Mr Humphries: That is no reason to discharge the Bill.

MR BERRY: I said that it was an aside. I say to members here that it is in their own interest to ensure that there can be no perception of a conflict of interest by members bringing legislation to this house for consideration. In this case - and I think many members here will agree - the ordinary person in the street who hears this debate could reasonably come to the conclusion that there is a conflict of interest. Mrs Carnell is the president of the Pharmacy Guild, she owns a pharmacy, and pharmacies will increase their income as a result of this legislation.

Mrs Carnell: Pharmacies approved by the board, not all pharmacies.

MR BERRY: That is right. But pharmacies, even your pharmacy, could - - -

Mrs Carnell: If I got approved.

MR BERRY: If you were approved, if you had a contract. So even your pharmacy's income could be increased. So all of these ifs and buts still lead us to the point that pharmacies will be direct beneficiaries from this legislation.

I think it would have been wiser for Mrs Carnell to have had one of her Liberal Party colleagues or some other person who supports the legislation put this forward. But, no, she had to press on. That is fair enough. If she wants to do that, she has to suffer the consequences which I think flow from the debate which is occurring now. Section 15 of the Australian Capital Territory (Self-Government) Act says:

> A member of the Assembly who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory ...

I know that there is no contract, but you still have to come back to the issue of the perception of the community. It is eminently sensible for Mrs Carnell to allow this Bill to be discharged. In fact, I would argue that she should even consider her position on the committee that is considering this matter, because of a perception that could be held that there is a conflict of interest in relation to this matter.

These issues are fairly matters which ought to be considered by this Assembly. The Assembly will now take a vote on the issue. As a government, we are bound by the ethic of responsibility, if nothing else, to ensure that the attention of members is drawn to potential conflicts of interest and the damage that may occur to the image of good government in the ACT if these conflicts are allowed to continue. This motion that I have moved, albeit regrettably, is a motion that has to be moved.

Mrs Carnell: Ha, ha, ha!

MR BERRY: I hear a chuckle from the other side. I went over there and said, "I think you ought to withdraw this".

Mr De Domenico: Yes, about two minutes ago.

Mr Humphries: Thirty seconds before the Bill came in.

MR BERRY: I raised the issue before the Bill came before this house. I said that you ought to withdraw it. You had your opportunity, and you chose not to withdraw it. I think you were given fair warning by the Speaker that you had the opportunity to withdraw it and pursue another course. I say to you that the proper course for consideration of this matter is by way of the committee which is looking at the issue. I say to you that it is not a proper course for you to be attempting to introduce legislation which can be of benefit to some pharmacists, because the ordinary person in the street - - -

Mrs Carnell: You are not really worried about the methadone addicts. No, you are not worried about them.

MR BERRY: I am concerned about heroin addicts. I am concerned about the image of this Assembly. I am not concerned about the image of the Liberals. That is too tarnished to worry about. It is a lost cause. I am concerned about the image of this Assembly. I will rise to defend this Assembly on any occasion I have to.

Mr De Domenico: Especially when you can get political points out of it as well.

MR BERRY: This morning, Mr Whip, you were advised of the difficulties which confronted us. It is your choice.

Mr De Domenico: Thirty seconds before, Mr Berry. You had the Bill for a long time.

MR BERRY: Yes, last evening.

Mr De Domenico: You were aware of it for a long time.

MR BERRY: Last evening. I have had a look at it and consider - - -

Mr Humphries: It is a set-up, Wayne.

MR BERRY: You set yourself up. If you are too silly to understand the image of conflict which can be drawn from this, then that is your problem. I merely bring it to the attention of the rest of the Assembly members for them to make a judgment about it. Win, lose or draw, we are duty bound to raise those issues; and we will continue to raise them where the need arises. In this circumstance, I think the need arises.

MR KAINE (Leader of the Opposition) (11.06): Madam Speaker, what we are witnessing is a disgraceful abuse of the processes of this Assembly. What Mr Berry is doing is, first of all, imputing some lack of faith and integrity to a member of this Assembly by the very fact that he has raised this matter. He is abusing the private members' time of this Assembly to debate this issue. If he were serious about this, Madam Speaker, he could have raised it long ago; but he chose to raise it on the floor of the house. That speaks for itself. That puts the motive right on the table.

Mr Berry: I was given the Bill last night.

MR KAINE: But you have known that this Bill was in the offing for a long time, and you have known that Mrs Carnell was proposing it. Even if last night you thought that this was such a terrible thing to do, you could have approached the Whip or me or Mrs Carnell and suggested the things that you are suggesting now. But you did not do that, and you did not do it because you chose to do it on the floor of the house and try to stir up - - -

Mr Berry: Is there a conflict of interest? Don't try to cover it up.

MR KAINE: No, there is no conflict of interest, and that is the very point. The document that you quote from talks about a direct or indirect interest in a contract. There is no contract here. I heard Mrs Carnell say to you before, when you were so concerned about Mrs Carnell's integrity, "Aren't you interested in the methadone users?". The answer to that is that of course you are not. That is the furthest thing from your mind. What this Bill purports to do is to provide a program to help methadone users solve their problem. But you are not interested in that because it obviously does not fit into your conception of what a government should be doing. So you choose to attack the author. Madam Speaker, I think that is disgraceful.

There can be a conflict of interest only if a contract is involved. I hope that this program will be set up. I would be surprised if a majority of members of this Assembly found the extension of a methadone program so abhorrent that they would not vote for it and would not support it - and that includes members of the Labor Party. I hope that this amendment to the Act will get through today. If it does, at some future time there may arise the question of whether any individual pharmacist seeks or accepts the responsibility of participating in the program. That is when the conflict of interest point would emerge. I would suggest that, at that time, Mrs Carnell would think very carefully about her position, without being reminded by the voice of the conscience of the community over here. It is fascinating that only Mr Berry raises this. No other member of the Assembly has sought to mention this point.

Mr Berry: Nobody else has had the Bill since last night.

MR KAINE: You sat up in your caucus and decided that you were going to chop Mrs Carnell? Is that how you went about it? So you knew about it, but you did not choose to discuss it with Mrs Carnell either. Is that not interesting - that this conscience of the community, this Labor Party, makes this kind of vicious attack on the integrity of a member of this Assembly and does not even choose to sort it out off the floor of the house? They wait until they get down here and do it on the floor of the house.

The tragedy is, Madam Speaker, that there is no conflict of interest. Mr Berry has created the controversy, and he thinks it is funny.

Mr Berry: We are laughing at you.

MR KAINE: Just look at him. He thinks this is funny. I do not think it is funny. I object to the integrity of any member of this Assembly being impugned in this way. I would take the same view if it were Ms Follett, David Lamont or any other member of the government side. I think it is despicable, and I hope that the members of this Assembly agree with me that it is so.

I find it incomprehensible that Mr Berry chooses to go about it in this way. The issue this morning, in private members' time, is whether the methadone program should be extended to make it easier for methadone users to get access to the treatment that they require. That is the issue, or that ought to be the issue. But, no, Mr Berry has now wasted pretty well 40 minutes of private members' time to debate this personal attack on a member of the Assembly. I find it despicable - - -

Mr Berry: Why did you give me leave to do it?

MR KAINE: I did not give you leave. Somebody else gave you leave.

Mr Berry: You did not deny me leave.

MR KAINE: No, but I did not add my voice to giving you leave to do this. I believe, Mr Berry, that it is despicable. Do you hear me? Despicable! You can wear that. If you are going to go out of here after this debate this morning and spread to the community the word that Mrs Carnell is a crook because, after this, she might make 20c on a prescription once in a while, that is despicable. I am afraid, Mr Berry, that I have to say that up until now I have always thought you

were a person of integrity; but this morning you have really dented my perception of you. I am surprised and amazed that you would pull this kind of a stunt. I think the Assembly ought to vote on this, vote on it quickly, get it off the agenda and then deal with the problem that Mrs Carnell is trying to deal with - and the quicker, the better.

MRS GRASSBY (11.12): I think the Bill should be withdrawn. I am a member of the Drugs Committee. I never got an advance copy of the Bill. I knew nothing about the Bill until today, and I feel that - - -

Mrs Carnell: We gave it to your Minister.

MRS GRASSBY: I do not think that is correct, Madam Speaker. Mrs Carnell said that it was given to the Minister. I am a member of that committee. I understand that Mr Moore, as chairman, has seen this Bill; but I was not given a copy, and I was not told anything about it. After the experience that we had on a trip to Sydney, I have an entirely different point of view to this. I think the Bill should have been discussed with the committee. If Mrs Carnell is going to bring before the house Bills that have a lot to do with the matter this committee is considering, they should be discussed with the committee first.

I understand from Mr Moore that he has seen the Bill; that he knew about it. I knew nothing about it, as I say, until this morning, when it was brought up in our caucus. This is not the way to go. If Mrs Carnell had done the correct thing, she would have discussed it with the committee so that we would have known about this. I do not wish to discuss whether pharmacists are going to make money out of it or not. As a member of the committee, I feel that we should have been informed.

MR MOORE (11.13): It seems to me that what has been tabled today is legislation that will facilitate decisions that are made by government, because the changes proposed to the Drugs of Dependence Act are simply changes that would allow things to happen rather than force them to happen. There is a very big difference between this Bill and legislation that acts in that way. Secondly, this proposal is something that was actually announced by the Minister last year, and as such is already government policy. So, when Mrs Carnell approached me with this piece of facilitating legislation, I felt that it in no way undermined the work that the committee was doing, and had the particular advantage that, should the committee bring down a decision to recommend this way and to support government policy, then there would be room for action to be taken on that very quickly.

It seems to me that the problem we have in the Territory with methadone is the lack of availability of methadone, and the lack of places. Mr Berry has pointed out that we have now gone to 119 places. If you extrapolate from the figures for methadone users in Sydney, where methadone is relatively freely available, you can see that Canberra will need a significant expansion in the number of places.

Mr Berry referred to a conflict of interest. One can also use exactly the same argument about the Bill being facilitating or allowing legislation rather than forcing legislation. At this stage I do not see that standing order 156 applies. I believe that it is Mrs Carnell's decision. If she wants to continue with this Bill, then I am happy to support her. I make those two points - firstly, it is facilitating legislation; secondly, I do not believe that this legislation undermines the work of the committee, which is why I had no objection to it.

MR DE DOMENICO (11.15): Madam Speaker, I am going to be very brief. I am going to reiterate virtually what the Leader of the Opposition said. It is up to the Government if Mr Berry is so concerned about the involvement, or purported involvement, of Mrs Carnell. If in fact Mrs Carnell did apply as the Red Hill pharmacy to be a treatment centre - and might I say what a wonderful pharmacy it is - the Government has the option of not approving the Red Hill pharmacy as an approved treatment centre.

I would also like to remind Mr Berry that Mrs Carnell was elected to the committee that she happens to be on by the whole of this Assembly, and part of that Assembly is Mr Berry. The other point I make to Mr Berry, who tries to hold himself up as the paragon of community conscience, is that a Morgan gallup poll shows that the profession with the highest approval rating in regard to ethics and honesty is pharmacy, with 79 per cent. Union leaders, Mr Berry, come in at 8 per cent, and State and Federal politicians come in slightly higher, at 10 per cent. So your credibility has gone up slightly since your union days, but it still has a long way to go to reach the 79 per cent that Mrs Carnell enjoys.

Mrs Grassby: They say pretty terrible things about insurance agents, by the way.

MR DE DOMENICO: Don't you talk about pharmacists, Mrs Grassby, because we know that some of your mates are good ones.

Mrs Grassby: They say pretty terrible things about insurance agents; they are way down the bottom.

MR DE DOMENICO: Some of your mates are really good pharmacists. We all know all about your mates, Mrs Grassby.

Mrs Grassby: That is right; insurance agents are way down the bottom. So you do not have much chance at all.

MR DE DOMENICO: Some of your mates cannot even make wine properly.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.17), in reply: Come on! That is outrageous.

MADAM SPEAKER: Luckily, I could not hear it; so continue, Mr Berry.

MR BERRY: I think, Madam Speaker, it is just as well that you did not, because it was just a grubby attack on people outside this Assembly who cannot defend themselves.

Mr Kaine complained bitterly that the Government had drawn an important matter to the attention of this Assembly. Strategically, the Liberals have made a giant blunder because they have allowed one of their members to commit to this Assembly legislation which a reasonable person in the street could construe as a conflict of interest. That is a Liberal problem; I understand that. I tried to save them from it, and they do not want to do what I suggested.

But what is most interesting, Madam Speaker, is that the Leader of the Opposition sat there quietly when leave was sought to debate this motion. There was no secret about the motion. Leave was given by the Leader of the Opposition. That might demonstrate to this Assembly the level of division

amongst the Liberals, and the conflict amongst them - and the preparedness of the Leader of the Opposition to see Mrs Carnell embarrassed. That might demonstrate something to the community. It should also demonstrate something to the Liberals.

I get back to the issue. Some points of substance about the legislation which Mrs Carnell proposes were inaccurate. There was some talk about lengthy waiting lists. My information is that there are approximately 25 on the waiting list. The legislation was given to me last evening. We have now seen, to the great shame of the committee that is investigating this matter, that one of the committee members herself has not even seen the piece of proposed legislation. Shame on the Liberals! A committee member was kept in the dark while a piece of legislation was put to this Assembly.

I am shocked and dismayed also that Mr Moore, the chairman of the committee, would see his committee's deliberations on this matter overtaken by a piece of legislation by one of his own committee members. Has the decision already been made without consultation with Mrs Grassby? I ask you that question.

Mrs Carnell: It is facilitating legislation.

MR BERRY: Oh, it is facilitating legislation. Was it discussed with Mrs Grassby, the other committee member?

Mrs Carnell: Yes. We spoke of that.

MR BERRY: Did she agree with it?

Mrs Carnell: We spoke about the legislation that was required.

MR BERRY: Did she see a copy?

Mrs Carnell: I gave it to you.

MR BERRY: She is on your committee. Has the committee's report been drawn up already?

Mrs Carnell: No.

MR BERRY: Well, there you go. The committee report has not been drawn up yet. Michael Moore, we can take you off the committee and give you something else to do, because the decisions have already been made by Mrs Carnell and the Liberals. Mr Kaine is sitting there grinning at seeing Mrs Carnell being done over. He said, in effect, "I grant leave for Mr Berry to do over Mrs Carnell". That is the issue.

Mr De Domenico: No. We are sitting here grinning, watching Wayne Berry being done over.

MR BERRY: Wayne Berry has acted responsibly. What he has done is drawn to the attention of the Assembly, and now the community, that there could be a perception of a conflict of interest by members in this Assembly because of a proposed piece of legislation which will provide additional income to pharmacists. That is even agreed to by members opposite. So, if there is a piece of legislation which can increase the income for pharmacists, and I were a member of the public in the street, I would think it hardly proper that it be introduced by a pharmacist who owns a very nice pharmacy up in Red Hill - - -

Mr De Domenico: A 79 per cent credibility rating on ethics and truth.

MR BERRY: That will be falling, I think. She is also the president of the Pharmacy Guild and has an interest in improving the lot of pharmacy owners. Now, that to me - - -

Mrs Carnell: What about improving the lot of methadone addicts, Wayne? Get back on the subject.

MR BERRY: Do not worry about that. The Government will look after that issue. But we will not be seen to be in a position of conflict of interest involving a member of the Liberal Party. The Liberal Party is not concerned about those issues. It is easy to tell that Mr Kaine is not concerned about his colleagues, because he is prepared to see the whole of the Liberal Party embarrassed by the performance of one of his lacklustre colleagues. He said, "I grant you leave, Mr Berry, to get stuck into Mrs Carnell". "Go for it", he said, sitting there smiling. Then he gets up and complains. Too late, my friend. The horse has bolted.

Mr Kaine: No, your horse has bolted, and you are going to be hoist with your own petard in a minute.

MR BERRY: Win, lose or draw, Mr Kaine, it is an issue - - -

Mr Kaine: You reckon that you won the debate, do you, because you are going to go public on it - win, lose or draw? Is that your attitude?

MR BERRY: Win, lose or draw, Madam Speaker, the Liberals' credibility falls again. Unfortunately, I think the credibility of the Pharmacy Guild will be in question as well. If this motion is not carried, then the credibility of this Assembly will decline as well.

Question put:

That this Bill be discharged.

The Assembly voted -

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

Question so resolved in the negative.

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

HOUSING ASSISTANCE (AMENDMENT) BILL 1992

MR CORNWELL (11.27): I present the Housing Assistance (Amendment) Bill 1992.

Title read by Clerk.

MR CORNWELL: I move:

> That this Bill be agreed to in principle.

May I say at the beginning of this address that I have no personal interest whatsoever in these matters - just for Mr Berry's interest at least.

Madam Speaker, the purpose of this amendment is to require the ACT Housing Trust to sell government houses to tenants who have been in residence for five years and are not in receipt of rental rebate. The sale price is to be at the current market value, which will be determined by independent valuation. The Bill also allows the trust to repurchase the property if it is offered for sale within five years. Again, the repurchase price would be at current market value determined by independent valuation.

The reason for this amendment is to place into legislation what hitherto has been simply an administrative arrangement. Originally houses were sold to tenants. In 1983 this sale arrangement came to an end. In April 1991 a decision was taken to resume the sale of houses to tenants. However, it was decided that there would be a 10-year moratorium upon these sales so that the trust would not - and I understand this to be the case - - -

Mr Connolly: Who decided that? Who was Chief Minister?

MR CORNWELL: Just a moment. I am quite happy to say that this was done by the Kaine Government, Mr Connolly. It was decided that the tenants would need to have been in residence for 10 years. The reason for this, as I understand, was that the trust and the Government were a little concerned, after an eight-year moratorium, that they might have been overwhelmed by people wishing to purchase their house. I think that this view has been reflected by Mr Connolly himself in a media release of 12 June, when he said:

> When the sales to tenants program was reintroduced by the Kaine Administration, it was contemplated that the 10-year tenancy criterion was the first stage and that this would be progressively changed as the need arose.

Those are Mr Connolly's words, not mine. I believe that it can now be progressively changed because, I think, the need has arisen. I can understand, as I say, the trust's caution after no sales for eight years; but I believe that the trust has not been overwhelmed, Madam Speaker. Indeed, to June 1991 - admittedly, that was only a few months after sales were resumed - out of 179 applications which had been received, of which 135 properties met the criteria, only 24 offers of sale had actually been made.

I think this quite minuscule figure is important because, of approximately 34,000 households renting in Canberra, some 12,361, or about 35 per cent, are rented by the Housing Trust. Of this 12,361, nearly 80 per cent are rental rebate properties. We are therefore looking at the balance, which is about 2,470 dwellings, and even some of these, such as those without separate title, for example, are not currently eligible for purchase. Indeed, we could refer to the Grants Commission, which identified about 2,100 houses currently occupied by non-rebated tenants.

There is, however, I submit, no lack of demand from tenants to purchase their government houses. I support this by saying that during the election campaign when, as the Liberals' housing spokesman, I announced this policy of a five-year eligibility, our party headquarters had more phone calls on this issue than on any other policy announcement. I need not say that they were all positive phone calls. Since the election I have had quite regular representations from people wishing to purchase their government house.

Lest my word be doubted by the Government opposite as to the enthusiasm of people wanting to buy them, let me quote from the Government's own pre-1991 budget consultation report. After all, this Government is very keen on consulting with the community. They did consult on this issue. They received this answer and it was published in their consultative report:

> Although the results of the survey of Housing Trust tenants are not yet available, there were many letters regarding the Housing Trust. Most believed that more of the inner north and south residences, which have higher land values, should be sold, and a higher proportion of tenants located in newer suburbs. There was also a belief that the ten year occupancy qualifying period before Trust houses can be sold to tenants is too long.

That is a quote from a pre-1991 budget consultation report of this Labor Government.

As I said before, the original 10 years was an arbitrary timespan which, I submit, has largely fulfilled its purpose in attracting purchasers who could meet this limit. I would remind members that up until June 1991 there were 179 applications under the 10-year tenancy rule, 135 properties meeting the criteria and only 24 offers of sale actually being made. The real figure to look at is the first one - the 179 applications received. One has to ask why, out of over 2,000 houses tenanted by people eligible to buy, the trust received only 179 expressions of interest up until June 1991? That was the initial period and opportunity when one would have expected that demand would be heaviest. I think the answer is reasonably simple, and that is that the 10-year tenancy period is too long an eligibility for most people.

Let me explain. We can reasonably assume that any purchaser needs to take out a loan to purchase a house. Most housing loans are for a minimum of 25 years. If you assume - I grant you that this is probably a liberal interpretation - retirement at 60 years of age, then 60 minus 25 is, of course, 35. So 35 years is the oldest age anyone can expect to enter into a housing loan and further expect to repay it during their working life. If they must occupy a trust house for 10 years before becoming eligible, then this restriction requires the tenant to be 25 years of age or less when they first move into the property. I do not believe that it comes as any surprise that there are so few people wanting to buy under the 10-year limit.

How many people would have moved into a trust property as unencumbered tenants - that is, no rent rebate, which, of course, is part of the eligibility criteria - before they were 25 years of age? I submit, therefore, that this is the major reason why so few have sought a purchase under the 10-year eligibility rule.

If the occupancy criterion is reduced to five years, then it follows that the tenant could be 30 before commencing the tenancy with the opportunity still to buy at age 35. I think it is a more realistic age for tenancy and, financially, such people would be better off. Their children are older, they are in more secure employment and they have probably put some more money away in savings. While I do not doubt for a moment that people beyond age 35 would consider buying their government house, I think there is also a cut-off age beyond which people opt for caution because they believe that they will be too old to service their mortgage repayments. It seems to me, therefore, that the age between 30 and 40 is the optimum, and from representations I have received, as I mentioned earlier, it is the people of that age grouping that are being denied the opportunity to purchase because of the 10-year limit, in my experience.

Apart from the tenants' satisfaction of owning their own homes - a point supported by the Housing Trust itself - what is in these sales for the Housing Trust? Essentially, funds to buy or build other properties. Further, the government houses that they sell will be sold at current market value, which also represents to the trust a substantial profit because most of these will be in established areas. I believe that the trust can also benefit from savings on maintenance of these properties, because the older the stock the more maintenance, or perhaps even upgrading, is required. Further, the trust can benefit from interest accruing from its HomeBuyer loan scheme if the tenant elects to take out this loan with the trust to purchase the house. The result of all these benefits to the trust is that more of the estimated 5,775 people on the trust's waiting list at 4 May 1992 - I am indebted to the *Canberra Times* for that information - can be accommodated in other trust houses.

It is regrettable, Madam Speaker, that the Housing Trust itself does not seem to recognise the sense of what I am saying, despite the publication of its promising little brochure "Buying your ACT Government Home". I wonder, in fact, whether it should not be called, "Buying your ACT Government Home Maybe", because the trust has a hidden but very important extra restriction on sales here which is not among the three prominently listed in the brochure. That one that I refer to is the limiting of trust house sales in certain areas because of "low concentrations of public housing", or in bureauspeak, "suburbs where stock holdings are low". This is social engineering at its worst because, in its mania for an egalitarian society, the Government, through the trust, is disadvantaging the very people it purports to be helping. I refer to the people who wish to buy their government house, having lived in the area, having established friendships, and whose children go to the local school, et cetera. They have established an infrastructure there.

I also refer to the people on the waiting list for whom the sale of the property in an established area, or even perhaps, Mr Connolly, in an area with low concentrations of public housing, could provide funds for one-and-a-half or maybe two houses in newer suburbs. Why condemn almost 6,000 people to a longer period on the waiting list because of some sort of fixation with symmetry, for an egalitarian social mix? If you doubt my claim, Madam Speaker, that the Government has instructed the trust to exploit this fourth restriction - that is, the low concentrations of public housing, suburbs where public housing stocks are

low - I refer you to the trust's initiatives to reduce the 5,775 people on the waiting list, as published on 4 May 1992 in the *Canberra Times*. What did they list? One, an increase in the capital construction program; two, joint ventures with the private sector; three, the redevelopment of older trust properties; four, borrowing from private financial services; five, finding private investors; six, increasing the provision of cheap housing loans; seven, encouraging the private sector to invest; and eight, the trust would push also for more funds from the Federal Government.

They are all quite commendable aims; but, of those initiatives, not one of them identified any attempt to reduce the waiting period for people eligible to purchase their government homes from ten to five years, thus freeing up more money for the trust to help to accommodate these 5,775 people on the waiting list. Clearly, the Government believes, 45 years on, John Dedman's objection to selling government houses - because it would "create a nation of little capitalists".

This amendment, Madam Speaker, of the Housing Assistance Act 1987 will challenge this ideological hang-up. It will give tenants the chance to buy their government home, thus realising their share of the Australian dream, and in consequence will provide additional capital to the Housing Trust to provide a roof for more of the almost 6,000 people on their waiting list. The amendment also places in legislation certain restrictions upon the purchase, and I will reiterate them again. They are that non-rebated rent has been paid for five years; that the sale is to be at market price, following an independent valuation; and that the trust has the right of repurchase within five years of the sale, again following independent valuation. These amendments, I might add, Madam Speaker, are in line with existing policy, save the last, and that is that the trust's opportunity to repurchase currently is restricted to three years, not to the five years to which I wish to extend it. I commend this social justice amendment to the legislation to the Assembly.

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

EPIDEMIOLOGICAL STUDIES (CONFIDENTIALITY) BILL 1992
Detail Stage

Clause 2

Debate resumed from 20 May 1992.

Clause agreed to.

Clause 3

MR MOORE (11.46): Madam Speaker, in speaking to this clause I would like, first of all, to express thanks to both Mr Berry and Mr Connolly in particular for raising a number of issues that I believe improve the Bill, and for negotiating in a sensible and logical way. Similarly, my thanks go to Mrs Carnell, who has raised a number of issues about the Bill which we have been able to resolve through an explanation from the Parliamentary Counsel's officers. That, of course, brings me to the Parliamentary Counsel staff, who, as always, have been particularly helpful in the preparation of this Bill.

Many members of the public would not realise just what great assistance the Parliamentary Counsel gives us in preparing this sort of legislation. Often we have an idea and, through discussion with the Parliamentary Counsel, we are able to refine that idea and to put it into an appropriate form for legislation. The Parliamentary Counsel's staff seem to be willing at any time to discuss concerns, to explain them, and to assist in dealing with these issues.

The amendment that I wish to move has been circulated by me. I move:

> Page 2, line 7, omit the definition of "Territory epidemiological study", substitute the following definition: '"Territory epidemiological study" means an epidemiological study conducted in the Territory;'.

The original definition, Madam Speaker, had meant an epidemiological study conducted by or on behalf of the Territory. It seemed to me, after it was drawn to my attention, that it would not allow for any studies other than those actually sponsored by the Government. Studies are conducted in most cases - in all cases, I presume - with the knowledge of the Government, but are not necessarily sponsored by the Government.

The other two amendments that I will move later follow on from this amendment. They actually put into place what happens when the Government is responsible for a study. They are quite specific. Those are the amendments that I will move to clauses 5 and 10. I urge members to support this amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5

MR MOORE (11.48): This is, as I have pointed out, simply an amendment which follows on from the first amendment, so I do not think I need to add anything. I move:

> Page 3, line 33, add at the end "where each study was, or is being, conducted by, or on behalf of, the Territory".

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 6 to 8, by leave, taken together, and agreed to.

Clause 9

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.49): I move:

> Page 5, lines 13 and 14, omit "an epidemiological", substitute "a prescribed".

Mrs Carnell: So you can say it.

MR BERRY: Mrs Carnell says, "So you can say it". If you have a preoccupation with drugs and other sinister things, as Michael and Mrs Carnell do, you get used to saying these things. I will be moving a later amendment, Madam Speaker, whereby the words "an epidemiological study" will be replaced by "a prescribed study". This amendment will clarify the application of clauses 4, 6 and 8, which relate directly to a prescribed study rather than an epidemiological study. It will also ensure that people are not required to use that word so often.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 10

MR MOORE (11.51): I am fortunate that this amendment does not have the words "epidemiological", "epidemiology" or "epidemiologist" in it; so I do not have to pronounce them. I move:

> Page 5, line 30, add at the end "in its application to a prescribed study conducted by, or on behalf of, the Territory".

Amendment agreed to.

Clause, as amended, agreed to.

Clause 11 agreed to.

Proposed new clause 11A

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.52): I move:

> Page 6, line 8, after clause 11 insert the following clause:
>
> **Information supplied for prescribed study**
>
> "11A. Information concerning the affairs of a person to whom a prescribed study relates may be disclosed to a person assisting in the conduct of that study without breach of any law or any principle of professional ethics.".

This will protect those undertaking prescribed studies from civil action.

MR MOORE (11.53): I would like to thank the Government for raising this issue. It assists in protecting not only people undertaking study but also people like doctors who volunteer to assist in epidemiological studies. It is quite common, particularly if a case control study is used, for a researcher to go to a medical practitioner and seek access to information from the general files of the people involved. The immediate reaction to this situation is that such information ought not be allowed to be available broadly. In fact, clause 4 of the Bill ensures that that is not the case. There is a quite severe penalty - $5,000 or imprisonment for 12 months. This amendment does protect a doctor who is prepared to allow information like that to be used in a study so that the community as a whole can have an understanding of a particular disease or the potential for an epidemic. I think this is a very positive contribution to the Bill. I think it enhances it significantly.

Proposed new clause agreed to.

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

Bill, as amended, agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL 1992

Debate resumed from 13 May 1992, on motion by **Mr Westende**:

That this Bill be agreed to in principle.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.55): The Government has certainly shown in the few short weeks that the Second Assembly has been in session that we are prepared to take an open and cooperative approach to private members' business. We have not seen the scenes that were regular in the First Assembly, where whoever the Government was tended as a knee-jerk reaction to oppose any private members' business. We have just seen a good example with Mr Moore's Bill, where a cooperative and sensible approach was taken all round to get a reform through.

But I am bound to say that the Government will not be supporting Mr Westende's amendments here today. He deals with two propositions in this amendment Bill. The principal one relates to travelling in the left lane, the "keep left" amendment. Generally speaking, we would expect that the Government in the ACT will for many years be keeping left; the Labor Party will be in here for a long haul. But it is not necessary to introduce legislation to ensure our continued survival. The second proposal relates to extensions of time to pay traffic infringement notices. While I would acknowledge that in both cases Mr Westende raises a valid point, I cannot support his amendments; but I think we can give him some joy in at least addressing the issue.

The "keep left" amendment is familiar to people who live in larger cities. I think I recall that in one media interview Mr Westende was referring to some of the autobahns in Europe where there is an unlimited speed limit. We are talking of three-, four- or five-lane highways and a "keep left" rule makes sense there. The "keep left" rule makes some sense in Sydney or Melbourne where we have freeways with multiple lanes, in most cases three- or four-lane freeways. In the

ACT we are really talking about the Tuggeranong Parkway and the Eastern Parkway - in both cases two-lane roads and in both cases roads where the problem is usually not to encourage people to drive fast enough but rather to encourage people to drive only as fast as the law will provide. In wet weather or foggy weather Canberra residents seem to regard the posted speed limit as a sort of statutory minimum. We often have problems in wet or foggy weather when cars skid all over the place; we have multiple pile-ups. For some reason we have difficulty in the ACT in persuading people to adjust their speeds to relevant conditions, but that is a matter that I guess we have to keep educating the community on. It is by educating the community that I think we will address Mr Westende's

I can acknowledge a couple of points where you sometimes feel some frustration at slower moving traffic, in particular, I think, coming northbound into the city. As you leave Kambah you come up a bit of a hill. There is a sweep to the road. That is an area where often commercial vehicles, lower powered vehicles, can be a little slower. I would be proposing that at some points like that in the ACT, and that is one that comes to mind immediately, we perhaps will erect some signs saying "keep left unless overtaking", or the other indicative sign that you often see on New South Wales country roads, "slow vehicles use left lane", in order to provide a bit of guidance to people.

If we were to impose the statutory provision and make it an offence to travel in the right-hand lane unless overtaking - we are talking about a fairly limited area of road in the ACT, all of it two-lane, and a road area where, in most cases, people are travelling at or, to be honest, over the speed limit - effectively we would be reducing two lanes of traffic to one lane of traffic because people would be required by law to travel in the left-hand lane unless overtaking. If traffic in the left-hand lane is travelling at or about the speed limit, by definition, to overtake, you are speeding. It really would have an adverse effect on traffic flow in those circumstances of, essentially, two-lane highways.

We have a fairly limited area of road. Mr Westende's amendment applies only to roads with a limit of over 80 kilometres an hour, so we are not talking about the general arterial road network within the city of Canberra. We are talking about those roads where a 100 kilometres an hour limit applies, and that is, essentially, as we said, the parkway or the eastern distributor. I would certainly remind people that on the eastern distributor there are points, as you are heading southbound, where you can, in fact, turn right from the right-hand lane. So, again, we start to introduce some confusion where that occurs.

If you think of driving in Sydney or Melbourne, or on any of the freeways where this sort of law does apply and, I acknowledge, works quite well, there are no points on those freeways where you would be turning right from a right-hand lane. The freeways are so constructed that the traffic leaving the freeway will always leave on an exit ramp down or up the left-hand side and then go either under or over. So a road network where you have the possibility of a right-hand turn or a right-hand exit from a speed above 80 kilometres an hour raises problems with Mr Westende's law.

Mr Westende's amendment raises some sensible concerns. He mentioned some of the frustrations that drivers may feel if, at particular points on the parkway, slower vehicles are in the right-hand lane and thus blocking traffic flow. I think we should try first an educative approach, and I would have thought that that

would fit neatly with an overall Liberal Party philosophy. Mr Humphries put out quite a treatise on when one should legislate and when one should not, and a legislative policy. You really ought to try an educative approach before you use a legislative approach, and you really ought to be cautious about using the sledge-hammer to crack the walnut.

There are potential problems with a law requiring, in all cases, traffic to be in the left-hand lane unless overtaking in over 80 kilometres an hour areas. That could well have the effect of reducing the smooth traffic flow on both the parkway and the distributor, and that would disadvantage Canberra residents who regularly commute to and from the valley. There are particular problems where you turn to Queanbeyan, to Tharwa Road or where you turn up to Long Gully Road. You are on that highway system where you have an above 80 kilometres an hour zone and you are turning right, which would make enforcement difficult. We do not see a safety-based justification for this; we see a potential confusion to traffic flow.

We acknowledge, as Mr Westende raised the problem, that there are some areas in Canberra, some specific choke points on the roads, where slow travelling vehicles in the right-hand lane can be a problem. I will give an undertaking that we will address that with some signage. Let us keep an eye on how traffic flows. If it turns out that people do not sensibly follow directions, we may need to look at a legislative solution later. But I would suggest that at the moment this legislative solution would give rise to more problems than solutions. For the benefit of some specific choke points where it may be helpful, it would tend to reduce traffic to one lane for the major part of the parkway and the distributor where traffic flows freely. So I would urge members not to support that amendment and I give an undertaking that we will be addressing it from an educative perspective.

In relation to the time for payment of traffic infringement notices, the thrust of Mr Westende's amendment is to extend the period in which you can pay such notices. At the moment you have 28 days, with the possibility of applying for an extension for a further 28 days. The proposed amendment is to give an unlimited further period of extension. Members may have noted a media report some weeks ago during a non-sitting period where we said that we would be reviewing the operation of both the traffic infringement system and the parking infringement system, and the whole concept of fine default. As members would be aware, there was a substantial change in the ACT in recent years, originated by Mrs Grassby and carried through under both Mr Duby's stewardship and my own, to move away from criminal penalties imposed in the courts for traffic default and fine default, and to adopt the infringement notice system. We put through late last year legislation taking away the ultimate penalty of gaol for non-payment of a fine and replacing it with the cancellation of the licence for traffic infringement notices. That potential loss of a licence for parking infringement notices was introduced by Mrs Grassby in the period of the first Labor Government.

We have felt that it is appropriate, as the system has been in place for a few years now, to have a look at this whole system. There are a couple of potential problems. There is a potential problem in that you do not have an absolute right to challenge a parking notice. You can write to the registrar and say, "I wish to challenge this in court rather than have it dealt with as an on-the-spot fine", and the registrar can refer it to the court. Indeed, a number of matters have been successfully challenged that way. But there may well be a good argument that it

is wrong in principle to say that your right to challenge a matter depends on the discretion of an official; that there should be a statutory right to go and challenge a parking ticket, with, perhaps, a requirement that you pay the court cost, if you wish to challenge - obviously, if you win you will get that back - and with clear undertakings that you will pay the Government's costs if you lose. Equally, if you win, the Government will pay your costs. That is an area where we need to do some finessing.

Another area where we acknowledge a need to do some finessing is the area of potential extensions of that discretion. We are currently working up some proposals which would allow a further period of 56 days. At the moment you have 28 plus 28, being a total of 56. We are working up a regime where we are looking at 28 plus 56, being 84. But that is specifically looking at some cases that have been raised in the traffic infringement areas. We are reviewing parking infringement as well as traffic infringement at the moment, and I would prefer that we bring forward a comprehensive result of that review rather than jump at the moment. I would say, in any event, that an unlimited period of discretion is undesirable.

If this were an area that was one-off and that no work was being undertaken on, I would probably be minded to move an amendment to Mr Westende's proposal and to put in a further period of 56 days in place of the further period of 28, rather than his proposed unlimited further period. But there is some work being actively done on this at the moment within the system. That involves linking the parking operations people and the road safety advisory people within the Department of Urban Services, with some police policy input, because obviously the traffic branch people have sensible views that need to be listened to on any of these proposals.

I would suggest to the Assembly that we do not move on this at all today; that we reject the second amendment. I will be bringing forward later in the year some updating to this whole system. It has been in place now, in relation to parking, for just over three years. It is certainly an advance on the previous system because it avoids the potential of a person going to gaol for a parking fine; but there is some finessing that can be done, and we are intending to do that.

So, while we acknowledge that Mr Westende has raised two valid points - the frustration of choke points on the expressways where there is a slow vehicle in the right-hand lane, and the issue of the extent to which there is a discretion to extend the period for payment of an infringement notice - I would say, in both cases, that it is inappropriate to move by legislation. In relation to the choke points, we should try an educative approach first. We should avoid legislation which could have the potential of, in effect, reducing our two-lane system to a one-lane system. In relation to the extension of periods for payment of a traffic infringement notice, that is really part of a whole package and that package is being actively examined. I am not sure whether we announced that active examination before or after Mr Westende moved this amendment, but it certainly was not specifically in relation to this. It was an issue we knew we needed to look at. We are looking at it across the board and will bring forward a package to address it. I would urge members to wait until we do that, rather than adopt an ad hoc amendment here. In any event, I do not think that an ad hoc amendment is appropriate because it goes to an unlimited period of discretion and, generally speaking, unlimited discretions in officials are perhaps undesirable.

MR STEVENSON (12.08): Mr Westende's amendment Bill highlights a clear problem of people not keeping to the left-hand side of the road. When you look at whether or not it is a safety aspect, it actually is.

Mr Berry: What if they all will not fit there? What if there are too many on the road to be in the left lane?

MR STEVENSON: It actually is a safety matter as well. As Mr Moore mentioned yesterday, whenever they wanted to get anything through the school board they linked in the word "safety". Mr Connolly says that there is no safety factor. But what inevitably happens when people cannot move through in the right-hand lane is that they start swerving in and out. It is a common practice, and we certainly cannot deny that.

I think the idea of signage is, unfortunately, not all that workable. There are signs in many places, all over Australia, and they tend not to be agreed with. Most people do not have the general idea. They think that if they are driving along within a lane that is perfectly acceptable. I think Mr Connolly raised a very good point when he talked about the educative process. I personally agree with education instead of legislation, or certainly education before legislation. So that is a good point. I think that probably would do it over a period of time; not just through signage. There has to be a public campaign, letting people know why it is useful to move over to the left.

As for the suggestion that everybody would have to stay in the left-hand lane, that really is not a problem. We need to get past people who are doing slower speeds. It is safer for them. Sometimes when I drive I drive well under the speed limit, because I am listening to tapes.

Mr Connolly: But it is the old Valiant, Dennis.

MR STEVENSON: Any time you want to get down on the track with your new Ford and my old Valiant, I would be happy. Sometimes I am perfectly happy to putter along under the speed limit because I am listening to tapes. At that time I am very concerned about getting over to the left-hand lane. Sometimes I will pull off a one-lane road and get over into the gutter to let someone pass rather than have them sit on my tail or rather than hold up traffic. I am really quite concerned about this area.

Equally, when I am driving in the right-hand lane on the speed limit and someone is 20 kilometres or whatever below the speed limit, I find it quite annoying. It really is an impractical situation. I have thought about it for a long time. I have spoken to a number of people about it and many people believe that something should be done about it. I do agree with the principle of education instead of legislation, so I am in a bit of a quandary here. I know that people want something done about it, but - - -

Mr Connolly: We have never had the signs in Canberra.

MR STEVENSON: Right; I wondered. I have seen them in other places. I have been driving behind someone as they go past the sign "keep left unless overtaking", and I have usually flicked the lights on rather than sound the horn. So, as I said, I think there is a problem here as to whether or not we legislate, or whether or not Mr Connolly takes it on board to introduce an educative program.

He mentioned that he might bring signs into the ACT. Perhaps there might be some indication from Mr Connolly as to whether he will also bring in some sort of a public education program so that people will know that they are coming, and exactly what they are for.

MS SZUTY (12.12): Madam Speaker, I rise to speak against the amendment before the Assembly relating to driving in the left-hand lane as I feel, as Mr Connolly does, that this represents a classic case of legislating instead of educating. When Mr Westende's amendment Bill was introduced into the Assembly I canvassed opinions from a range of road user groups. The majority stated that in Canberra there would only be one road, the Tuggeranong Parkway, which is long enough and has enough uninterrupted sections to make policing such a law practical. One other expressway, the Eastern Parkway, was considered by the Road Safety Council's engineering adviser as being unsuitable as it had recently had the speed limit reduced after a spate of accidents.

In the Tuggeranong Valley an 80 kilometres per hour speed limit applies to both Drakeford Drive, which is three lanes wide and governed by traffic lights, and Sulwood Drive, which is one lane each way, curved, with a relatively poor surface and dirt verges. In Belconnen there are the examples of the Barton Highway, which is narrow and winding, and Belconnen Way, which is wide and controlled by traffic lights. Other factors to be considered here include the number of entrance and exit points to and from the roads in question, and other traffic. For example, there is a bus stop on Yamba Drive outside the Woden Valley Hospital which would make a "keep to the left" rule inadvisable on that section of the road. Many other examples abound, and I feel that it would be difficult to police any legislation which tried to enforce a blanket rule regardless of the physical characteristics of the road. As I have pointed out, the majority opinion from the organisations I consulted was that there was only one road in the ACT where the rule could be effectively policed.

In addition, the point was made that, by forcing most drivers into the left-hand lane, road regulators are effectively reducing the capacity of the roadway - another point that Mr Connolly made. If, for example, traffic approaches a traffic light controlled intersection, and there are plenty of these on 80 kilometres per hour roads in Canberra, the majority of the vehicles will end up in the left-hand lane. When a red light changes to green, the volume of traffic that will get through before the next change will be greatly reduced. So, from an engineering point of view, our roads are not designed for traffic to be regulated into one lane.

What I feel, and what my inquiries have substantiated, is that driver education is the most important consideration in such issues. The basic rule of driving, after all, is to consider the other traffic on the road. It is currently an offence to drive in a manner which hinders the other vehicles on the road, and if a driver were defending his or her right to drive in a lane to the great disadvantage of all other traffic, a police officer could in theory book him or her. But how many times have we witnessed a traffic infringement - red-light running, not looking before entering roundabouts and other such things - and wished that there had been a police officer around? The fact is that there are not now, nor will there ever be, enough police on the roads to stop people infringing against the road rules, whether they are laws or just the basic rules of good driving.

I feel that a more valuable return for effort would be achieved if a public education campaign were initiated which emphasised the courtesies involved in driving. The national campaign aimed at making drivers stop and rest is one example I would call upon to show where a public education effort can have an effect. It would be more beneficial to conduct a well informed and researched awareness campaign without introducing a law which would be difficult to police and very hard to prosecute.

There is another possible danger in introducing such a law, and that is that of increasing the speeds at which vehicles are driven on Canberra roads. I am sure that all members of the Assembly are aware of police blitzes in the past 12 months which have raised quite a lot of revenue in speeding fines. Not that this was the point of the exercise, but police admitted on each occasion that they were amazed that Canberra drivers would not accept the message that driving in excess of the speed limit was unacceptable. In fact, some drivers were booked more than once during a campaign. If we force most of the traffic into the left-hand lane we may be allowing speedsters to take over the right-hand lane.

I understand Mr Westende's point about European autobahns, but this is not Europe. Cars are not allowed to travel at speeds approaching jet take-off speeds, and we do not have any road in the ACT longer than 15 or so kilometres which is not interrupted at intervals of less than a kilometre for traffic entering or exiting. We also have to be thankful that we also do not have the horrendous crashes which involve large numbers of vehicles, and often result in multiple deaths. We do not want to increase the traffic on our roads and, if the price we pay to prevent this is a small degree of frustration when someone persists in driving more slowly than we want them to do in the right-hand lane, then so be it.

In conclusion I would like to read two excerpts from the New South Wales road rules. The first says:

> You must not drive/ride in the right hand lane (except when overtaking or preparing to turn right) if the road has a speed limit of more than 80 kph, or if a keep left unless overtaking sign is displayed.

To emphasise my earlier point, Canberra has few roads where there would not be a defence to driving in the right-hand lane, as many have right-hand exits, and traffic in Canberra is highly mobile between lanes as people get into position for exits, to avoid merging traffic, and a host of other reasons. This rule, I would suggest, is designed for long roads with low traffic volumes and high speeds - a description which is increasingly not applicable to the ACT's roads.

The second excerpt from the New South Wales road rules, which to me seems a more sensible approach, and by the way is immediately before the excerpt just quoted, is also relevant here. It says:

> When the road is divided into lanes you may usually drive in any lane to the left of centre. But it is sensible and safe practice to keep to the left lane unless you are overtaking. This applies particularly on roads where traffic moves fast. It is safer for the faster moving traffic to overtake on the right.

As stated, this is a principle of safe driving, and the message at the heart of a safe driving campaign could help lessen the frustration some drivers feel at finding slower drivers in the right-hand lane. Canberra is an urban environment where the volume of traffic on our roads will increase, not decrease. While I appreciate that the motive of the amendment Bill before the Assembly is to improve traffic flow, I feel that it would have the opposite effect and that a campaign of education on road courtesy would be more effective.

MR HUMPHRIES (12.20): Madam Speaker, I am disappointed that the first part of this Bill is unlikely to succeed. I think it is unfortunate that there should be some view in the Assembly that a rule which does work perfectly well in other jurisdictions, notably in New South Wales, for some reason will not work in the ACT. The Minister made particular reference to the large number of expressways in New South Wales and Victoria which have three lanes and where a rule of this kind is natural and works well - in fact, he said that it did work well - and where you find very few turn-offs to the right which necessitate you moving into the right-hand lane to make a turn to the right. I have to say that we are talking about very few such roads in the ACT and, therefore, the impact of this is not very great. I would have viewed it very much as an experiment in many ways to see whether such a thing which works in other States would work in the ACT. I can see no reason why it would not.

It seems to me that the number of turn-offs to the right is very limited. I can think of only one, and even that does not apply in the 100 kilometres per hour zone. I would be grateful if the Minister, if he is going to speak again on this matter, could indicate any point where there is a turn-off to the right on any motorway in the ACT where the speed limit is 100 kilometres per hour. I cannot think of any. Certainly, as one goes around Black Mountain beside the lake and turns off to go up to Belconnen, there is a turn-off there; but at that point the speed limit is only 80 kilometres an hour. Similarly, near the Mugga Lane tip, there is also a turn-off to the right from that road; but, again, the limit at that point is 80 kilometres per hour. So I do not know where the objection the Minister has raised would actually apply.

I also want to make it quite clear for Ms Szuty's benefit that this amendment is dealing only with roads where the speed limit is in excess of 80 kilometres per hour. I have not been on Yamba Drive for the last few days, but I am sure the limit is not beyond 80 kilometres per hour there. It therefore would not apply there. We are talking about particular sorts of roads in the ACT where there are, invariably, dual carriageways - well, quite often dual carriageways - where there are at least two lanes in each direction, and where a rule of this kind would work extremely well, in my humble opinion.

I want to remind the Minister that sometimes slow traffic can actually cause accidents. Not only is it the case that fast traffic causes accidents, which is certainly true, but sometimes slow traffic can cause accidents. I have seen many occasions when travelling along the Tuggeranong Parkway, as I do every morning, where people irritated with people travelling in the right-hand lane do press up very close to those people, and I have no doubt at all that that is often the cause of accidents which occur on that road.

Of course, education is an important part of the process of getting people to change their habits; but I would respectfully suggest that you do not need to be educated to behave in a polite fashion on the roads. It seems to me that those who presently do not observe the de facto "keep to the left" rule are already behaving in a discourteous fashion and really ought to be more strongly encouraged to observe common and sensible road practices. I do, however, welcome the Government's action in this regard. I think signs will have some impact; but I predict that there will still be a problem in two years' time, after we have had these signs in place, and we will need to come back and look at this question again. I am sorry that we cannot do it today.

Some members have indicated support for the second half of this Bill. I would urge them to consider, for that reason, not voting down the whole Bill, but rather taking the Bill in two parts and voting down, if they feel so inclined, clause 3 but letting clause 4 go through. I want to indicate one of the reasons why the Opposition has moved this amendment. I was written to late last year by one resident of the Territory who was extremely concerned for his son who had just returned from university in Sydney. This young man had incurred a traffic fine - it was $70 - and had wanted to pay that money as quickly as he could. He was, as many young people in this Territory are, unfortunately, unemployed. He wrote to the police and said, "I need time to pay this; can I please have time to do so?", and he was told, "Yes, you can have the 28-day extension". He tried to raise the money in that time but was unsuccessful.

Eventually, in fact, he applied to Social Security for a benefit and through the use of that benefit got the money together in due course. Social Security is not a very fast organisation, I have to say. As a result he eventually got the money together to pay that fine. It was after the 28 days period had expired. He was told that he could not get a further extension because there was no discretion on the part of the police to give a further extension. As a result the young man had to go to court. He sent his cheque in and it was sent back by the police with a note saying, "I am sorry, we cannot accept this payment because you have exceeded the 28-day extension you had and we do not have the power to give you a further extension. We therefore have to make you go to court". What a ridiculous kind of imposition on the citizens of this Territory!

Mr Connolly: You should pay your traffic fines. You should not speed.

MR HUMPHRIES: We all make mistakes, Mr Connolly. Perhaps you have never incurred a traffic fine in your life. But I say that we all do at various times and, if we make a mistake, I think the Territory ought to have some regard for our capacity to pay in a particular time, particularly when it comes to the young unemployed of this community who perhaps are finding it much tougher than you and I are to meet this kind of social obligation. This young man wanted to do the right thing and pay his fine, but he could not do so within the time available and he had to go to court as a result.

The fact of life is that we ought to be able to give a discretion to our police. If they already have one discretion to grant 28 days, why should they not have the capacity to grant a second extension of 28 days or some other period?

Mr Connolly: That is better than the original proposal. You are starting to make more sense.

MR HUMPHRIES: With respect, let us go back to what you said about that. You said, Mr Minister, that you do not wish to give people unlimited discretions. You want to make sure that public servants do not have large discretions and, therefore, we should specify a period for the further extension.

Madam Speaker, let me make it quite clear. I am against public servants having unlimited discretions where those discretions do or could adversely affect the rights of citizens. I am not opposed to public servants having discretions where those discretions can only work to the benefit of citizens of the Territory. What is wrong with a public servant, in this case a policeman, being able to grant a person, particularly a person in some need, in some financial hardship - there are plenty of such people in our community now - having an extension of time to pay their parking fine or their traffic fine? Why should he not have that extension? I am happy to give a policeman as much time as he wishes because those sorts of discretions work to the advantage of citizens of the Territory.

Mr Connolly: You do not want to have magistrates having discretion in bail. You want to lock them away.

MR HUMPHRIES: No; if a person goes to court, Mr Connolly, the court has the power to grant a discretionary amount of time, up to 10 years if he wishes to. If this poor soul has to go before the court and says that he needs, within reason, a particular period, he will get that time to pay. So why should that person not avoid having to go to court by being able to go to the police, who originally issue the fine, and say, "Look, I am unemployed", or, "I am a deserted mother"? It may be some other reason. Why should that person not be able to say, "I need time to pay; please give me time that will suit my means" and be able to get that time? That is what we are talking about in this amendment.

If the Minister wants to move an amendment to limit that discretion, I would rather see that happen than the amendment go down altogether. It really seems to me not to be the act of a socially just government to refuse the capacity of citizens to get extensions of time without having to go to court. That is what we are talking about with this amendment.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.28), by leave: In respect, firstly, of the "keep left" aspect of the legislation and some of the streets that I mentioned where there are the right-hand lanes, with the changed arrangements on the Eastern Parkway they now are in 80 kilometres an hour zones. But the place within a 100 kilometres an hour zone where there would be the potential to move right is as you go into Johnson Drive, coming down the eastern distributor. That is within a 100 kilometres an hour zone, I am advised. The best view of my traffic engineers is that that remains a 100 kilometres an hour zone. You then come through a fairly major roundabout type of interchange. Again the point is that you are moving into the right-hand lane. You drop down, of course, as you go into Johnson Drive. That is an 80 kilometres an hour area. Again traffic will be coming across to the right.

It is hard to imagine that any car would be doing 100 kilometres an hour as it goes into that roundabout, unless it is a Ferrari driven by Fangio. It is a fairly tight corner to take at 100 kilometres an hour.

Mrs Grassby: How about Hewson?

MR CONNOLLY: Or, indeed, the Leader of the Federal Opposition in one of his several Ferraris that he seems to stable. But that is a place where it can occur.

Mr Stevenson and Ms Szuty both indicated that an educative campaign should be adopted. I am quite happy to say yes, that we will try to pursue this, as we do with a whole range of drive safely issues. I must say that at the moment the major issue in Canberra where we need to get some education going if we are to avoid other draconian measures that have been introduced in other States, such as red-light cameras, is red-light jumping because a spate of that is going on in the ACT. Really, Canberra residents should avoid that.

MADAM SPEAKER: Order! It being 12.30 pm, the debate is interrupted in accordance with standing order 77, as amended by temporary order.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Supply Legislation

MR KAINE: I would like to address a question to the Chief Minister and Treasurer. I predicate it by saying that this is a question without malice as well as one without notice. It arises from the exchange yesterday in connection with the Supply Bill, when I asked, "Five-twelfths of what?". The Chief Minister then gave an explanation of the differences as to why it was not exactly five-twelfths of anything. Some of the information that she provided in that explanation is, in fact, contained in the Supply Bill as presented, but some of it is not - for example, the reference to the purchase of plant and equipment. There was no reference in this Supply Bill to a plant and equipment vote. So the presumption has to be that, although the explanatory notes said that this was five-twelfths of this year's projected expenditure, it is not in fact that at all. So I ask the Chief Minister: So long as she remains Chief Minister and Treasurer, will she ensure that the explanatory notes provide sufficient information for members of the Assembly to understand what the Appropriation Bills in fact represent, because this lot did not?

MS FOLLETT: I thank Mr Kaine for the question, and I take his point. Particularly on the question of the capital which is spread throughout all of the divisions in the Supply Bill, and the items that were included in it, I had to seek advice myself. It is my intention that the information offered to members of the Assembly should be as clear and useful to them as is possible. I am afraid that on that occasion, and in particular in regard to the plant and equipment which Mr Kaine has drawn attention to, it did require some explanation. I take Mr Kaine's point. I will certainly endeavour to ensure that in future members do have access to that information without having to go to such lengths to seek it. As I say, I had to take advice on that matter myself, and I can understand that other members would have as well.

MR KAINE: I ask a supplementary question, Madam Speaker. It relates to a specific item which the Chief Minister referred to in her response. If I remember correctly, some 60 per cent of the works vote was included. Can the Chief Minister explain how it is that 60 per cent of the expenditure is expected to occur

within the first five months? I would have thought that there would have been a lag in expenditure, rather than payments up front for a very large part of it, and that therefore there would have been less than five months' worth of expenditure, rather than some 60 per cent of the total.

MS FOLLETT: We have, in fact, brought forward part of the capital works for this year. As Mr Kaine says, the Supply Bill contains about $92m of the total of $140m to $150m for capital works. I think the explanation for that is that we have brought forward some of those works and expect to advance them in the coming five months. Indeed, bringing forward those works is very much a part of our intention of ensuring that there is consistency of work in the construction industry. The action we took there will provide about 330 jobs. I am sure it is an action that would have the general support of this Assembly. Again, a note of explanation might have been useful.

Mirinjani Retirement Village

MS ELLIS: My question is directed to the Minister for the Environment, Land and Planning. I recently attended the opening of the 20-bed nursing home extension at Mirinjani in Weston. Some comments were made during the ceremony which have been subsequently reported in the media. Could the Minister comment on the allegations published in yesterday's *Chronicle* that the building of a dementia unit at Mirinjani Retirement Village has been held up because of bureaucratic delay in providing a lease?

MR WOOD: Madam Speaker, Ms Ellis raised this matter with me and my colleagues. Indeed, we were at a meeting upstairs when she returned from that opening, and she immediately raised that issue. I went immediately to the department and asked them to look at the matter and explain the background to it. I am disappointed that the claim was published in newspapers. It was reported in the *Valley View* again today. Neither paper thought to ring me, or wanted to ring me - perhaps because it would have ruined a good story - to get a view or to see what the situation was.

I would have thought it was desirable for the newspaper to ask whether the claims made were factual. In fact, I do not think those claims stand up to scrutiny, as I will explain to you. But let me give some background first. Those members now in this Assembly who were here at the end of the last Assembly will recall that we cooperated to speed through a draft variation to allow this development to proceed. In the business, which was tight, a number of variations of importance went through, and this was perhaps the most important. We all expressed the view then that this matter had priority.

The draft variation was gazetted on 11 December last year. On 2 January - I think a reasonable timeframe, especially considering that time of year - the Planning Authority passed development conditions to the leasing branch. At about the same time a copy was sent to Mirinjani so that they could be aware of what was happening. Then - listen to this - at the request of Mirinjani, senior departmental officers held a meeting with them on 12 February to discuss those development conditions. The Mirinjani people were a little anxious about their ability to comply with the conditions - in a sense, I suppose draft conditions - that had

been spelt out. At the end of that meeting on 12 February, Mirinjani went away and were going to make a detailed response; they were going to put it in writing to formalise it. It did not need to be in enormous detail, because that was not required.

They took seven weeks to respond to that. I am not complaining about that. But they did not send it back the next day or the next week. It was received back on 31 March. They took their time over that, and I think that is reasonable. I have no argument with it. A week after that the Planning Authority received its response from the leasing branch seeking amendments to the development conditions. For six weeks, two departments were handling this matter. That is about the same period of time as Mirinjani had it. At that time there was a very large workload with a number of other quite significant documents to be dealt with. That took us up to 12 May, when the Planning Authority sent the revised conditions to the leasing branch. They did not muck around. On 14 May they sent the documents back to Mirinjani. On 14 May they sent the documents saying, "There you are. You want that".

A month later, on Monday this week, we got a comment that we have been slow; that there have been bureaucratic delays. That is the history of it. You think about it and you judge it. I believe that the matter has proceeded properly. We in this chamber know - indeed, there is a strong emphasis in this chamber, from some more than others - that we have our planning guidelines, our policies and our ways of doing things; and they are not rapid. I do not know whether the person who made this speech thinks it is just a matter of signing a document. That is not the case. The bureaucrats have proceeded promptly. Indeed, on 1 June they met with architects. Ahead of Mirinjani, the Planning Authority met with architects to keep things moving. So I am disappointed that Mirinjani management should make those comments, and I am disappointed that the papers would not seek to have a reasonable story on their front page.

HIV and AIDS

MRS CARNELL: My question is addressed to the Minister for Health. The Public Health (Infectious and Notifiable Diseases) Regulations currently require the notification of auto-immune deficiency syndrome. This situation has been confirmed recently in substantial regulatory amendments. Why is HIV, a highly infectious disease and the precursor of AIDS, not listed as an infectious disease or a notifiable condition in the new regulations?

MR BERRY: The issue of notification of AIDS and HIV has been one that has been around for some time. I am sure that Mrs Carnell, as a professional, would know why HIV is not listed.

Mrs Carnell: No. I just asked.

MR BERRY: I am sure you would know, if you were a health professional, or a real one.

Mr Humphries: We would all like to know.

MR BERRY: Mr Humphries should know, because he was Health Minister - dash it - for about 18 months. There have been some changes to the way that we record infectious diseases, and there have been some complaints from some quarters about - - -

Mr Humphries: What is the answer, Wayne? Do you know the answer? He is meandering all over the place.

MR BERRY: If you are patient enough to sit there and wait - I can deal with the interjections; we can use up all of your question time just dealing with your silly interjections - - -

Mr De Domenico: You can use up all the private members' business time, too. Answer the question.

MR BERRY: Here we go; another one. That is right; if you want to use up all of the private members' business time and this question time with your interjections, we will use up more and more of your time, so do not be silly. Just sit there and wait. The issue of these sorts of diseases is one that is of concern. The HIV matter is one that is being dealt with currently by way of discussion within the department, and I am sure that the people who are affected by it are concerned about it, because AIDS has been notifiable under the regulations for some time and HIV has not. There is, of course, some concern about the anonymity of HIV sufferers.

Mrs Carnell: But not for AIDS.

Mr Humphries: But why not for anybody else? Rubella sufferers or salmonella sufferers?

MR BERRY: There is some concern about it. The way that they are recorded is different from the way that other infectious diseases are recorded. It is a sensible way to do things. There have been some changes proposed for a range of infectious diseases. The HIV issue will be dealt with separately and you will be informed in due course.

MRS CARNELL: I have a supplementary question. I am very pleased to hear that the HIV problem is going to be addressed. Could the Minister please assure the Assembly that when the HIV question is addressed - he has assured me that that will happen in the very near future - HIV will not be treated differently from other notifiable or infectious diseases?

Mr Connolly: You should read the research papers on this. There is a big argument about this.

MR BERRY: Here we go again. The so-called health professional is saying that we should treat - - -

Mr Humphries: Do you want to answer it, Terry?

Mrs Carnell: Will you answer it, Terry?

MR BERRY: No, no; we get to the nub of the issue. What we want to do is to deal with HIV in the same way as we deal with measles; that is what Mrs Carnell wants to do. That is right; she wants to deal with it that way. What she wants to do is to drive HIV sufferers underground. That is what she wants to do. There is an agreement between all State governments on the way that HIV is notified. It is notified in a coded form - - -

Mrs Carnell: It is not notified at all at the moment.

MR BERRY: It is notified in a coded form.

Mr Humphries: In the ACT?

Mrs Carnell: Where?

MR BERRY: Voluntarily.

Mr Humphries: In the ACT?

MR BERRY: Yes.

Mrs Carnell: Voluntarily?

MR BERRY: Yes, in a coded form. What the Liberals want to do, of course, is to have it notified in the same way as measles. One of the things - - -

Mrs Carnell: No, as AIDS.

MR BERRY: Of course, they are out of step with the stream of sensible thought on this issue, because it has been agreed across Australia that there will be a different way of notifying HIV than the rest of - - -

Mrs Carnell: Does that necessarily mean that it is right?

MR BERRY: Yes, it does; it is right.

Mrs Carnell: Okay; that means that pharmacies should dispense methadone.

MR BERRY: No, no; if you want to talk about pharmacists - you got done over this morning - raise another question and we will do it again. You got done over this morning and I will do it again. That is fine.

Mr Kaine: You were the one who got done over.

MR BERRY: You were the ones that were embarrassed. You are the one who frothed at the mouth, Leader of the Opposition. The issue is that HIV will continue to be notified differently from other infectious diseases because we are not going to drive HIV sufferers underground.

Mr Humphries: Why?

MR BERRY: That is why.

Calvary Hospital Emergency Bay

MS SZUTY: My question without notice is also addressed to the Minister for Health, Mr Berry. Could the Minister please explain the arrangement for patients admitted to the Calvary Hospital emergency bay, including whether specialists are available on call to see patients, and under what conditions and circumstances patients can be admitted to normal wards from the emergency bay?

MR BERRY: The arrangements at Calvary, of course, are different from those that apply at Woden Valley Hospital because they do not deal with the same range of specialities. If somebody is admitted or finds their way to the accident and emergency section and they are unable to be treated for the particular ailment that they have, they will be transferred to Woden Valley Hospital. If they can be admitted to the ward area of Calvary Hospital, they will be. But that is not to say that people who are ill should avoid Calvary Hospital. The accident and emergency section is ideally located to stabilise those who are injured or ill and to give them quality treatment; and where there is a need for transfer to Woden Valley Hospital that can be arranged.

Belconnen Remand Centre

MR HUMPHRIES: My question is to the Attorney-General and it concerns the Belconnen Remand Centre, a centre which was condemned in the "Paying the Price" report as inhumane, overcrowded and outrageously expensive to run. Can the Attorney inform the Assembly of the current cost per detainee per year at the centre? Is it the case that this cost is now in excess of $100,000 per detainee per year - more than twice the cost of keeping a detainee in remand in New South Wales, for example? Is the Minister aware that for a mere $67,000 per year he can obtain for detainees bed and breakfast with a bottle of champagne thrown in at the Hyatt Hotel Canberra, it having the added advantage that detainees would be less likely to want to escape from it than they would be from the Belconnen Remand Centre?

MR CONNOLLY: Yes, Madam Speaker, I am certainly aware of the excellent facilities offered by the Hyatt Hotel. One of their marketing strategies for frequent visitors, I think, is their speedy checkout service. Of course, that points to the absurdity of Mr Humphries's suggestion. It is often thrown into this debate that one could stay at a hotel more cheaply than at a gaol or a remand centre and, of course, that is the case because they do not have to provide security.

The remand centre at Belconnen is not an ideal facility; there is no question about that. It was built in a different era. It was built when there was a view that high technology and high physical security was the appropriate way to deal with remandees. It was designed, as Mr Humphries is probably aware, by the same organisation that designed Kootingal - the infamous and now closed maximum security facility at Long Bay. Indeed, if anyone visits Long Bay and goes through Kootingal they will notice a remarkable similarity to the basic floor plan and layout at the remand centre.

The ACT Corrections Review Committtee report "Paying the Price" indicates that in the long term we will have to consider replacing the remand centre, and I think that is right. I think, in any event, that it is in the wrong place. It was an extraordinary planning decision in the 1970s, when Belconnen was obviously going to be a town centre and a substantial commercial and residential area, that that was the appropriate place to build a remand centre. One would have thought that the remand centre could have been built in an area other than a commercial and residential centre.

As I have said repeatedly, this Government will be addressing the long-term infrastructure needs of corrections later in this Assembly with a view to implementation in the next Assembly. At the moment this Government is committed to substantial capital works to upgrade the law and order infrastructure in relation to the courts, which are in a very run-down state - Mr Humphries knows of and I think shares my concerns in relation to that - and in relation to police accommodation in respect of which I am sure, again, Mr Humphries will share the Government's view that the police accommodation, particularly at Belconnen, which is being targeted first, where they are actually working out of demountables out the back of the police station, and in Civic, which is in a very run-down 1960s building, is inadequate.

This Government in due course will be addressing a long-term strategy for remand centres. The precise figure I do not have with me, but I would not dispute what Mr Humphries tells me about it being over $100,000. I will provide that figure to him in due course. Yes, the facility is less than appropriate. We will in due course be addressing that.

Paralympics

MRS GRASSBY: My question is to the Deputy Chief Minister in his capacity of Minister for Sport. The Liberal Party spokesman on sport stated last week that the ACT Government's support for the athletes going to the Paralympics in Barcelona was not good enough. Is this true?

MR BERRY: I read that article too, and I was agitated by it. It is another example of the Liberal misinformation campaign that is going on out there. I am very happy to have the opportunity to answer this question here today. I hope to clarify that campaign of misinformation which has been created by the Liberal Party. Shame on them, Madam Speaker!

To ensure that every member of the Australian Paralympic team is able to compete in Barcelona the Australian Paralympic Federation has launched a crisis appeal, and you are aware of that. The ACT Government assistance to the appeal has been by way of a sport and recreation development program grant of $5,000 to the ACT Paralympic fundraising committee. This assistance matches the per capita State contribution average. Of course, Mr De Domenico wanted to create a different impression. He wanted to create an impression that the ACT was treating Paralympic athletes differently, but he is wrong. He is wrong again. He wants to create misinformation, and create concern amongst those Paralympic athletes and those who support them. Shame on him!

During 1991-92 the Government has made considerable contributions to the development of sport and recreational opportunities for the ACT disabled. Grants totalling $3,000 in travel assistance were made to assist some five disabled ACT athletes to attend world championship events. That is very important in the lead-up and the development for the Paralympic Games, I would think. I would think that when the Liberals select somebody to represent them on sport they ought to select somebody who would think that that sort of initiative is important.

The ACT Office of Sport and Recreation conducted a study on how sporting and recreational opportunities can be increased for the disabled in the ACT. This involved comprehensive consultation with a wide range of community sporting and disabled groups, and resulted in the establishment of the ACT and Region Disabled Sport and Recreational Association. This is all input that goes to the development of Paralympic athletes. Yet Mr De Domenico says that we are not doing enough. He is creating the impression that we are not doing anything.

A sport and recreation development grant of $7,500 has been made available to the new association to prepare a five-year development plan. That is another issue where the Government is doing something, and Mr De Domenico wants to create a very different impression.

Mr Humphries: How much do the able athletes get?

MR BERRY: We will get to that. You just wait there patiently, Mr Humphries, and we will get to that. Other recent grants to assist the disabled include $7,500 to ACT swimming to develop disabled integration programs, and $500 to the ACT Water Ski Association to develop a disabled water-ski program.

They are just a few of the things that the Government has done. Here are a few more. Basketball, netball and tennis also contribute a proportion of their annual grant towards integrated disabled programs. The Government is not doing enough, but we are getting on with it. The ACT Deaf Sports received $3,000 towards the purchase of a computer. The ACT Anglers Association received $500 for the conduct of a disabled fishing program - something that I was very proud to be associated with on the shores of Lake Burley Griffin. Pegasus received $500 for disabled riding programs and the Southpaw Club - they are stroke victims, for those who do not know - received $820 to assist with the development of activities to assist stroke victims.

Applications for the 1992-93 sport and recreation development grants program were opened on 13 June. Over and above the normal opportunity for sport and recreation bodies to nominate their disabled programs as part of their applications, a further special measure program targeting the development of opportunity for the disabled has been included in this year's grants program. Now we get to the figures, Madam Speaker. This is where it is very important. We get to what Mr De Domenico said. He said that the Government is not doing enough. Let us check the figures. The Labor Party has donated $5,000 to the ACT Paralympics appeal.

Mr Humphries: The Labor Party? The Labor Government, I assume.

MR BERRY: The Labor Government. This is what Mr De Domenico says: "The Liberals call on Labor to give a proportionate amount to disabled athletes". That is what he says in criticising what the Labor Party has done. But Mr De Domenico does not check his figures. The target for the ACT Paralympics appeal was $20,000. Did you know that? Did you know that we gave them $5,000?

Mr De Domenico: Yes, I read it in the newspaper.
MR BERRY: Good. Have you worked out that that is 25 per cent of the target?
Mr De Domenico: Yes.

MR BERRY: That is good. Okay. Did you know that the target for the Olympics was about $100,000?
Mr De Domenico: I was on the committee, yes.

MR BERRY: That is good. You knew that the ACT Government gave $20,000?
Mr De Domenico: Yes, $20,000. I was there when you gave it.

MR BERRY: That is one-fifth, right? So 25 per cent is bigger than 20 per cent! So we gave more to the Paralympics. This is the sort of misinformation that the Liberals have peddled around. I can see why Trevor is laughing; it is because he now knows that he is in no danger from Tony De Domenico. He cannot add up, so he will never get the numbers right. Trevor, you are safe.

Mr De Domenico: Madam Speaker, under standing order 213, can Mr Berry please table the document he was obviously reading from? Documents, sorry; you were reading from the other ones too.

MR BERRY: Which one?
Mr De Domenico: Three pages; the book.

MR BERRY: Okay.

MADAM SPEAKER: Just hang on a minute. I want to double-check all of this. I got confused earlier in the day. Standing order 213, I think, Mr De Domenico, demands that you actually so move. It says:

> A document quoted from by a Member may be ordered by the Assembly to be presented; the order may be made without notice immediately upon the conclusion of the speech of the Member who has quoted from the document.

Is that the one?

MR BERRY: It is your question time. You move it.

Mr De Domenico: I move, Madam Speaker, under standing order 213:

> That the document quoted from by Mr Berry be presented.

Question resolved in the negative.

Supported Accommodation Assistance Program

MR MOORE: My question is to Mr Connolly, as Minister for Housing and Community Services. My question refers to the 1991-92 additional grants under SAAP, the funding program. I understand that recipients have been informed of their success or otherwise. What services were funded for what type of service, and how much was granted in each case? On what basis were the priorities determined? This is a question of which I gave Mr Connolly some notice.

MR CONNOLLY: I thank Mr Moore for the question and for his request for this information. The basis of priorities was a fairly complex consultative process involving a ministerial advisory committee established in the ACT setting up recommendations; those going to a joint working group of Commonwealth and ACT officials; and, eventually, agreement between the Commonwealth Minister, Peter Staples, and me. The priorities are identified through that process for upgrading existing services, family services, new crisis accommodation services for families and family units, additional outreach workers, a single men's service, additional training and equipment replacement. Rather than taking up more of the valuable question time, I can table, and provide a copy for Mr Moore, a detailed schedule breaking down which groups received what dollars for what purpose. This is, of course, public information; so it is nothing that the groups can complain about for being released. I table that document.

Animal Welfare Legislation

MR WESTENDE: My question without notice is directed to the Minister for the Environment, Mr Wood. Can the Minister explain why he or his office, or a member of his party, Mr David Lamont, has refused to talk to the members of the Circus Federation of Australia in regard to the Animal Welfare Bill 1992? Can the Minister further explain why he or the Government has not consulted other key organisations and business in relation to the Animal Welfare Bill, such as the RSPCA, the Australian Bushmen's Campdraft and Rodeo Association Ltd, the Animal Services Division of the ANU and Bartter Enterprises or, in other words, Parkwood Eggs?

MADAM SPEAKER: Of course, Minister, you are not responsible for Mr Lamont, but you may choose to answer the rest of the question.

MR WOOD: I note that. This is simply a repetition of the debate that we had last night. If you had been in touch with that policy paper that was prepared some time ago under the auspices, in part, of the former Government, you would be aware - and I know that this was said last night - of the very considerable consultation that took place, including, from my memory, clearly, consultation with the Rodeo Association. I believe that to be the case. That report actually did not contain a list of who had been consulted, which is fairly normal in reports; but that does not detract from what was an excellent report. There has been widespread consultation. Mr Westende, you have recently arrived on the political scene and it is reasonable to expect, I suppose, that you are not aware of what has gone on in the past.

Housing Trust Rents

MR CORNWELL: My question is to the Chief Minister. I refer, Chief Minister, to your assurances to the Leader of the Opposition, quoted in the Assembly *Hansard* of 12 September 1991, at page 3248, that your residential land tax did not - I repeat "not" - apply to unencumbered or non-rebated Government Housing Trust tenants because such "Housing Trust rents are set at market levels". In May your colleague Mr Connolly advised me on notice that the average unencumbered trust rent for a three-bedroom property in August 1991 was $137.50 per week, and in February 1992 it was $143.50 per week. In the same month *Market Facts*, the Real Estate Institute of Australia publication, advised that median weekly rents of a three-bedroom property were $170 in August 1991 and $185 in February 1992 - that is, $33 and $41 respectively above the Housing Trust rents. I ask: Do you still support your claim that Housing Trust rents are set at market levels?

MS FOLLETT: I think the best I can do for Mr Cornwell is take his question on notice because clearly I will have to consult with Mr Connolly, the Minister who has responsibility for the Housing Trust. But I would comment that Housing Trust properties are Housing Trust properties and the market value of them is probably a separate question from the figures that you are referring to.

Mr Cornwell: No, I am talking about the rents.

MS FOLLETT: Well, market value for Housing Trust properties.

Mr Cornwell: No, I am talking about the rents that you claim are set - - -

Mr Connolly: They are set for the market rent for those houses.

Mr Cornwell: I am speaking of your comment that Housing Trust rents are set at market levels.

MADAM SPEAKER: I assume that you are asking a supplementary question, Mr Cornwell.

Mr Cornwell: No, I am trying to clarify the question for the Chief Minister.

MS FOLLETT: Madam Speaker, I continue to assert that Housing Trust rents are set at market levels for those properties, not for other properties. Mr Cornwell himself has quoted a median price. So he is not comparing Housing Trust properties with other replicated Housing Trust properties; he is comparing Housing Trust properties with a median of the whole market, I presume. As I say, I will take the question on notice, consult with the Minister responsible, and if there is anything to add to what I have already said I will advise Mr Cornwell.

MR CORNWELL: I ask a supplementary question. In taking that on notice, and I thank the Chief Minister, could she also consider that, with a $37.25 per week average shortfall in those six months between the market rent and the Housing Trust rents, her Government has forfeited $2m from potential revenue?

MS FOLLETT: Madam Speaker, the answer is no, I do not accept that. I think probably the supplementary part of Mr Cornwell's question reveals his agenda, which is quite clearly to increase the rent on Housing Trust properties regardless of their market value. So his supposition in the supplementary part of his question is sheer nonsense. Nevertheless, I will do him the courtesy, as I have said, of making the comparison that he has asked me to, and if I have to add anything to what I have already said I will do so.

Building Waste

MR LAMONT: My question is to the Minister for Urban Services. With the increasing pressure on the ACT's existing land fill sites, can the Minister inform the Assembly of any initiatives to reduce the impact of building waste on Canberra's rubbish tips?

MR CONNOLLY: I thank Mr Lamont for his question. I am delighted to announce a government initiative in this area. Again the ACT Government is being smart about recycling and is taking innovative steps to reduce the pressure on land fill. Mr Wood's office and agency and my office and agency have been working together on this. I am pleased to announce that the major Canberra-based demolition contractors, Irwin and Hartshorn, have entered into an arrangement with the ACT Government to provide an area of land at Pialligo whereby they can provide recycling for demolition or building spoil. Up until now there has been no provision in the ACT for recycling of demolition spoil, and builders' spoil accounts for something like a third of the total waste going into ACT land fill sites.

This arrangement that has been entered into between the Government and this contractor is operating as of this week. We are getting something like 130 cubic metres per day into that site. I should say that other smaller demolition operators are able to use that site; it is not just this one head contractor. That translates to something like 35,000 cubic metres of land fill space that we are saving, not to mention the possibility of getting some of this material back into the market.

This particular contractor tells us that in the past five years it has demolished something like 400 buildings in Canberra, about 40 per cent of those being commercial buildings. Each residential building generates about 200 cubic metres of rubble. As for commercial buildings, an example was the recently demolished Banjo Paterson Inn at Narrabundah. Something like 3,000 cubic metres were sent to land fill from that one site. This initiative, another example of government working across agencies and with the private sector, will reduce the pressure on our land fill and provide effective recycling of building materials into the Canberra community. It is a most remarkable initiative.

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

PAPERS

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I present the following paper:

> Audit Act - Board of Health - Financial statements, including the Auditor-General's report, for 1990-91.

Mr Humphries: Is it the annual report?

MR BERRY: A supplementary report.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, for the information of members I present the following report:

> Community Law Reform Committee - Report No. 5 - The Guaranteed Supply of Essential Services.

I foreshadow the introduction into the Assembly tomorrow of the draft legislation recommended by the committee in the report.

STATUS OF WOMEN
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer) (3.10): Madam Speaker, I ask leave of the Assembly to make a ministerial statement on the status of women in the ACT.

Leave granted.

MS FOLLETT: Madam Speaker, recently I attended the third Commonwealth and State Ministers Conference on the Status of Women. As I listened to the reports made by my ministerial colleagues from around the country I was reminded of how far we have advanced the status of women. I was particularly proud that the ACT's achievements are held in high regard, and that in some areas we lead the nation. My Government's policies aim to provide women with the opportunity to fully participate in all aspects of the life of our community. This involves a range of policy measures, given that women comprise half the population. Today I wish to dwell upon a number of these to which we are giving particular emphasis. These include economic security through work force participation; freedom from domestic violence; and access to decision making processes.

I am pleased to say, Madam Speaker, that the ACT has the highest participation of women in the paid work force, at 62.2 per cent. This figure looks very favourable when compared with the national rate of 51.8 per cent. The ACT Government's employment focus has several dimensions. One has been on equipping women who are not in employment with the skills and experiences needed for them to successfully compete for jobs. Another has been on ensuring that women who are in employment have access to the kinds of opportunities that are necessary if they are to continue to be able to pursue their career choices.

One recent initiative in the first of these areas has been a pilot program for mature aged women which offered traineeships in the ACT Government Service. This four-month program has just been completed and is currently being evaluated. Assistance for women on low incomes to participate in TAFE vocational courses has been a further element of the Government's effort to increase women's access to the work force, as has the tradeswomen on the move program, which now has a full-time coordinator.

The needs of women in small business have been a particular focus of the Government. The informative breakfast seminars for women in small businesses are going from strength to strength, with assistance from the ACT Chamber of Commerce and Ernst and Young. In addition, further links with women in small business are being supported by the development of a register of women in business in the ACT by the business and professional women's organisation.

I have said many times that child-care has the capacity both to improve the lives of individuals and families and to add to the potential of the economy as a whole. My Government is strongly committed to the rights of parents, especially women, to achieve their full potential in the work force. I believe that child-care is equally a social justice issue, a status of women issue, and an employment and productivity issue. In line with this, work is proceeding on two child-care centres for use by ACT Government employees. In addition, government employees have recently been surveyed to assess the need for further child-care facilities. The results of this survey, which I expect to receive shortly, will help guide the implementation of the Government's commitment to provide further employer supported child-care during the life of this Assembly. Our child-care initiatives are being closely watched by other States and, indeed, the Commonwealth itself. Of course, a bonus of this move will be to free up child-care places in community centres and so enhance the ability of women to compete for employment opportunities in the private sector also.

Many people, women in particular, wish to combine workplace participation with their family responsibilities. I believe that the ACT Government Service should take the lead in this area. Work is under way to develop innovative ways to support our workers with family responsibilities. Options such as more flexible leave arrangements and revision of flexitime schemes will be examined. This examination will, of course, be consistent with efficient management practices and effective service delivery. As a first step in this process we will shortly be seeking the views of the public on the problems facing women in the work force who have family responsibilities. Submissions from interested parties will provide the basis for a discussion paper which will canvass such options.

A real commitment has also been made by the Government to implement an equal employment opportunity policy in the Government Service. This policy aims to ensure that all officers have equal employment opportunities and that program managers are responsible and accountable for EEO legislation recently introduced. Most important to the implementation of the EEO policy has been the establishment of an EEO unit in my department.

In addition, the Government intends to legislate to provide for the extension of parental leave to ACT employees who are not currently eligible for such leave under industrial awards or agreements. This will be at the standard established by the Australian Industrial Relations Commission in the parental leave test case.

Again this will assist women in the work force to achieve greater continuity in their working lives and provide opportunities for their partners to assist them in this process.

We should not forget that some women choose another path, that of a full-time carer. Too often in our fast-moving society we overlook the efforts of those women in the unpaid work force. In the ACT this caring role is given greater recognition through its inclusion in our discrimination legislation. The Discrimination Act prohibits discrimination on grounds including being a parent or having responsibilities as a carer. This existing statutory protection will be enhanced by the introduction of legislation designed to provide greater protection to the partners in domestic relationships, including de facto couples and carers. One of the reforms of this legislation will be to provide for property settlements after separation. Implementation of the Government's policy on women's neighbourhood groups is intended to help to break down the isolation that some women feel while in that caring role. Initial work with the community on this proposal has indicated that there are two essential elements to the success of these groups - the provision of adjunct child-care and flexibility in organised activities.

My Government's highest priority is given to the protection of women and children from violence, particularly domestic violence. It is my view that assault in the home is a crime and should be treated as such within the criminal justice system. Members will be aware that the Community Law Reform Committee is currently reviewing the domestic violence legislation and its application in the ACT. The committee will soon be calling for public submissions following its release of a discussion paper on domestic violence in the ACT. The Community Law Reform Committee has already made an interim report on a number of matters which it considers need urgent attention. One of the issues considered in this report is the strengthening of police powers to remove firearms in domestic violence situations in order to provide more effective protection to victims. The intention of this initiative is to extend powers to allow for the seizure of weapons and to extend the power to search for weapons. Madam Speaker, legislative amendments resulting from this interim report are to be introduced by the Attorney-General in this current session for members of the Assembly to consider.

Another vital piece of legislation to ensure greater protection for women will also be introduced in this session. I refer, of course, to the portability arrangements for protection orders. This issue has been the subject of discussion at many national forums, including the meeting of Premiers and Chief Ministers held in November 1991. At that conference I sought agreement to speed up the process for implementing a scheme for the portability of protection orders. One of the key features of this new legislation is the registration of interstate protection orders in the Magistrates Court, making them enforceable by the Australian Federal Police. Cross-border breaches of protection orders are a particular concern in the ACT, given its geographic location. It will be possible for breaches to be enforced when an offender re-enters the ACT by amending the Domestic Violence Act and the Magistrates Court Act to cover conduct carried on outside the ACT.

Sometimes measures that may seem small can contribute to attitude change. The removal of sexist terms from our everyday language fits into this category. In line with this idea, we propose a structured approach to change the language of our legislation. The Government has decided that, as a matter of general policy, proposals to amend existing legislation should include the removal of sexist language. It has further agreed that a review of existing sexist language in legislation will be conducted in the context of the legislative review program.

It is this Government's belief that women have much to offer our community and must be encouraged to participate in the existing decision making processes. The ACT Legislative Assembly has already made history by electing women to the positions of both Chief Minister and Speaker. Our policy of equal representation on government boards and committees ensures that the skills of women are utilised for the benefit of the community. Such appointments, of course, allow women to develop new skills.

Madam Speaker, I am delighted to announce that the current representation of women on such boards and committees has increased to 46 per cent, by far the highest participation rate in Australia. This result is a reflection of the many talented women who are both able and willing to serve our community, and a credit, of course, to the diligence of Ministers. I believe that the advice received from these boards and committees is of great value to government and is a very important part of the consultation process.

Madam Speaker, the ACT Women's Consultative Council is one of the Government's most important advisory groups. The council always provides well-considered views on the status of women. I would like to place on the public record the Government's appreciation of the first council's work, particularly in the area of domestic violence. The council, like the Government, operates within a social justice context, seeking equity for all women, including Aboriginal and Islander women, women of non-English speaking backgrounds, young women, older women and women with disabilities.

In making appointments to the second Women's Consultative Council I have ensured that women with specific expertise and extensive networks will participate in the decision making process. I have also decided to reappoint some members from the first council to facilitate continuity in the council's work. One of those members, Ms Julia Ryan, well known in the community sector, will convene the second council. Madam Speaker, for the information of members, I table the full membership list of the council.

With the assistance of the new council, the Government will continue to enhance the status of women in our community, both through the measures I have mentioned and also through the many other ongoing activities of government which I have not specifically canvassed today. I am proud of our achievements, and I look forward to working in cooperation with the ACT community to maintain our lead in encouraging the women of the ACT to fully participate in the life of our community. I present the following paper:

> Status of Women - Ministerial statement, 17 June 1992.

I move:

> That the Assembly takes note of the paper.

MR MOORE (3.23): I would like to take this opportunity to give my response to some of the comments on the status of women and Ms Follett's paper. We had full knowledge that this statement on the status of women was going to be and that provided us with the opportunity to prepare some comments.

In July Mr Connolly will be representing the ACT at a Federal Attorney-General's meeting. At this meeting Mr Connolly will need to represent our views on proposed legislation, Project Choice, to do with regulating the availability of certain sexist material. I wish to make some comments on this issue that I sincerely hope Mr Connolly will take with him to that meeting.

Mr Connolly: Back to Rubens.

MR MOORE: Mr Connolly interjects, "Back to Rubens". I hope that, by the end of my comments, he will realise the nonsense of that statement. The recent report by the House of Representatives Standing Committee on Legal and Constitutional Affairs, "Half Way to Equal", addresses the status of women in the work force, their economic status, education and training concerns, access and equity issues. It seems that things are generally improving in the work force for women, albeit very slowly. In addition, today we have heard a number of comments from Ms Follett that also extend that and raise those very significant issues.

EEO and sexual harassment legislation have netted positive results in this area over the last few years. I doubt whether anyone, though, could deny that there is still a very long way to go. As the title of the report indicates, women are halfway to equal. In this respect Ms Follett commented earlier on the fact that this chamber leads the way in one sense in that we are the first to have a woman as Speaker and a woman as Chief Minister. But, if my memory serves me correctly, even in terms of the number of women in the parliament, we have just a little more than a third, and it seems to me that there is still a long way to go for that representation to be achieved as well.

Mr Connolly: It is the Liberal Party that drops the average.

MR MOORE: Mr Connolly quite rightly interjects that it is the Liberal Party that lets down the system. In her speech Ms Follett referred to sexist language, and I think sexist language plays a very important part in our understanding of the status of women.

Despite many battles that have been fought, and theoretically won, women seem to have reached a plateau from which they cannot rise, or they seem not to be able to rise. There are many women in Australia who believe that the reason this resistant plateau exists has much to do with the unchanging media image of women. Women are still degraded, put up to ridicule, and exploited in the media. If women must be seen in a debased way as every Australian enters the local shop, then it is questionable whether the female sex can be taken seriously and treated with respect when they reach the workplace. This undesirable image of women is not something seen by choice by a few people in the privacy of their own homes; it is an image seen by 100 per cent of the population, male and female, child and adult.

One of the major changes EEO practice has brought about in the workplace has been the removal of sexist material displayed in the workplace. It is only a very short time since we recall seeing in almost every garage, for example, depictions of that nature; that is, material that demeans women and trivialises their position in society by depicting them as simply sex objects, often accompanied by ridicule and sexual commentary. It is well recognised that this practice was in direct conflict with equal employment legislation. How could we support the strides made by many on equal pay, access to jobs and child-care, whilst condoning this inequitable and demeaning portrayal of coworkers in our society? The removal and non-approval of these depictions in the workplace has had a profoundly positive effect on the self-esteem, dignity and confidence of women.

Why then is it seen as such a trivial issue that women and men are constantly barraged by sexist depictions in everyday society? I am not referring to images of sexual expression. I want to make that perfectly clear. This argument is not about showing body parts, or depictions of adults in sexual acts. They are the least offensive. In fact, if women are to control their own expression of sexuality we must ensure that the evangelists and moralists do not sully this debate with prohibition-type anti-sex red herrings that would take away the power of women to define their own sexuality in our society. Our society will never be free of sexual images, nor should it be. If sexual images are banned, women cannot redefine the media image of their sexuality themselves, and Consolidated Press will continue to do it for them.

It confuses the issue when X-rated videos, which are controlled by legislation and are not permitted to depict sexual violence, coercion or non-consent of any kind, and are limited in access to adults only who actively seek them out from designated outlets, are targeted in the same way as the material that abounds without these restrictions. I refer to the R-rated movies, many magazines available in newsagencies, advertisements on the screen, and publications freely available to all, which consistently portray women in demeaning, trivialised images, often the victims of sexual violence where the perpetrators are the heroes and not the villains, which blatantly contradicts all the moves made on addressing sexist practice elsewhere.

A movie released recently, enjoying huge box office success, serves to illustrate a sad indictment of society that accepts as normal that a hero can rape a woman, kill her, and then enjoy her undying devotion with her last breath. That this scenario was part of a plot is acceptable; that the perpetrator was hailed as a hero is not. Depictions such as this go a long way in ensuring that women are locked into sexist and disadvantaged situations in society. I put it to you that if the same treatment were given to a specific ethnic group or indigenous people the community would be outraged and scream, quite rightly, and one would hope loudly, "Racist". Only a small minority of perhaps neo-Nazis would support it.

Why then, in an age that recognises the power of advertising tobacco in encouraging smoking, where no-one would dream of using racist material in an advertisement, where public awareness campaigns have encouraged peers to police drink-driving habits, do we still treat as trivial the advertising and condoning of demeaning and violent treatment of women in our society? Why do we still avoid taking action that affects all of us in society?

Male journalists and politicians have often said that no correlation could be made between these depictions and the treatment of women. I guess that they are the same people who argued against tobacco advertising in magazines, television and on the sports fields. Why? Quite rightly, the assumption can be made that if we are serious about curbing a previously accepted practice, for example, smoking or driving under the influence of alcohol, then direct intervening action should be taken to change attitudes to that behaviour.

Governments have paid particular attention to advertising ensuring that encouragement of anti-social practice is not permitted. Interestingly, it is most commonly members of the press and the political arena who insist that these negative images of women have no effect on the public. One must remember that the next time a negative image in the press sparks a leadership challenge or conflict between nations.

What women are trying to say when they take action against these publications is that these images are out of step with where women are in society and what governments purport to be encouraging as healthy in our community. Images of consenting, equal sexuality are acceptable in our society and consequently are not what women are fighting against. It is understandable that there are now worldwide moves to disempower those who prosper from actions that are sexist and not acceptable in our society and our laws.

We must ask ourselves why the following enigmas exist. It is illegal to discriminate against women, to kill, rape or beat them; yet in R-rated movies, not X-rated movies, available at the family video outlet, or in magazines displayed in newsagents and airports, they can be given all these treatments in a sexual rather than a criminal context. If similar publications were to be produced using Chinese men, for example, the charge of racism would be swift, and so it should be.

A recent conference on the status of women in Darwin, attended by Federal, State and Territory government Ministers, urged an overhaul of guidelines on videos and printed material which sexually demean and incite violence against women. The Victorian Premier, Mrs Kirner, reported that:

> The Ministers representing women believe the portrayal of women in demeaning attitudes or attitudes that incite violence is unacceptable.

She added:

> ... the community has got to the stage where it simply is not going to tolerate any longer, material or media attention which demeans women or incites violence against women or legitimises it.

It is time that we, as politicians, took the lead on these issues, as difficult as they are. To keep ignoring them is to condone and encourage sexist practice throughout our society.

Debate (on motion by **Mrs Carnell**) adjourned.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Reports and Statement

MRS GRASSBY: I present reports Nos 5 and 6 of 1992 of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation and I seek leave to make a brief statement.

Leave granted.

MRS GRASSBY: Report No. 5, which I have just presented, was circulated to members out of session on 2 June 1992. Pursuant to the committee's terms of reference, report No. 6 details the committee's comments on two Bills and 12 pieces of legislation. I commend the report to the Assembly.

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (3.34): I present the Financial Institutions (Application of Laws) Bill 1992.

Title read by Clerk.

MS FOLLETT: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

The Financial Institutions (Application of Laws) Bill 1992 is the first of a package of three Bills which I will introduce today to implement ACT participation in a uniform national scheme for the regulation of building societies and credit unions. The other two Bills which make up the package are the Financial Institutions (Supervisory Authority) Bill 1992 and the Financial Institutions (Consequential Amendments) Bill 1992. All States and Territories are committed to introduce the new scheme, which will take effect from 1 July 1992. The recent crisis in non-bank financial institutions, particularly in Victoria, highlighted the need for more stringent and uniform prudential standards governing the operations of building societies and credit unions throughout Australia.

In November last year Premiers and Chief Ministers signed a formal agreement committing the States and Territories to a process which culminated in consideration of uniform legislation, and a new financial institutions scheme for State and Territory based prudential supervision of permanent building societies and credit unions throughout Australia. The communique from the Adelaide conference of Premiers and Chief Ministers stated:

> The formal agreement represents a notable example of the States and Territories working together to effect reform in an area of important concern to all jurisdictions. It also reflects a constructive spirit of cooperation between Governments and industry.

Mr Deputy Speaker, the national scheme has two major components which will apply uniformly to all States and Territories. These components are the Australian Financial Institutions Commission Code and the Financial Institutions Code. These codes were passed by the Queensland Parliament in March this year.

The scheme has a number of important features. First, an independent national body, to be known as the Australian Financial Institutions Commission, AFIC, will be established in Brisbane, under the AFIC Code, to develop prudential standards and practices and to coordinate the application of those standards by supervisors in each State and Territory.

Second, a State or Territory supervisor is to be established as an independent authority in each jurisdiction. The supervisor will undertake day-to-day prudential supervision of building societies and credit unions registered in that jurisdiction, with the objective of protecting the interests of depositors in accordance with the uniform rules set by AFIC.

Third, AFIC will coordinate uniformity, ensure that organisations providing banking services to industry are appropriately supervised, and oversee and coordinate emergency liquidity schemes for solvent institutions experiencing temporary liquidity stress. Fourth, a ministerial council will oversee the review of legislative policy for the scheme and appoint the board of AFIC. Fifth, the costs associated with supervision are to be borne primarily by the industry.

The Financial Institutions Code enables the powers of a State or Territory supervisory authority to be delegated to the authority of another jurisdiction. Given the small number of societies registered in the ACT, it may be appropriate to consider delegation of supervisory powers to a larger jurisdiction as a means of ensuring that appropriate supervisory expertise is available at a reasonable cost to industry. I understand that the Northern Territory and Tasmania are considering delegation for the same reasons.

Prudential standards will no longer be prescribed in the legislation and are instead to be set by AFIC after formal consultation with supervisors, industry and the public. These standards, which will effectively be subordinate legislation, will be published in the *Queensland Government Gazette* and in book form in a similar manner as the Reserve Bank publishes bank prudential standards. Preliminary exposure drafts of proposed standards have already been provided to industry for comment.

At the core of those standards will be a risk based approach to maintaining capital, which acts as a brake on high risk ventures whilst not intruding into legitimate management decisions and provides protection for depositors. Additionally, the standards will address in detail prudent practices relating to liquidity, large exposures, ownership structures, risk management systems, relationship with subsidiaries, accounting standards and other activities.

It is expected that AFIC will set standards and practices which will be equal to those applying to banks, and in some instances could be greater. State and Territory supervisors will be required to regularly inspect the institutions to ensure compliance. The responsibility for prudent management of building societies and credit unions rests with their boards and management, not with governments, supervisors or regulators, and supervision should focus on the prevention of problems. It is the role of governments to provide the right legislative environment in which this can occur. The package of supervision and the underpinning financial institutions legislation provides this environment. The codes provide that building societies and credit unions should maintain their traditional focus by meeting certain character criteria.

The Financial Institutions Code provides character criteria for building societies to reflect their ongoing commitment to provide residential finance. The code also has regard to the evolving role of societies specialising in servicing the changing financial needs of the community. The Financial Institutions Code provides for a prime purpose test where a minimum of 50 per cent of a building society's group assets must be held in the form of residential finance either owner occupied or tenanted.

Credit unions are required by the Financial Institutions Code to maintain 60 per cent of their assets in personal loans to members and no more than 10 per cent of such financial accommodation may be for commercial purposes. Because not all the institutions will be able to comply with the standards on commencement of the scheme, AFIC will, in the published standards, provide for transitional periods for compliance.

Interstate societies wishing to trade in the ACT will be required to be registered as foreign societies under the Financial Institutions Code. To be eligible for such registration, they must comply with the prudential standards published by AFIC. Societies already trading interstate which do not meet the prudential standards on commencement will be subject to the same transitional timetable for compliance as applies to activities in their home State or Territory.

The regulations under the initial Financial Institutions Code have been approved by Chief Ministers and Premiers. Future regulations are to be approved by the Ministerial Council for Financial Institutions established by the financial institutions agreement.

The Bills now before the Assembly are consistent with proposed legislation to apply the Queensland codes as laws in all jurisdictions to implement the uniform supervisory scheme: The Financial Institutions (Application of Laws) Bill 1992 applies the Australian Financial Institutions Commission Code and the Financial Institutions Code as laws of the ACT; the Financial Institutions (Supervisory Authority) Bill 1992 establishes an ACT supervisory authority; and the Financial Institutions (Consequential Amendments) Bill 1992 makes consequential amendments to existing ACT legislation.

The Government supports the establishment and implementation of the financial institutions scheme, which incorporates high prudential standards and adequate depositor protection to achieve a stable environment for building societies and credit unions. The Bills now before the Assembly will ensure that the ACT is a full participant in the scheme.

Mr Deputy Speaker, I present the explanatory memorandum for the Financial Institutions (Application of Laws) Bill 1992.

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

FINANCIAL INSTITUTIONS (SUPERVISORY AUTHORITY) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (3.43): I present the Financial Institutions (Supervisory Authority) Bill 1992.

Title read by Clerk.

MS FOLLETT: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

As I indicated earlier in my introduction of the Financial Institutions (Application of Laws) Bill, the Financial Institutions (Supervisory Authority) Bill 1992 is the second in the package of three Bills to implement ACT participation in the uniform national scheme for the regulation of building societies and credit unions.

The purpose of this Bill is to establish an ACT supervisory authority for the scheme. The ACT authority is the Registrar of Financial Institutions. The Bill sets out the functions of the registrar, the arrangements for the appointment of the registrar, and the standards of conduct expected of the registrar and his or her staff. Mr Deputy Speaker, I present the explanatory memorandum for the Financial Institutions (Supervisory Authority) Bill 1992.

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

FINANCIAL INSTITUTIONS (CONSEQUENTIAL AMENDMENTS) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (3.44): I present the Financial Institutions (Consequential Amendments) Bill 1992.

Title read by Clerk.

MS FOLLETT: I move:

> That this Bill be agreed to in principle.

Mr Deputy Speaker, as I indicated earlier in my introduction of the Financial Institutions (Application of Laws) Bill, the Financial Institutions (Consequential Amendments) Bill 1992 is the third in the package of three Bills to implement ACT participation in the uniform national scheme for the regulation of building societies and credit unions. The purpose of this Bill is to make consequential amendments to existing ACT legislation, principally to remove references to building societies and credit unions from the Co-operative Societies Act 1939. Mr Deputy Speaker, I present the explanatory memorandum for the Financial Institutions (Consequential Amendments) Bill 1992.

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

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1992

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.46): Mr Deputy Speaker, I present the Land (Planning and Environment) (Amendment) Bill 1992.

Title read by Clerk.

MR WOOD: Mr Deputy Speaker, I move:

That this Bill be agreed to in principle.

The Land (Planning and Environment) Act 1991 was passed by the Assembly on 5 December 1991. The Act commenced on 2 April 1992. The amendment Bill amends three sections of the Act to clarify the effect of certain provisions in the Act. Firstly, section 210 of the Act provides for the granting of a licence "for purposes connected with the occupancy" of an area of public land; that is, land classified in the Territory Plan as public land under one of the categories specified in section 193. Section 217 of the Act provides for the granting of licences "to occupy or use" an area of land that is not public land. The draft amendment to section 210 will provide that a licence may be granted "to occupy or use" an area of unleased public land. The purpose thus becomes consistent with the purpose for which a licence of an area of land which is not public land may be granted.

Secondly, section 242 of the Act is amended. That section imposes an obligation on both the Minister and the Executive to give notice to an applicant of the approval of an application to conduct a controlled activity. Subsection 242(1) imposes an obligation on the Minister to give notice to the applicant of his or her decision to approve an application to conduct a controlled activity. Subsection 242(2) requires the Executive to give notice to the applicant of its decision to approve or refuse to approve an application to conduct a controlled activity. However, the obligation under subsection 242(3) to advise the Registrar of Titles of the approval of an application to conduct a controlled activity specified in item 2 or 3 of Schedule 4 of the Act is imposed only on the Minister. The proposed amendment to subsection 242(3) will impose the obligation on both the Minister and the Executive.

Finally, paragraph 282(e) of the Act provides that the regulations may make provision in relation to the exemption of a controlled activity from "the requirement of all or any of the provisions" of Part VI of the Act. It is the policy of the Government that the regulations may exempt the conduct of a controlled activity from the application of all or any of the provisions of Part VI. The proposed amendment to paragraph 282(e) will remove any possible ambiguity as to the scope of the power to exclude by regulation the application of provisions of Part VI. I present the explanatory memorandum for the Bill.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Noel Butlin Archive Centre

MR LAMONT (3.50): Mr Deputy Speaker, it gives me great pleasure to rise in the adjournment debate to pay a tribute and my personal respect to Professor Noel Butlin, who was the founder of the organisation called the ANU Archives of Business and Labour. Professor Butlin was responsible, as a very fine Australian, for ensuring that records of business be kept in an appropriate manner and be able to be kept as a pool, as a resource, for research into business in Australia. In paying tribute to Professor Butlin, Mr Deputy Speaker, I will quote from a speech by Dr Neal Blewett, who also paid his respect and the respect of the Australian Government to Professor Butlin when the ANU decided to rename its archives after Professor Butlin.

When Noel Butlin commenced his research at the ANU on capital formation in nineteenth century Australia, about 40 years ago, the raw materials he required did not exist in their current form as a convenient national resource. Even the National Library did not collect primary source material for research into Australia's economic history. In the 1950s, to many Australians, history was British and so were we. But Noel Butlin was not content with that and began an ambitious program to collect, catalogue and preserve the records he needed for his research and which he realised were essential for the writing of Australian history more broadly.

In 1961, with the agreement of the ACTU, the archives became the established custodian of trade union records. Mr Deputy Speaker, as a former trade union official in Canberra, I can speak personally when I say that all of the records of that organisation were quite adequately kept by the archives. The professionalism of the staff in providing access to and the preservation of those records, I believe, is of the highest order, not only in Australia but throughout the world.

The collection now holds the archives of organisations ranging from the Amalgamated Metal Workers Union to the New South Wales Farmers Federation. The records occupy several kilometres of shelf space, and extra space will certainly be needed as the Noel Butlin Archive Centre's most recent project gathers momentum - the creation of the national AIDS archives collection which will house Australia's AIDS education material. The collection of this material will provide an invaluable resource for those wishing to chronicle Australia's response to AIDS. It will be funded primarily by the Department of Health, Housing and Community Services through a grant of $150,000 and will include a comprehensive collection of publications, posters, videos, newsletters and bulletins. The centrally located materials in the AIDS archives will be available to researchers and, where possible, the general public.

I quote again, Mr Deputy Speaker, from the speech that was given at the time, where it says:

> Butlin was nothing if not controversial but his arguments were always based on evidence, researched meticulously from available sources. In adding greatly to those sources he contributed enormously to the quality of academic discourse in Australia.

I believe that as the decades roll on Australians of all persuasions and all walks of life will come to realise the valuable contribution that Noel Butlin has made to the preservation of the records of the history of Australia. I believe that, if we can encourage businesses, organisation peak bodies, organisations like the Business Council, the Chambers of Commerce and the trade union bodies in the ACT to house their materials in the Noel Butlin Archive Centre, then, indeed, we will be a richer society for it.

Mirinjani Retirement Village

MS ELLIS (3.54): I rise very briefly to refer again, as I did earlier today, to my visit to Mirinjani on Monday; but this referral is on a far more positive note. On Monday, during the opening ceremony of the 20-bed extension to the nursing home facility at Mirinjani, mention was made that during the highlighted period of the fundraising for that facility by the Mirinjani Auxiliary and supporters they were hopeful of finding someone in the community who was a considerable dollar value supporter or contributor to the project. I think the figure they put on it was someone who would donate $50,000 or more and that person would get the naming rights of one of the two wings of this new nursing home extension. However, I am pleased to say that even though that would be a very nice gesture, and I am not one to criticise it, I think they found a far more preferable way of naming one of the two wings, and that was to name it in honour of Mary Reid. Mary was there at the time. She had no idea that this was going to happen. Mary is the leader or the head of the volunteers of the Mirinjani Auxiliary and supporters.

The words used by the chairman of the committee at the time of this announcement were that, instead of looking for someone donating in terms of dollars, they decided to name the wing after someone donating in other terms, and the sort of commitment that people like Mary Reid make to the community through the work that they do in these places deserved such recognition. I would like to commend, first of all, Mary for the fact that she has done such work and has worked so hard and has been rewarded in this way. I would also like to commend Mirinjani and the committee involved because I think it is an extremely appropriate way of recognising the work of supporters. I would like this Assembly to take note of that.

Organ Donations

MR HUMPHRIES (3.57): I want to make brief reference in this adjournment debate to an issue which has been of concern to me for some time and which I hope will concern more and more Australians. It is the question of organ donation. Members may be aware that the week before last was National Organ Donation Awareness Day, which was designed to highlight what is a very severe problem for the Australian community, and that is its extraordinarily low rate, by comparison with other countries around the world, of organ donation. It is quite unacceptable, in my opinion, Mr Deputy Speaker, that there are so many Australians at the present time in desperate need of the benefit of organ donation who live in a state of either hopelessness or false hope because of the lack of appropriate levels of donations by able-bodied or suitably equipped, if you like, Australians. We have over 3,000 Australians presently waiting for lifesaving organ and tissue donations.

The principal problem that our community faces - not just in the ACT, of course, but around this country - is that people do not make the critical decision to elect to make their organs available to other people when they die. It is, Mr Deputy Speaker, in my opinion, quite bizarre, quite obscene, that this community regularly every year buries or burns tens of thousands of perfectly good organs because the necessary procedures have not been gone through to allow the person who has died to make their organs available to somebody who desperately needs them. That is why the National Organ Donation Awareness Day was held recently. It is a matter of grave importance, I think, to this community that we raise the level of awareness about that. I hope, for example, that every member of this Assembly has taken the trouble to complete an organ donor card like this, so that if for some reason their organs were available to somebody that would happen.

Of course, we have the possibility now of organ donations occurring through the auspices of the Department of Urban Services when people go to renew their drivers licences. There is a question about whether we should reverse the onus here and, rather than allow organ donors simply to elect, make the assumption that they do elect unless they specifically say that they do not wish to donate. I was originally of the view that we should be very aggressive about this, but I am now prepared to accept that we have to educate the community to understand that there is an urgent need for action in this area. Mr Deputy Speaker, I hope the members of the Assembly will act to some extent as those educators; that they will get out there and tell the community that we cannot afford the loss of life and amenity to go on any longer, and that there needs to be a very urgent campaign to make sure people do not destroy, bury or burn available organs.

Question resolved in the affirmative.

Assembly adjourned at 4.00 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 27

Land Tax

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

(1) How do you "monitor closely" (the Chief Ministers words in her July 1991 Budget Strategy Statement p 14) the impact of the land tax impost on low income private renters.

(2) What has that impact been in the six months to 1 February 1992.

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

(1) The impact of the land tax has been monitored through regular assessment of the following:
• the movement of rent in the private market;
• the vacancy rate for rental dwellings in the private market;
• the number of new investors in the private rental market;
• the cost of investment in the private rental market; and
• the number of people who have moved to the ACT.

(2) The medium rent of a 3-bedroom house was about $185 per week in February 1992, compared to $170 in August 1991, an increase of 8.8%. Higher rents have been primarily a result of a consistently low vacancy rate in the ACT, 19o in February 1992, continuing the downward trend since March 1991. The industry considers that a vacancy factor between 2% and 3% is a good balance of supply and demand. The level of demand in the ACT has been high since January 1990 and is the highest in Australia.

Information published by the Australian Real Estate Institute indicates that the introduction of land tax has not discouraged investors from the residential market. Investors accounted for 25%0 of all residential purchases in February 1992, compared to 11 % in August 1991 (21 % on average for 1990-91).

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Rents have increased despite the reduced cost of rental investment, with the cost of an investment loan being reduced by 7% in the last two years. For a loan of $100,000, this is a reduction of $7,000 per annum in interest costs. Despite good levels of capital gains and lower costs, investors have kept rental returns at a high level.

The low vacancy rate in the ACT reflects mostly an increase in demand for rental properties, due to an overall increase in population, increasing numbers of students in tertiary education and also to short term factors including the one-off re-allocation of defence personnel (some 300 families) to the ACT, as a result of the completion of the Defence Signal Directorate in May 1992.

It is assessed that the impact of land tax has been minimal. The increase in rents (about $15.00 per week) in the six months to February 1992 cannot be attributed to the impact of land tax. Strong demand in the rental market has allowed investors to capitalise on the low vacancy rate, reflected by the continuing strong demand for investment property. The. movement in rents, investment and demand continue the trends established prior to the introduction of land tax and there is no demonstrable impact on rent levels for low income private renters due to the land tax.

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question Number 48

Chief Minister Portfolio - Consultants

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

(1) In the period from 31 October 1991 to 31 March 1992, what consultants were employed other than for public relations, media, advertising, promotional and related tasks by (a) the Chief Minister; and (b) each agency in the Chief Ministers portfolio.

(2) For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy.

MS FOLLETT - the answer to the members question is as follows:

(1 (1a) Larry King was invited to assist the Chief Minister in setting up a high level body to advise her on economic, industry and employment matters. The cost of the consultancy was $4,550, which was paid from the Executive Budget on 10 February 1992; and

Mr Colin Parks provided advice on Cabinet level communications and liaison arrangements for the period 9 -20 March 1992 at a cost of $4,550.

(1 b & 2) Details of the consultants, the purpose, duration and cost of each consultancy service engaged by each agency within the Chief Ministers portfolio over the period 31 October 1991 to 31 March 1992 is attached.

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CONSULTANTS PURPOSE DURATION TOTAL COST

CHIEF MINISTERS DEPARTMENT

J F Muir Economic business adviser to the Chief Minister December 1991 $1000
B Davis Late tee payment for commercial Consonants industrial building activity December 1991 $480
Anchor/Mortlock & Wooley Casino assessment process December 1991 $7214
KPMG Peat Marwick Review of Training & Skills Development of Skills Options for Women in the ACT November 1991 $15000
KPMG Peat Marwick Gas Regulation Enquiry November 1991 $3118
J Richardson ACTNOW presentation January 1992 $1588
Tim Dalmau Client Service Seminar Series October 1991 $2000
Yve Repin Client Service Seminar Series November 1991 $2000
Margaret Pimblett Client Service Seminar Series November 1991 $2000
Denise Piston Client Serve Seminar Series February 1992 $2000
Vivienne Read Client Serve Seminar Series February 1992 $2000
Peter Steidl Client Service Seminar Series March 1992 $2000
M Gill 8 Associates Overview of Child Care survey February 1992 $800

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 148

Motor Vehicle Registrations - Credit Cards

Mr Cornwell - asked the Minister for Urban Services:

Why will the ACT Motor Vehicle Registry not accept credit cards for payment of vehicle registration. __

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

The use of credit cards is -not possible with existing processing systems. However the introduction of debit/credit facilities for motor vehicle registrations and other fees .and charges across the ACT Government is currently being examined by a committee chaired by ACT Treasury:

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 151

Government Passenger Vehicle Fleet

Mr Kaine - asked the Minister for Urban Services:..

(1) How many passenger carrying vehicles were in the ACT Government fleet as of the first day of the 1990-91 fiscal year &

(2) How many such vehicles were in the ACT Government fleet on the last day of. the 1990-91 fiscal year.

(3) How many such vehicles were in the ACT Government fleet as at 30 April 1992..

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

(1) The management of the ACT Government vehicle fleet was brought under a central Fleet Manager on 1 July 1991. Prior to this date control of purchasing and disposal lay with individual Agencies. An accurate number of vehicles is not available for the first day of the 1990/91 fiscal year. However, the information obtained from Agencies in September

indicated a fleet total of -986. However, this may have

included some vehicles in the disposal process.

(2) The number of passenger carrying vehicles on the number plate register of the ACT Government fleet as at .the last day of the 1990-91 fiscal year, stood at 915.

(3) The number of passenger carrying vehicles on the number plate register of the ACT Government fleet as at 30 April 1992 stood at 912..

Passenger carrying vehicles in (2) and (3) above are defined as sedans, hatchbacks, station wagons, sedan type utilities (Falcon and Holden), 4x4 Subaru and Corolla Station wagons arid includes privately plated vehicles.

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 166

Acton Peninsula Buildings

Mrs Carnell - asked the Minister for Urban Services:

(1) How much floor space, available in buildings at Acton Peninsula, is controlled by the Department of Urban Services.

(2) How much of this floor space is currently being used.

(3) How much of this floor space is currently being rented.

(4) How much of this floor space is in rentable condition and why is the remaining floor space not in rentable condition.

(5) Which particular buildings at Acton Peninsula are currently being used by ACT Health or affiliated organisations.

(6) Which particular buildings at Acton Peninsula are now vacant.

(7) Which particular buildings are partially used and indicate which parts of these buildings are in use.

(8) Please indicate which tenants occupy buildings at Acton Peninsula which are controlled by the Department of Urban Services and which tenants pay rent.

(9) Are any premises available to, or let out to, community groups without rent being paid and who are these community groups.

(10) Are any buildings at Acton Peninsula under the control of the Department of Urban Services affected by asbestos building or insulation materials.

(11) Is the Department of Urban Services responsible for the maintenance of any buildings at Acton Peninsula whether they are used or unused.

(12) How much do maintenance costs amount to.

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

(1) There are approximately 54,000 sq. metres of floor space in existing buildings on Acton Peninsula comprised of the H Block/Isolation Ward, North Block (Obstetrics),) Block, Sylvia Curley House complex, Tower/Podium complex, Childcare Centre, Bennett House and two residences. The Department of Urban Services controls approximately 37,050 sq. metres, which comprises the Childcare Centre (450 sq m), Bennett House (3,400 sq m) the Tower/Podium complex (32,400 sq m), and J Block (800 sq m).

(2) and (3) Approximately 7,500 sq. metres of the floor space controlled by Urban Services is currently being used. Of that floorspace, 2,550 sq. metres of floor space is let to paying tenants. The remainder is occupied by Department of Health (4,550 sq. m) and Department of Urban Services (400 sq. m).

(4) The majority of the space controlled by Urban Services could not be let commercially or occupied by, the ACT Government Service without substantial modification. The decision to implement the hospitals redevelopment program resulted in part from the need to substantially refurbish the Acton Peninsula buildings to bring them to current building standards.

The buildings were purpose built for hospital use. The physical structure and layout of the buildings may be suitable for office use but require at the minimum substantial upgrading of electrical services, toilet facilities, floor coverings and internal fitout to make them suitable for commercial office use. Options for future use of the site are being considered.

Funds were provided in the 1991/92 Budget to refurbish the Childcare Centre for use as an ACT Government Service workbased childcare facility, and that refurbishment is currently proceeding. J Block is unsuitable for further occupation and is programmed for demolition.

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(5) Department of Health currently controls Sylvia Curley House complex, H Block/Isolation Ward, the two residences, and North Block. Total floor area approximately 16,950 sq. metres. The Sylvia Curley House complex and residences are occupied (approx 10,300 sq m). H Block/Isolation Ward and North Block are vacant. Health and affiliated organisations also occupy approximately 4,550 sq. metres in the Tower Podium Complex.

(6) Vacant buildings are H Block/Isolation Ward, North Block, J Block and the Childcare Centre. The Childcare Centre is being refurbished and will be re-occupied in the near future.

(7) Buildings partially used are the Tower/Podium complex. Tenants occupy most of the fifth floor of the Tower, half of the first floor of the Tower, and storage/laboratory-spaces on the ground and lower ground floors of the Podium.

(8) Tenants of buildings managed by the Department of Urban Services at Acton Peninsula, and the buildings in which they are accommodated are as listed below. All these tenants pay rent except units of the ACT Government Service (ACTGS) and the ANU Clinical Research Unit (a facility established within the former Hospital and not yet relocated).

Bennett House
- Australian Institute of Health
- Healthy Cities
- National Foundation of Australian Women
- Australian Physiotherapy Association
- Accommodation Services Unit of the Corporate Service Bureau (ACTGS)
- Radiation Safety Unit of ACT Health (ACTGS)

Tower/Podium complex
- Clinic of Preventive Medicine
- Diabetes Association of Australia
- Epilepsy Association
- Mental Health Services
- Safety Institute of Australia
- ANU Clinical Research Unit
- Neurosciences Research Unit (ACTGS)

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- Renal Unit (ACTGS)
- Storage of medical records and other materials (ACTGS)
- Biomedical Engineering Unit (ACTGS)

(9) None of the buildings under the control of the Department of Urban Services is available to, or let to, community groups without the payment of rent.

(10) Asbestos exists in some buildings on Acton Peninsula. All known asbestos has been rendered safe by sealing or similar measures.

(11) The Department of Urban Services is responsible for the maintenance of all buildings on the Acton Peninsula not occupied by ACT Health. Unused buildings are receiving only maintenance essential to prevent their deterioration. Buildings in use receive normal maintenance.

(12) The Department of Urban Services accepted responsibility for management of the Acton Peninsula site from 1 January 1992. Expenditure to date indicates that annual costs of maintaining and operating the site, and all buildings except Sylvia Curley House and the Residences, will be of the order of $0.9M. This figure includes the costs of services such as gas and electricity, security, cleaning, maintenance of fire and lift services, and urgent and essential maintenance. This is offset by rent received, currently running at $0.4M per annum.