DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 June 1992

Thursday, 18 June 1992

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Thursday, 18 June 1992

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

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Ms McRae**, from 20 residents, requesting that the Assembly repeal the Termination of Pregnancy Act 1978.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

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).

Petition received.

STAMP DUTIES AND TAXES (AMENDMENT) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (10.31): Madam Speaker, I present the Stamp Duties and Taxes (Amendment) Bill 1992.

Title read by Clerk.

MS FOLLETT: I move:

> That this Bill be agreed to in principle.

This Bill amends the Stamp Duties and Taxes Act 1987. Madam Speaker, on 6 June 1990 the Assembly agreed to the Stamp Duties and Taxes (Amendment) Act 1990, which imposed, from 1 July 1990, a liability for tax on licensed motor vehicle dealers for all sales of motor vehicles made by them. With the introduction of the tax the Motor Trades Association raised a number of concerns. Some of these concerns have subsequently been addressed through administrative arrangements; for example, clarification of what accessories or associated costs should be included or excluded by dealers when determining the purchase price or market value of a motor vehicle for duty purposes. However, four issues raised by the Motor Trades Association will require amendments to the Stamp Duties and Taxes Act 1987.

The first issue, Madam Speaker, is the possible payment of double tax by non-ACT residents who purchase interstate registered vehicles from licensed motor vehicle dealers. Such transactions attract tax, payable by the dealer on the sale and included in the purchase price, and again when the purchasers subsequently transfer registration of the vehicles in their jurisdiction of residence. As well as being inequitable for purchasers, this liability to tax in two jurisdictions also disadvantages Territory dealers by discouraging interstate residents buying from ACT traders.

The second concern is the absence of a specific provision within the Act to allow licensed motor vehicle dealers to pass on tax to the purchaser. The Motor Trades Association claims that the absence of such a provision has meant that dealers are experiencing problems convincing buyers that the tax is able to be included in the purchase price to be paid by the buyer. By contrast, both the Financial Institutions Duty Act 1987 and the Stamp Duties and Taxes Act 1987, in relation to tax on insurance premiums and tax on the sale of marketable securities, have provisions which explicitly allow taxpayers to recover the tax from their clients. The Government considers that it is appropriate to include such provisions for licensed motor vehicle dealers so that the tax can be separately identified and allow purchasers to directly compare prices by ACT dealers with interstate competitors where tax is the purchaser's responsibility.

The third concern raised by the Motor Trades Association is that tax is being paid by dealers on sales of motor vehicles to the Commonwealth and ACT governments and that without a tax exemption government sales will go interstate where no tax is payable. The proposed amendment will exempt such sales from stamp duty. The final concern raised by the Motor Trades Association is the fact that no equivalent stamp duty is payable on the registration of a vehicle under the Commonwealth Interstate Road Transport Act. Unless licensed motor vehicle dealers in the Territory, liable for tax on vehicles sold by them, are exempted from duty on the sale of such vehicles, they are at a disadvantage in comparison with motor vehicle dealers in other jurisdictions. The proposed amendments will ensure that ACT dealers are not disadvantaged and remain competitive with their interstate counterparts.

Madam Speaker, representations have also been received from the Council of ACT Motor Clubs requesting exemption from stamp duty for veteran, vintage and historic vehicles and seeking concessionary registration on first registration of vehicles after restoration. Exemption from stamp duty on initial registrations is supported because it is difficult to value restored vehicles on a commercial basis and unfair to tax the owner of such vehicles according to the market value of the vehicles when it is the result of the time and expense lavished on the restoration of vehicles by the owners.

Madam Speaker, on 17 December 1991 the Assembly passed the Stamp Duties and Taxes (Amendment) Act 1991, which, amongst other things, shifted the liability for the payment of duty on non-residential leases from the lessee to the lessor. The impetus for this change was to bring within the stamp duty net buildings leased out to the Commonwealth and Territory governments. Unfortunately, Madam Speaker, the Stamp Duties and Taxes (Amendment) Act 1991 did not fully implement this intent and, therefore, this Bill also includes amendments which will ensure that buildings leased out to the Commonwealth and Territory governments will now be liable for duty. These amendments will ensure that the additional revenue anticipated from shifting liability to the lessor will be achieved. This has been estimated at $400,000 in a full year. The revenue forgone in relation to the motor dealer amendment and the vintage, veteran and historic vehicle concessions is expected to be insignificant. I now present the explanatory memorandum for the Bill.

Debate (on motion by **Mr De Domenico**) adjourned.

DISTINGUISHED VISITORS

MADAM SPEAKER: I would like to inform members of the presence in the gallery of a delegation from the British Virgin Islands led by the Honourable Cyril Romney, Leader of the Opposition. On behalf of all members, I bid you a warm welcome.

HOLIDAYS (AMENDMENT) BILL 1992

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.38): Madam Speaker, I present the Holidays (Amendment) Bill 1992.

Title read by Clerk.

MR BERRY: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the Holidays Act currently provides for a substitute public holiday to be provided when Christmas Day, Boxing Day or New Year's Day falls on a Sunday. There is no provision for a substitute holiday when any of those days falls on a Saturday. Considerable confusion has occurred on the three occasions in the past 10 years when those holidays fell on a Saturday. Most ACT awards provide that where Christmas Day, Boxing Day or New Year's Day falls on a Saturday the public holiday automatically transfers to the Monday or Tuesday in the following week. However, it has not been the practice to declare a general public holiday, because the great majority of workers are covered by award provisions and because the declaring of an alternative day for the holiday may have caused a further holiday to be incurred because of the terminology used in some awards.

The largest employment group affected were bank employees, who were eventually covered by the declaring of a special bank holiday in the week following that holiday. Other groups not specifically covered in awards were not able to avail themselves of a substitute public holiday. The present arrangements are therefore clearly inequitable, as workers who either work under an award which does not provide for automatic transfer of the public holiday or are not covered by an award are disadvantaged.

The purpose of the Bill is to provide for all workers in the ACT the same public holiday substitution arrangements that are included in awards and by so doing bring the ACT into line with conditions that apply in all other States and the Northern Territory. Employment groups which will now receive the substitute public holidays are not numerous - for example, dental nurses, typewriter technicians and pastoral workers - so the overall cost effects are not likely to be significant. Such costs as do arise will do so only in those years when the holiday falls on a Saturday. The cost impact is also lessened by the fact that the Christmas-New Year period is often treated effectively as a stand-down period or is a time when staff avail themselves of their annual recreation leave without the need for replacement staff.

Madam Speaker, a tripartite working party established by the Industrial Relations Advisory Council unanimously endorsed the proposals covered by the Bill. The council's consultative processes involved representative ACT employer organisations and unions. All parties welcomed the Government's initiative to provide certainty for employers and equity for workers in standardising the observance of these holidays in the ACT. Madam Speaker, I present the explanatory memorandum for the Bill.

Debate (on motion by **Mr De Domenico**) adjourned.

FOOD BILL 1992

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.41): I present the Food Bill 1992.

Title read by Clerk.

MR BERRY: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the great emphasis now placed on the importance of food safety and the great changes in food technology has meant that simple amendments to any existing ACT food legislation would not be effective in protecting the ACT consumer, and therefore a complete overhaul of the legislation is necessary. The Food Bill 1992 is the first stage of this overhaul.

In the 1980s the National Health and Medical Research Council introduced a model food Act that was to provide the basis for legislation in the States and Territories. This model food Act has been adopted over the years in various forms by the States and the Northern Territory. Part of the Act included a model food code that has evolved into the National Food Standards Code that regulates standards for all food manufactured or sold in Australia. Also enacted was the

establishment of the National Food Authority. This authority has as members representatives from all the States and Territories. One of the functions of the National Food Authority is to review the food code and update and make changes to the code. Extensive and detailed consultation with the ACT Attorney-General's Department has resulted in the decision to prepare legislation in four parts.

I present to you today part one of a staged series of legislation that will ensure that the ACT has model and leading food legislation covering all aspects of food safety, quality, licensing and enforcement. The Bill I present today, Madam Speaker, requires that food available for sale in the ACT meet the standards contained in the National Food Standards Code. The code contains standards agreed to by the National Food Standards Council after consideration of recommendations from the body responsible for preparing the standards, the National Food Authority. To enable an appreciation of how comprehensive the National Food Standards Code actually is, I will outline its main provisions. The Food Standards Code includes standards for packaging, labelling, advertising, date marking of packed food, food additives, including preservatives, colourings, flavourings and flavour enhancers such as MSG, artificial sweetening substances, vitamins and minerals, and metal and other contaminants in food. The composition of foods specifically and generally is included, and microbiological standards are prescribed for certain foods.

Madam Speaker, the Bill I present today fulfils an agreement made in 1991 by the ACT Government, along with other States and the Northern Territory, to adopt or incorporate the National Food Standards Code, by reference, of course, without amendments, into the food legislation of each State and Territory and to phase out conflicting existing standards. Under the new legislation, Madam Speaker, there will no longer be any differences in food standards between the ACT and the rest of Australia. This Bill will do away with the present anomaly whereby, for example, minced meat sold in Queanbeyan cannot contain preservative, yet in Canberra butchers may use preservative in the same type of product. It addresses, among other matters, two areas of public concern, food dumping in the ACT and date marking of food. Imported food or food prepared in the States which does not comply with national standards in the legislation in those areas and which, prior to this legalisation, could be sold in the ACT will no longer comply with ACT requirements and an offence will be committed if it is sold here.

The problems associated with the ACT's lack of legislation preventing food dumping were illustrated by an incident in April 1991. Sixteen samples of fish fillets were submitted to the ACT Analytical Laboratory for examination for the presence of the preservative sulphur dioxide. The Analytical Laboratory reported that all samples contained less than 20 parts per million of sulphur dioxide. Since 20 parts per million is the limit of sensitivity for the test of sulphur dioxide, it was assumed that the preservative was not present in any of the samples. However, while the fish was found not to contain excessive amounts of sulphur dioxide, two samples were found to contain in excess of 1,000 parts per million of ascorbic acid. The Food Standards Code permits the addition of up to 1,000 parts per million of ascorbic acid in frozen fish. Amounts of ascorbic acid in excess of the Food Standards Code are undesirable as such amounts could be being used to mask poor handling and storage techniques, but no offence was committed in the ACT as the Food Standards Code controlling the use of preservatives and additives in foods was not, of course, in force in the ACT.

The requirement for date marking of food is also of particular significance. Specific types of food as identified in the standards will be required to carry date markings. Consumers in Canberra will be able to see exactly how much shelf life remains on perishable foods before purchasing, just as they would if they were shopping in Sydney or Melbourne. At present the National Food Standards Code does not address the issue of sale of food which has an expired use-by date. Neither the Food Standards Code nor any legislation in force in the States or the Northern Territory makes it an offence to sell food that is beyond its use-by date. However, there are offence provisions to guard against the sale of food that has deteriorated or is in some way unfit to eat. The ACT has and will continue to have such a provision. The Government is concerned about the whole issue of sale of foodstuffs which have passed their use-by dates and will be raising this matter with the National Food Authority to explore legislative options.

In view of the concerns over this particular issue I intend to explore fully the question of whether or not to make it an offence to sell or offer for sale food with an expired use-by date and to include such an offence in the later stages of this legislative process. If agreement is reached through the National Food Authority to the inclusion of the sale of food past its use-by date as an offence, the offence will then be incorporated into legislation in all States. That is the national approach. However, the ACT Government will not proceed in isolation with any such changes if they are inconsistent with the spirit of the national agreement signed by the Chief Minister.

There is, however, an argument against making it an offence to sell food which has an expired use-by date and this may explain why it is not currently an offence under the food code. Should it be made an offence to sell food which is beyond its use-by date, national suppliers may be encouraged to extend the shelf life of their products to beyond what they consider to be the optimum time for protecting the quality of the food. It is this issue that will be addressed in discussions with the National Food Authority. Madam Speaker, the national standards are continually being updated and revised in line with changes in food technology, public health and analytical methods by the National Food Authority. This Bill will ensure that new and amended standards are automatically incorporated into our law, and the ACT will no longer fall behind the rest of Australia in this regard.

The Bill also provides the Executive with powers to prescribe food standards in the case of an emergency in order to protect public health. Such emergency provisions are part of the 1991 national agreement. Last, but not least, the Bill establishes a number of offences in relation to the composition, packaging, labelling and advertising of food prepared for sale, or sold or dispatched from the Territory for sale. Substantial penalties are prescribed - up to $5,000 or six months' imprisonment for most offences, and $3,000 for others. A body corporate, that is a registered company, can expect to pay up to $25,000 for contraventions. As I mentioned earlier, the present Bill represents only the beginning of our reform process in relation to food regulation. Subsequent stages of this process will address licensing and enforcement issues. Madam Speaker, I present the explanatory memorandum for the Bill.

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

BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL 1992

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.50): Madam Speaker, I present the Buildings (Design and Siting) (Amendment) Bill 1992.

Title read by Clerk.

MR WOOD: Madam Speaker, I move:

> That this Bill be agreed to in principle.

This Bill amends the Buildings (Design and Siting) Act 1964 to provide the Minister with the power to determine fees to be charged for the administration of applications for proposals relating to the external design and siting of buildings. The Design and Siting Act dates back some 28 years to a time when processing design and siting applications was a relatively simple matter and no attempt was made by the Commonwealth to identify and charge for the service and the number of applications was relatively small.

Over the years the numbers of applications have risen steadily and the ACT Planning Authority now processes more than 12,000 applications annually. Four full-time staff are needed to deal with standard residential applications, and a number of other staff spend significant amounts of time dealing with commercial, industrial and medium density housing applications. The cost of administering this essential part of the development process is now quite substantial, being in the order of $450,000 to $500,000 annually. This cost will possibly rise, depending on the number of objections and third-party appeals generated by the Land (Planning and Environment) Act 1991. Despite the fact that some people say that we have done a worse job on third-party appeals, we have actually very extensively expanded them.

Madam Speaker, it is important to the protection of the urban design of the city and to the protection of the amenity of all landholders that proper standards and controls are maintained over the design of buildings and their location, particularly in relation to the property of others. It is only appropriate that people wanting to develop their property should pay the administrative costs involved.

The proposed scale of fees will be quite modest, representing roughly between half a per cent and one per cent of the project cost. The lower level of fees is for projects that comply with the quantitative standards for residential developments, or the development conditions for industrial and commercial projects. The higher level applies when the developer is seeking increased development rights beyond what is permitted by either the quantitative standards or the development conditions applying to a particular block of land. In these cases public notification is required and any decision of the Planning Authority cases would be subject to appeal by applicants and by third parties objecting to the application. I present the explanatory memorandum for the Bill.

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

PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.54): Madam Speaker, I present the Protection Orders (Reciprocal Arrangements) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The current state of the law is that domestic violence protection orders may be enforced only within the jurisdiction in which they have been made. This means that ACT orders cannot be enforced in New South Wales or any other State. It also means that a person moving to the ACT from another State or Territory, fleeing domestic violence, who took out an order in that other State or Territory, cannot have that order enforced in the ACT.

The problem caused by the lack of portability of protection orders across jurisdictions was addressed at the meeting of the Standing Committee of Attorneys-General held in February 1991. That meeting resolved to address the issue of portability and decided that certain features should be incorporated into the portability scheme, as it became known. These were: Firstly, that victims who have obtained a protection order from their original State or Territory of residence should be able to retain the protection of that order in a new State or Territory regardless of inconsistencies as to the range of people protected under different jurisdictions; secondly, that the duration of the order in the new State or Territory should be as specified by the original State or Territory; and, finally, that penalties for breaches should be enforced as for the receiving State or Territory and not the original State or Territory. Subsequent meetings of this committee have monitored the progress of the proposal for portability. So far, a discussion paper has been issued by Queensland, draft Bills have been produced in both Tasmania and South Australia, and the Victorian Government is preparing similar legislation although a Bill has not yet been made available.

Madam Speaker, the need to ensure urgent implementation of the portability scheme has been vigorously pursued by the ACT. At the meeting of Premiers and Chief Ministers held in Adelaide in November 1991 the Chief Minister emphasised the need to take immediate action in this matter as an important step in containing levels of domestic violence in the community. Ms Follett succeeded in securing an agreement of all those present at the meeting that restraining orders issued in one jurisdiction should be recognised in all other jurisdictions, to ensure better protection for victims of domestic violence and to gain real effectiveness in administration. In view of the prominent role the ACT has played in progressing this issue and moving it at a far faster pace than is normal in national uniformity schemes - we often take years to get uniform agreement - I believe that it is most important that we set an example for others to follow by enacting the legislation that is before us today as swiftly as we can.

The Bill will enable an interstate protection order to gain enforceability in the ACT through registration in the Magistrates Court. A copy of the registered order and the application for registration will be forwarded by the registrar to the Commissioner of Police. The registrar also has a duty to notify the interstate court when an order is registered. A breach of an interstate protection order will

attract the same penalty as for a breach of an ACT order; that is, a fine not exceeding $1,000 or imprisonment for a period not exceeding six months or both. This reflects the position adopted at the Standing Committee of Attorneys-General meeting already mentioned.

The Bill provides that a registered interstate order may be enforced against a person named in that order as if it were an order that had been personally served on the person. This relaxation of the usual requirement of personal service in relation to a court order is justified in view of the need to maintain the anonymity of the victim and the prohibitive costs of effecting interstate service. However, the scheme envisages that the respondent will be warned at the time the original order issues that the order may be registered and enforced in any State or Territory. The domestic violence issue is an issue that will continue to generate a high level of public attention. The enactment of this legislation will emphasise the innovative stance that the ACT is already perceived to have taken in relation to this major social problem and will show the way for other States and Territories. I commend the Bill to members of the Assembly and, Madam Speaker, I present the explanatory memorandum.

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

PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) (CONSEQUENTIAL AMENDMENTS) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.58): Madam Speaker, I present the Protection Orders (Reciprocal Arrangements) (Consequential Amendments) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

This Bill is designed to operate in conjunction with the Protection Orders (Reciprocal Arrangements) Bill 1992, which has just been brought before the Assembly. It contains consequential amendments necessary for the effective operation of the portability scheme which the primary Bill has sought to implement. This so-called portability scheme is designed to achieve portability of domestic violence protection orders interstate. It will be necessary for other jurisdictions to enact reciprocal legislation setting up similar procedures for registration of orders made in other States or Territories before the coverage will be complete. There has been an undertaking by all Premiers and Chief Ministers, in November, again at the instigation of the Chief Minister, to instruct all Attorneys-General to have legislation prepared giving effect to the scheme.

Part II of the Bill amends the Domestic Violence Act 1986 under which domestic violence protection orders are granted, whilst Part III amends the Magistrates Court Act 1930 under which the peace orders are issued. Essentially, the Bill has two key features. Firstly, the Bill amends both the Domestic Violence Act and the Magistrates Court Act to ensure that the respondent is informed of the possible impact of the portability scheme upon the operation of any protection order the

court has granted. The possibility that such an order may be registered in any jurisdiction within Australia and thus become enforceable within that jurisdiction is included in the list of matters that the court is required to explain to a respondent present at the hearing of any application for a protection order. The Bill also makes amendments to the forms used for making restraining orders under the Magistrates Court Act and protection orders under the Domestic Violence Act, to ensure that the respondent is informed of the possibility of registration and enforceability in another State or Territory where reciprocal legislation is in place.

Secondly, the Bill clarifies a point that had arisen as a consequence of an alleged attack on a woman by her husband while she was holidaying on the south coast. Both persons were residents of the ACT. The woman had allegedly taken out a protection order in the ACT Magistrates Court which was still in force at the time of the attack. The point in dispute was whether the order could be enforced upon her alleged attacker's re-entry into the ACT. The Director of Public Prosecutions and the Government Solicitor's Office both concluded that the legislation, as it stood, did not permit any action to be taken against the man. The Bill amends both Acts by ensuring that a breach of an ACT protection order interstate is capable of being enforced when the offender returns to the Territory, thus guaranteeing at least that Territory women who are assaulted while outside the Territory by a person who is a resident of this Territory can be given protection even in the absence of uniform introduction of this scheme.

The Bill also makes minor amendments to the interpretation provisions of both Acts to ensure that the term "vary" includes adoption and modification, as well as an amendment to the definition of relative contained in the Domestic Violence Act to include stepbrother and stepsister. I commend the Bill to members of the Assembly and, Madam Speaker, I present the explanatory memorandum for the Bill.

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

DOMESTIC VIOLENCE (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.02): Madam Speaker, I present the Domestic Violence (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The Domestic Violence (Amendment) Bill is one of two Bills which I am introducing today to address some urgent issues in relation to the prevention of domestic violence. The other Bill is the Crimes (Amendment) Bill. These Bills have been drafted on the recommendation of the ACT Community Law Reform Committee, which is currently considering my reference on domestic violence. The Domestic Violence (Amendment) Bill 1992 has arisen as a result of the application of the Commonwealth Privacy Act to the operations of the Australian Federal Police ACT Region and the Domestic Violence Crisis Service.

Until recently the established practice was for the AFP to notify the Domestic Violence Crisis Service immediately of any police calls to domestic violence incidents, telling them the name and address of the caller. This allowed Domestic Violence Crisis Service crisis workers to attend the incident and wait outside until police had ascertained that the situation was safe. The police would then ask the victim whether the assistance of the Domestic Violence Crisis Service was required. If it was, the workers came straight into the house. This practice formed part of the working guidelines which were drawn up by the AFP and the Domestic Violence Crisis Service soon after the latter's creation in 1988. This system has worked well.

The fact that the crisis workers were waiting outside enabled them to respond to a victim's request to see them immediately and made it more likely that the victim would seek their help and through them the help of the courts. The Domestic Violence Crisis Service would be able to offer the victim immediate support, such as emergency accommodation or medical assistance, as well as accurate information about available options.

Earlier this year the Australian Federal Police was advised that the practice of informing the Domestic Violence Crisis Service of the names and addresses of people making domestic violence complaints contravenes the Commonwealth's privacy legislation, except in very narrow circumstances. As a result the Australian Federal Police now tells the Domestic Violence Crisis Service only that a domestic violence call-out has been made and the suburb in which it has been reported. This has made the work of the Domestic Violence Crisis Service, in offering appropriate support to victims, very difficult and less efficient. I believe that the Domestic Violence Crisis Service plays a very important role in supporting victims of domestic violence in the ACT and should have legislative support to perform its work as efficiently as possible. I have been assured that its code of confidentiality is of the highest order and is respected in all cases.

The Domestic Violence (Amendment) Bill allows information to be disclosed by police to an approved crisis support organisation. It will allow me to approve a crisis support organisation by notice in the *Gazette*. This notice will be a disallowable instrument, thus giving the Assembly an important role. I propose to notify the Domestic Violence Crisis Service as an approved crisis support organisation under these provisions. This Bill overcomes the problem of breaching the Privacy Act, because it gives the Australian Federal Police legal authority to notify the Domestic Violence Crisis Service of relevant information about domestic violence calls.

The other legislative amendment proposed by the committee concerns the seizure of weapons under the Crimes Act of 1900. This is addressed by the Crimes (Amendment) Bill, which I will introduce shortly. I will now table the letter from the chairperson of the ACT Community Law Reform Committee on the legislative package and present the explanatory memorandum for the Domestic Violence (Amendment) Bill.

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

CRIMES (AMENDMENT) BILL (NO. 2) 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.06): Madam Speaker, I present the Crimes (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The Crimes (Amendment) Bill (No. 2) 1992 is the second Bill of the legislative package on domestic violence recommended by the ACT Community Law Reform Committee. Section 349D of the Crimes Act currently gives a police officer power to seize a weapon if the officer has reasonable grounds for believing that its seizure is necessary to prevent the commission or repetition of an offence, to prevent a breach of the peace, or to protect life or property. This section was drafted with domestic violence incidents in mind. The committee considers that this section needs amendment to offer victims of domestic violence more effective protection against weapons.

The proposed amendments, firstly, extend the scope of the section in relation to seizure. The proposed amendments will allow a police officer to seize any weapon in or on premises where a domestic violence incident has occurred and the officer has formed the view that it is necessary. It allows weapons to be seized whether owned by the alleged domestic violence perpetrator or not. These amendments would also allow weapons to be seized from motor vehicles which are under the control of the alleged perpetrator. While the existing section 349D allows police to seize weapons, it does not specifically allow them to search for them. The proposed amendments allow a police officer to search premises and motor vehicles for weapons in circumstances where the officer would be entitled to seize the weapon. These amendments would also allow police to use such force as is necessary to seize a weapon, which would, for instance, allow police to break open locks.

The last proposed amendment to section 349D relates to the length of time seized weapons may be retained. Currently section 349D provides that, if no prosecution for an offence has been instituted within 60 days relating to the entry to the premises, then the weapon shall be returned. The proposed amendments extend this to applications for domestic violence protection orders or interim protection orders, so that the weapon will be returned after 60 days unless criminal proceedings have been instituted or an application for a domestic violence protection order has been made. I will now present the explanatory memorandum for the Crimes (Amendment) Bill (No. 2) 1992.

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

ESSENTIAL SERVICES (CONTINUITY OF SUPPLY) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.09): Madam Speaker, I present the Essential Services (Continuity of Supply) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

This Bill came about as a result of a formal reference to the ACT Community Law Reform Committee in September of 1990. The Community Law Reform Committee was requested to review the laws in force in the Territory with respect to the withdrawal of essential services as a means of debt recovery. In undertaking the reference, the Community Law Reform Committee considered whether the providers of essential services, such as ACTEW, AGL and Telecom, should withdraw or threaten to withdraw essential services in order to collect debts.

Cold Canberra winters - and we know a lot about those - impose a greater financial burden on families than in any other capital city. The practice of disconnecting an essential service to force payment of a bill has a severe impact on individuals and families. To date, in recognition of this problem, the Government provides electricity concessions to pensioners, war widows and veterans who satisfy eligibility requirements. These concessions provide continuing but limited assistance to alleviate the circumstances of those in need. However, there is no systematic treatment of social and financial problems which arise when an essential service is threatened or disconnected.

The Housing and Community Services Bureau and other welfare agencies can sometimes apply very limited cash reserves to meet emergency costs. In some cases, ACTEW and welfare agencies or customers are able to negotiate some relief through extended time for payment of a bill. However, lack of a systematic approach in this area is imposing additional pressures and costs on welfare agencies, service providers and, most importantly, those people directly affected by disconnection.

The Community Law Reform Committee's report dealt in detail with the two main options facing government. The first option would be that the ACT could introduce a voucher scheme similar to that introduced and operating in New South Wales. Alternatively, the ACT could create an independent tribunal or committee to consider applications for relief from persons threatened with disconnection from an essential service, which was an option originally flagged by the Australian Law Reform Commission in the mid-1970s.

I will address the voucher system. New South Wales partially deals with this problem by issuing vouchers to welfare agencies to distribute to those who cannot meet the cost of a bill. However, after considering the New South Wales experience in detail and hearing first-hand accounts of the way the New South Wales scheme operates, the Community Law Reform Committee recommended that a voucher system should not operate in the ACT. Some of the problems introduced with voucher systems include the misuse of vouchers, including

double dipping where multiple requests for vouchers are made to welfare agencies for the same account; inconsistent application of hardship criteria by different welfare agencies; the need for people seeking assistance to approach welfare agencies, with consequent effects on their dignity and self-image; and the cost to agencies to administer the scheme.

While some of these problems can be overcome, the voucher scheme is expensive to operate and does not address underlying issues. If we introduced a voucher system here, community welfare agencies handling the vouchers could find a whole new group of people approaching them. This would place additional strain and cost on those agencies. It would also introduce a new group of people into the cycle of welfare dependency.

The Community Law Reform Committee recommended the establishment of an independent review body, the Essential Services Review Committee. This is, in effect, the second option. People in financial difficulty faced with disconnection of a domestic service could seek relief from this committee. It is important to note that this would not occur until after the service provider has exhausted normal avenues of obtaining payment from a customer and writes to the customer threatening disconnection. The Community Law Reform Committee believes that the review process will lead to greater equity in providing relief, as the review body will be able to assess substantial hardship more consistently than would welfare agencies or employees of various service providers applying different policies. It will be available to all people affected by disconnection and not simply the person in whose name the account is held. It will significantly reduce the possibility of abuse. It is financially viable, and it will encourage individual service providers to improve their own debt recovery processes.

The Bill before the Assembly proposes the establishment of an Essential Services Review Committee which would be able to provide relief to a person threatened with the disconnection of an essential service. Let me give members three simple cases of how this scheme would work in practice. In case one we consider a household receiving an account from a provider of an essential service but which cannot pay it because of serious financial hardship. If the household is unable to negotiate time to pay or other appropriate relief, eventually the service provider will threaten disconnection. Under the proposed legislation the letter threatening disconnection must clearly state that, if the account cannot be paid because of substantial financial hardship, an application for relief can be made to the Essential Services Review Committee. Any household member may contact the Essential Services Review Committee and apply for relief. Action to disconnect the service will stop until the Essential Services Review Committee considers the issue. The Essential Services Review Committee can reduce the debt or make it payable by instalment.

In case two we consider a rogue not suffering financial hardship who receives an account and attempts to avoid paying it by contacting the Essential Services Review Committee and applying for relief. Action to disconnect the service stops until the Essential Services Review Committee considers the issue. If the Essential Services Review Committee finds that this is a try-on, it can impose a penalty charge of $50 on the person making the frivolous application and can let disconnection action proceed.

Case three considers a service being disconnected where the family may have been interstate or in hospital. The household member contacts the Essential Services Review Committee and applies for relief. The committee can require that the service be reconnected until the committee considers the issue. The Essential Services Review Committee can then reduce the debt or make it payable by instalment. Again, if it considers that it is a try-on, a penalty can be imposed.

Because ACTEW would engage most of the attention of the review committee, the Community Law Reform Committee believes that secretariat support should be located within ACTEW. The Government agrees with this suggestion, as it will help to minimise costs through the use of existing ACTEW staff and accommodation. It will minimise transaction costs involved in dealing with ACTEW accounts. Like the Community Law Reform Committee, the Government sees one striking advantage in such a location. It is very likely that ACTEW would give effect to its debt recovery policy in such a way as to forestall the need of a consumer suffering substantial financial hardship to approach the review body at all. In effect, the presence of the review body within ACTEW will operate as a watchdog on ACTEW's own policies.

In preparing its report the Community Law Reform Committee has ensured that the proposed scheme complements existing debt management and debt relief processes which ACTEW and other service providers already have in place. The proposed scheme also complements the existing concessional scheme. The concession scheme will continue to give long-term support for low income householders while the proposed scheme will give immediate assistance to any person in substantial financial hardship facing the crisis of disconnection. Together these schemes will provide more comprehensive and targeted assistance to households in meeting the costs of essential services than is currently available. This will be particularly important this winter. This will be landmark legislation in that no other State or Territory has introduced such an innovative scheme. Madam Speaker, I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

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

BUILDING (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.17): Madam Speaker, I present the Building (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

This Bill seeks to exempt certain minor building works from the present requirements for plan approval, building permits, issue of certificates of occupancy and use, and from the requirements for statutory warranties and insurance.

There is a high degree of government control over building work in the Australian Capital Territory. In many cases, such as houses, office blocks and factories, this is appropriate and in the public interest. The only building works exempt at present under the Building Act 1972 are small garden sheds, ornamental ponds, aerials under five metres high, and demountable pools up to 10 cubic metres.

Mr De Domenico: Like the one at Fraser.

MR CONNOLLY: Such as the type that you people think that anyone in a Housing Trust home should be denied access to. All other work, including work such as fences, pergolas, timber decks, non-structural internal alterations and prefabricated carports, requires the approval of plans and the issue of a building permit before work can begin. This means that, in theory at least, building approval is required to put up a simple letterbox or an ornamental garden wall - a quite absurd situation. One can go to a major chain department store or hardware store, buy a wooden letterbox for $20 and be confronted with a requirement of hundreds of dollars in permits or approvals before being legally entitled to put that in.

We could even contemplate that a garden gnome, if permanently fixed, could be illegal if not approved under current legislation. It is rather heart-rending to think of all those illegal garden gnomes dotted around Canberra suburban gardens.

Mr Lamont: I refrain from making the obvious interjection.

Mr De Domenico: No-one is going to stop me from standing in my garden, Mr Lamont; let me tell you.

Mr Lamont: We can arrange to have you fixed there, Mr De Domenico.

MR CONNOLLY: It would depend on the permanent fixture. Of the plans lodged in the last 12 months, it is estimated that 16 per cent could be defined as building work of a minor nature - although I am told that nobody in law-abiding Canberra has been so fastidious as to actually make an application for their permanently affixed garden gnome. The minimum fee for plan approval and a permit can well exceed the cost of such work, while the cost to government to process the application, interview owner-builders and undertake inspections can again exceed the fees charged.

It should not be surprising that a considerable amount of building work of the types now falling within the minor works category is not submitted for approval. About 85 per cent of property sales identify some sort of unapproved minor structure. Unapproved minor structures are a common cause of delay in conveyancing, again adding to cost in conveyancing. Many unapproved minor structures gain the necessary building approvals during the conveyancing process, again dragging on time and cost to all individuals concerned.

Madam Speaker, the proposals contained in this Bill represent a withdrawal by the Government from unnecessary regulation and an effective piece of micro-economic reform. They allow residents of the ACT to carry out minor works without going through red tape and incurring additional costs which, in some cases, may be comparable to the cost of the work itself. This Bill will allow the exemption of minor structures, ranging from a pergola to screen walls, carports,

small retaining walls and, of course, the letterbox and the gnome. The amendments, hopefully, will encourage the installation of environmentally responsible domestic rainwater tanks, which will in future not require building approval, although they will need to comply with planning requirements. We will not be encouraging large corrugated iron rainwater tanks at the front of houses, but this will mean that the frustration that many Canberrans have had in getting permits and approvals for rainwater tanks will be removed.

Of course, there need to be upper limits of size beyond which minor structures would continue to require normal building approval for public safety and health reasons. The works which are exempted will be detailed in regulations. The Bill will also exempt existing minor building structures from the building approval process. This will at one stroke remove a lot of the inconvenience which so often is met during the selling and buying of established homes. Conveyancing solicitors will be made aware of these exemptions and it is anticipated that it will have some impact on conveyancing costs.

Certain other kinds of approval will still be necessary. If the place is on the heritage places register or provisional heritage places register, work will be controlled under the Land (Planning and Environment) Act 1991. If water or electricity is connected to the building, the existing regulations for plumbers and electricians would continue to apply. So it is not open slather to do the wiring for your pergola yourself; public safety considerations apply. Certain building control powers are retained in relation to minor building works where considered necessary to minimise the risk of adverse effects on health or safety or on visual amenity. A power of demolition will remain for instances where the work is unsafe, does not meet the design and siting or easements requirements, or the conditions of the lease. To ensure that the building controller has power over exempting building on easements for electricity and other utilities, the Bill will extend the building controller's existing demolition powers. Madam Speaker, the Bill reduces the cost of minor home improvements, simplifies the process of conveyancing, and releases public resources to be employed more productively. I present the explanatory memorandum for the Bill.

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

NRMA-ACT ROAD SAFETY TRUST BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.23): I present the NRMA-ACT Road Safety Trust Bill 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The purpose of this Bill is to give legislative force to the charitable nature of the NRMA-ACT Road Safety Trust and provide for appropriate exemptions from liability for the trustees, the NRMA and the ACT Government in respect of activities undertaken in fulfilling the aims of the trust.

Members of the Assembly will recall that, following negotiations between this Government and the NRMA insurance company, the general manager of NRMA Insurance Ltd, Mr Peter Corrigan, and I jointly announced in October last year what arrangements would apply for the distribution of excess profits accrued from compulsory third-party insurance premiums being made available by the NRMA. In particular, $10m was to be invested in a trust fund to be spent on projects which enhanced motoring safety in the ACT and $10m was to be provided to continue to, in effect, subsidise the third-party premiums paid by Canberra motorists. It was anticipated that a further sum of up to $20m may be available in the future to continue those programs.

Following their nomination in late December and subsequent appointment, the trustees of the trust to administer this $10m met for the first time in early January this year. Since that time they have worked very hard to get the NRMA-ACT Road Safety Trust onto a sound legal and financial footing and to ensure that the right mechanisms are in place for allocating funds to worthwhile projects. The objectives and purposes of the NRMA-ACT Road Safety Trust, the powers and responsibilities of the trustees, and other matters relating to the proposed functions and operations of the trust are set out in the deed of trust which forms the Schedule to this Bill, thus bringing it before the public through the Assembly.

However, legislation is required because the execution of the trust deed by itself cannot guarantee that the objects and purposes of the trust will be held to be charitable. It is difficult to be certain beyond doubt that the proposed trust would not fail by a court holding that the purposes were not charitable purposes. The problem is that lawyers can hold different views on these matters and a road safety trust is somewhat beyond the normal run of charitable trusts which are familiar to lawyers and the courts.

Mr De Domenico: In fact, Bernard often disagreed with Collaery in the previous house.

MR CONNOLLY: I note with great interest that interjection from Mr De Domenico. If the objects and purposes were held by a court not to be charitable, then the trust may fail and the gift of $10m itself may fail. There is no legislation in the ACT, as there is in some States of Australia, that would prevent this from happening. The Bill will formally establish the NRMA-ACT Road Safety Trust as a charitable institution and confirm that it will operate for public charitable purposes, thus removing any possibility for legal argument which could result in the loss of the $10m.

The Bill also contains exemptions from liability for those individuals and organisations involved. This is particularly important for non-government trustees who might not have the same level of protection afforded to trustees appointed by the Government. This will ensure that the trust's activities can be carried out effectively without unnecessarily restrictive constraints imposed by potential legal actions that might otherwise arise. It is essential that trustees have the flexibility to administer and allocate trust funds independently and according to their discretion in order to fulfil the objectives of the trust. It should also be noted that, as a result of these provisions in the draft legislation, there will be no contingent liability on the Government. So, in effect, the gift will operate, the money will be distributed and there will be no contingent liability on the Government.

I should point out that substantial progress has been made in other areas, including the appointment of a fund manager and an operational finance manager, and the selection of a consultant to carry out necessary preparatory work that will underpin the board's project assessment and fund allocation activities. Nevertheless, the trust cannot legally commence these activities until legislation is enacted. I should also add that already a number of submissions have been sent to the trust proposing a wide variety of interesting and potentially very useful projects. This demonstrates not only the high priority the ACT community places on road safety but also how well it is putting its support behind this important road safety initiative.

Again it is appropriate to commend NRMA Insurance Ltd on their very public-spirited approach to this problem of excess profits. This is a unique solution. A company which has benefited from an excess profit situation is prepared to put the proceeds back into the community. It is also, I think, appropriate for me in the introductory speech to formally thank those members of the community who are serving on the NRMA-ACT Road Safety Trust board. I present the explanatory memorandum to the Bill.

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

LAND (PLANNING AND ENVIRONMENT) ACT - PROPOSED VARIATION TO TERRITORY PLAN - - DESIGN AND SITING POLICIES FOR TOWNHOUSE, COTTAGE AND COURTYARD BLOCKS
Motion for Rejection

MS SZUTY (11.29): Madam Speaker, I move:

> That the Assembly reject the variation to the Territory Plan amending the design and siting policies for townhouse, cottage and courtyard blocks presented on 16 June 1992.

Referring again to the platform on which I stood for election, the first principle governing my approach to planning is the "empowering of individuals through open democratic processes". The changes enshrined in the draft variation, we were informed, had been administered by discretion for some seven years. However, we must not have draft variation by attrition. The proper way to enact permanent policy change is by community consultation, and I take exception to the Leader of the Opposition's remarks, made in this Assembly on Tuesday, interpreting my remarks as requiring that every single request for a variation would have to be individually open for community consultation. I made it clear on Tuesday, in presenting my dissenting report, that I feel that the most important issue is that changes of policy, such as that which was placed before the committee in this instance, be open to public scrutiny.

Under the Land (Planning and Environment) Act 1991 the Executive can, by instrument, allow the ACT Planning Authority to dispense with the need for full public consultation, provided that the authority obtains such information about public attitudes as is reasonable in the circumstances. The committee was informed that the ACT Planning Authority had consulted with the Master Builders Association and the Housing Industry Association. While it would appear that the Planning Authority thought that this consultative process was sufficient, I see no reason to accept that their interests are the same as those of the wider community.

We ignore proper public consultation processes on matters of policy change at our peril. As someone who has worked in the community sector for many years, I know and I am convinced that an empowered and informed community is best able to understand decisions of government, and can participate more constructively in the affairs of our community. With 11 changes made in this instance to the design and siting policies for townhouse, cottage and courtyard blocks, I feel strongly that the fact of a seven-year delay in asking for public consultation should not now be used as an excuse to avoid the proper processes of open community consultation.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.32): Madam Speaker, I do not have any dispute with Ms Szuty when she says that an empowered and informed community is the best way to gain agreement and to process matters. I think our community is informed on this matter. They have been informed, as she says, over seven years. Everybody who has proposed a change here, everybody who has sought this, knows about it. Certainly the builders - the building side of that two-way process between building and buying - are aware of it, and home owners have benefited from it. I do not know that I accept the comment she has made that there has been inadequate consultation. We are now putting into legislation what has been happening, with wide agreement, over a long time.

Let me be a bit more precise. The Land (Planning and Environment) Act which we passed last year specifies two considerations for the approval of a request by the ACT Planning Authority that it not be required to seek public comment on the draft variation. The first of these is if the variation is to correct a formal error. The second is that the variation, if approved, would not affect the rights of any person in a manner prejudicial to that person. It is that second consideration that the Executive took into account in this case, and the reasons for the Executive's decision are very simple. Firstly, it will simplify the handling of development applications. That in itself is not a reason for change, but it is sensible and it provides for equity. There has been no objection over the years to the discretionary use of the now proposed standards. Rather, there have been strong objections to the Planning Authority's attempts to enforce the higher fence heights which the motion seeks to retain.

If the motion is agreed to by the Assembly, the result will be that builders and lessees either will have to comply with the old and unwanted - clearly unwanted - standards or will have to go through a costly and time-consuming exercise of notification through advertising in the press, placing a sign on the site and writing to neighbours. The policy followed for seven years can no longer be successfully carried out. The stringent requirement for notification in the new legislation would impose considerable delays and cost on the home purchaser at the lower end of the market. The variation, on the other hand, will allow builders and lessees to use standards which have applied for that seven-year period.

The Government, quite simply, is not prepared to place on a building industry which is only just coming out of a recession the unnecessary burden that the motion requires. The impact would be to impose a fee and a delay on the 40 per cent of homes at the lowest end of the housing market. This affordable

housing would be hit by some two months' extra holding costs on the land that builders have purchased and a fee of approximately $200, simply to enable low cost housing to exercise a right that has already been granted to the more expensive detached housing. That is the matter of equity that I mentioned before.

The Government is fully committed to the principle of community consultation, but the purpose of this consultation must be clear. The Government does not agree that there must be community consultation merely for the sake of consultation or to encourage a talkfest. There must be a purpose to such consultation which provides a clear benefit for the additional time and cost involved. The purpose of consultation is to inform the community where important changes to planning policy are contemplated and to gain views to refine the proposal; but in this case it can hardly be said that putting into legislation what has been there for seven years is a change of policy. It is not a change of policy. There is no point in undertaking a consultation process if there is no likelihood of improving the proposal, if no matters of equity are to be addressed, or if there is evidence - and this is clearly the case now - of community acceptance.

In relation to this variation, the evidence of community acceptance can be seen in the lack of objection to the discretionary practice adopted over the last seven years. This is the reason why the legislation has subsection 19(6) to allow the Executive to waive the public consultation process in certain circumstances. It is there and it should be used, as in the case of this particular variation, where the Executive is satisfied that public consultation is not necessary. This motion seems to want to impose unnecessary cost and time burdens on the building industry, and thereby the consumer, for the sake of having public consultation. Members should be aware that 16 July is the critical date, because that is when the Buildings (Design and Siting) Act amendments come into place. From that date any development application that does not comply with the design and siting standards will require notification under the new planning legislation. I believe that we must reject this motion now.

MR MOORE (11.38): Madam Speaker, I rise to support the motion of Ms Szuty, which probably takes people by surprise. I think it is interesting that Mr Wood, in his speech, said that if this motion is agreed to by the Assembly there will be all sorts of costs and expenses associated with this particular variation. Of course, that is simply not the case. If this motion is agreed to by the Assembly, then an appropriate time of public consultation will take place. It may well be, then, that the variation will be passed because the public have had the opportunity to have their say. It may well be very acceptable. But there is always the chance that it is not acceptable, and I will get to that issue in a little while.

The first part of the issue really is: From where is this Government and from where is the Planning Authority taking orders? In the minute paper to the Minister for the Environment, Land and Planning from the Planning Authority comes this sentence:

> The Authority has, consistent with section 19(7) of the Act, obtained information about public attitudes relating to the draft Variation ...

Where is it going to get its information on public attitudes? Obviously, it is going to get its information generally from the public. Its concept of what constitutes the public is the Master Builders Association and the Housing Industry Association. Great! What an unbiased perspective that is! The perspective of the

Masters Builders Association and the Housing Industry Association in this case is how they can save some more money, and they are entitled to have and to put that perspective. But that is the only side you have taken. That is what you are operating on. What kind of consultation is that? It really illustrates quite clearly from where this Government and the Planning Authority are getting their instructions.

What are we going to get instructions on next time when we use this same method? We will allow a discretion on front fences and, having allowed it for two years, three years, four years, or seven years, we will not need any public consultation. We will just say, "Okay, we are going to bring in front fences because, after all, the Master Builders Association decided that they want front fences". That is going to be the approach that we are going to take. This is developing a policy by stealth through the back door.

What these variations do is to clarify some of the standards and make them minimum standards. Mr Wood's approach is, "Look, if this were going to affect the rights of any people, then we would need to go out for some public consultation". Of course it is going to affect the rights of people, and it is going to affect their right to privacy. A fence that is 1.8 metres high is about the height I now indicate. The vast majority of people cannot see over it. Perhaps Mr Berry, if he is wearing his platform shoes, will be able to see over a fence that high if he stands on his tippy toes. But the vast majority of people cannot see over a 1.8-metre high fence. People are entitled to their privacy. At 1.5 metres people like me, very easily, without even trying, can just glance over the fence and see what the neighbours are up to.

Mr De Domenico: You are in a serious mode, Michael. Don't smile.

Mr Lamont: The fence at his house is 1.2 metres, but don't worry about that.

MR MOORE: Mr Lamont interjects, and I realise that he will be in the same boat as the rest of us are with a height of 1.8 metres. Nevertheless, for quite a proportion of our community it will mean that their privacy is lost. We are talking about cottages, townhouses, and so forth. So there will be a loss of privacy that will have an impact on the community. And who are the only people who have actually commented on this? The Master Builders Association and the Housing Industry Association. It is important that they should be consulted; that is quite right. There is no question about that. But they ought not be the only people who are consulted. So what we are talking about with this motion is not so much whether this variation, this waiving of the rules, this change, should or should not go ahead; the point is that there is a very good reason to ensure that appropriate process is followed.

Mr Wood raised the issue of the critical date in July and I think it is a very important issue. It raises the fact that the public consultation process that should have taken place should have been done quickly, and speeding up that process would have been entirely appropriate. But this has now come into the Assembly at the last minute in order to get it through. You can see how these sorts of things happen. I know that no department in the ACT would purposely do this sort of thing, would leave something to the last moment and then put pressure on. I know that probably no public servant in Australia, or public servant section in

Australia, would take that kind of approach on anything. But, allowing for those who do support "Yes Minister" style theories, if they can see that this will happen they might be tempted to start that approach. So we have to be very careful about rushing things through and having to do things by the last minute.

That really brings me to the point of why we should accept this particular motion. If we accept this disallowance motion, a public consultation process can take place over the next six or seven weeks and the matter can come back into this Assembly at the next sitting. It is not such a huge issue and I think that would be an appropriate consultation process. Then we would have the opportunity to say that we have gone through the right process. That is when we can say, "Yes, we have done the right things; this variation is quite acceptable to the people of Canberra and it should go through. It is not acceptable just to the Housing Industry Association and the Master Builders Association; it is acceptable generally to the people of Canberra and therefore the variation should go through".

What would the delay be when we come back for the next sitting? It will be mid-July when people will have to start dealing with notification. What will actually happen is that builders will say, "Hey, look, if we hold this off for two weeks, or three weeks, we can see how the public process goes. It is going to go through the Assembly. We will be able to proceed in our normal way. We will do the building in a different direction. We will build these other things before we build the fences". That small delay caused by the appropriate process being followed will not cause a huge amount of difficulty for the Housing Industry Association or the Master Builders Association. With that in mind, I urge members to reject this variation for the time being.

MR LAMONT (11.46): I think that this is one of those occasions when a homespun homily is appropriate.

Mr Kaine: Let us see whether you can spin one.

MR LAMONT: We will do that. I have listened to you for a number of years, Trevor, and that is basically all we have had. I do have some experience in that area. The homily is that they fail to see the forest for the trees.

Madam Speaker, this question of public consultation is, as Mr Moore and Ms Szuty have outlined, a vexed one. It is a question that the Government and, indeed, the Assembly need to be ever mindful of. What we have here is a variation which is saying that, where the limited discretion of the planners has been used consistently, we have been able to establish a trend of acceptance. That is what has been proposed. The actual discretion that the planners have on this occasion is, indeed, very small. The amount of discretion which the planners have been able to exercise for the last seven years is indeed minor. I think that that really is the test that we need to look at. What is being proposed is that the accepted standard for all courtyard, cottage and townhouse dwellings built in the last seven years should now be allowed to continue as part of the plan.

I reject the argument put forward by Mr Moore that a delay in this process until mid-July - it certainly will not be mid-July; it will be some time in August or September, if, indeed, we do delay this; another three or four months - is of no financial consequence to anybody.

Mr Moore: Two-and-a-half to three weeks.

MR LAMONT: Well, two-and-a-half to three months.

Mr Moore: Two-and-a-half to three weeks is the most you need.

MR LAMONT: It is absolute nonsense, Mr Moore. This matter would need to go through a process that you have outlined and then come back here to this Assembly.

Mr Moore: That is right.

MR LAMONT: This Assembly will get up at the end of next week and not sit again until 16 August.

Mr Stevenson: The 11th.

MR LAMONT: Thank you, Mr Stevenson. The 11th of August is some eight weeks away. So we are talking about at least eight weeks. I would suspect, as we are talking about the budget sitting, that it will not necessarily get priority during that budget session. It may; it may not. It may be that we do give it priority. But, if I use Mr Cornwell's sums from yesterday, we are talking about a delay in planning approval for courtyard or townhouse blocks equating to some $6,000 or $7,000.

Mr Moore: No, you are not.

MR LAMONT: Yes, you are, because you cannot approve the townhouse, courtyard or other blocks - - -

Mr De Domenico: Get into him, David.

MR LAMONT: Thank you, Tony; your support is edifying. You cannot approve the total plan unless these walls and/or garages are part of the plan and are approved at the same time. That is my understanding. Because of not being able to see the forest for the trees on this occasion, you are talking about a proposal, which generally has been accepted for seven years, costing prospective buyers, the builders, the community at large, another $6,000 or $7,000. That is the effect of delay of this variation. The new requirement which comes in from 16 July is that every single townhouse will be required to have a public consultation period before it can be constructed if the wall is the same height as every other townhouse wall that has been built for the last seven years.

Mr Moore then went on to talk about changes to policy by stealth. That is not the case. The committee, the building industry and this Assembly are able to keep a close watch on the extremely limited power of exemption of compliance that the planner has. It was not unknown to this Assembly, to members of this Assembly, or to previous members of the Planning Committee in the Assembly, that there was a blanket variation given under the authority of the planner for townhouse and courtyard blocks to have those walls at 1.5 metres. It has been common knowledge. It has been public knowledge that this is what the test is.

Madam Speaker, the delay in this process will certainly see added cost to the community, added cost to the home and cottage buyer, and I believe that for that reason alone this motion should be rejected on this occasion.

MS SZUTY (11.52), in reply: I would like to respond to several points which have been made during this debate. I do take the point that it is not necessarily the objectives that have been outlined in this draft variation which are at issue. They are minor changes, although, as Mr Moore pointed out, they can be significant changes in some cases. What is the issue of concern here is the need for open public and community consultation processes on the issue. Just because no-one has formally objected to the normal practice of the past seven years, that does not mean that the wider community has been able to have a formalised input on this matter of policy.

Mr Wood has identified the critical date of 16 July 1992 as being imperative to see the passage of this draft variation to the Territory Plan, but we are entitled to ask why it has taken so long for this draft variation to be presented to the ACT Legislative Assembly and why the wider community must miss out on its opportunity to have formal input into this policy change. I urge you to support the motion.

Question resolved in the negative.

POSTPONEMENT OF NOTICE

MS SZUTY (11.53): Pursuant to standing order 128, I fix the next day of the sitting for moving the motion standing in my name on the notice paper relating to a reference to the Standing Committee on Planning, Development and Infrastructure.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Alteration to Terms of Reference

MRS GRASSBY (11.54): I move:

> That the terms of reference of the Standing Committee on Scrutiny of Bills and Subordinate Legislation agreed to by the Assembly on 27 March 1992 be amended by:

(1) adding the following new subparagraph:

"2(e) or the explanatory statement accompanying it meets the technical or stylistic standards to which such an instrument or explanatory statement ought, in the opinion of the Committee, to conform;"; and

(2) adding the following new subparagraph:

"3(f) or the explanatory statement accompanying it meets the technical or stylistic standards to which such an instrument or explanatory statement ought, in the opinion of the Committee, to conform;".

Since the establishment of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation in 1989, the committee has taken a keen interest in all aspects of the delegated legislation and Bills that have come before it. Some of the comments that it has made could arguably be seen as not coming strictly within the terms of reference of the committee. These comments have been on errors within the Bills or subordinate legislation, missing explanatory statements or memoranda, and the use of sexist language.

The committee considers that the legislation produced by the Legislative Assembly either directly or under its authority should be of a very high standard. This is especially so when we operate as a unicameral parliament and often pass legislation very quickly. Accordingly, the committee has resolved that it continue to comment on the matters previously mentioned, and that the committee's terms of reference be amended to reflect this practice. I commend the motion to the Assembly.

MR HUMPHRIES (11.55): I rise to support the chairman of the committee and her comments with respect to expanded terms of reference. I, in fact, was involved in drafting those new terms of reference. They arise, as Mrs Grassby has indicated, out of a desire to make sure that the things it does reflect what is actually in the terms of reference. For example, the committee often makes comment on sexist language within legislation, explanatory memoranda or delegated legislation. There is, in fact, no term of reference which presently provides for that to happen. It is appropriate, therefore, that we regularise the way in which the committee operates so that we operate within appropriate terms of reference.

There is always a danger with a committee such as the Standing Committee on Scrutiny of Bills that things will be done which go outside the strictly technical nature of the committee. This is not a committee which deals in policy matters that other committees in this Assembly deal with. It is a technical or procedural committee in a very real sense. The only other analogous committee in the Assembly perhaps is the Administration and Procedures Committee, which deals with procedural matters, obviously. It is therefore important to draft terms of reference which reflect the strictly technical nature of what we are doing on that committee. In this case, giving the committee the power to, if you like, set technical and stylistic standards is not intended to allow the committee to, for example, comment on matters of policy contained in legislation.

The committee also considered at the same time, for example, a wider term of reference which would give it the power to consider the efficacy of legislation, but rejected that term of reference on the basis that it might provide for this or future committees to begin to comment on content, the policy behind legislation or the effectiveness of legislation. That kind of thing is perhaps not what the committee should be about. I commend this motion and I believe that it will make sure that we operate on better settled terms of reference.

MR MOORE (11.58): I rise to support the motion and to add something that occurs to me. I would like to add the following new subparagraph:

> ... the explanatory memorandum accompanying it meets the technical and stylistic standards to which such a Bill or explanatory memorandum ought, in the opinion of the Committee, to conform.

One thing that it is most important, I guess in stylistic terms, for the committee to look at these days is that Bills and explanatory memoranda are written in plain English. I find it a little ironic that the motion is formed in this way. I realise what has happened; the previous terms of reference have been taken and the same language has been used.

I think there is a certain irony in the fact that the language used in this case is not itself in plain English. I am taking the opportunity to urge members of the committee to take a plain English approach as part of the stylistic standards that they are looking at. We know that Parliamentary Counsel in the ACT have been working towards a plain English approach. I think they have been getting better and better. When I read some of the legislation from other States and compare it with what we have as new legislation in the ACT, we are head and shoulders above what the other States are doing. I urge members of that committee to continue to ensure that plain English is the order of the day.

MRS GRASSBY (12.00), in reply: I thank members. May I say that it was Mr Humphries, who does have a legal background, who felt that the terms of many things were not in plain English. I completely agree with him. If you have a legal background you understand a lot of these things. I sit up at night and read many of the Bills in order to try to understand them before they come before our committee. There are many times when I am baffled as to what they mean. I was very pleased when Mr Humphries put this motion up. I feel that it will help the people of Canberra to understand a little more of exactly what we are doing in this house. I also thank Mr Moore for his support on this. He is not on the committee, but I thank him for supporting this motion.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE
Inquiry into Aged Accommodation and Support Services

MS ELLIS (12.01): I seek leave to make a statement regarding a new inquiry by the Standing Committee on Social Policy.

Leave granted.

MS ELLIS: I wish to inform the Assembly that on 22 May 1992 the Standing Committee on Social Policy resolved to inquire into and report on aged accommodation and support services. Madam Speaker, the Social Policy Committee held discussions with a number of appropriately representative groups prior to the adoption of the terms of reference for this inquiry. The terms of reference are:

> To inquire and report on aged accommodation and support services in the ACT with particular reference to the following:

(1) the current and future needs for aged accommodation and support services;
(2) the identification of any "gaps" in the current provision of aged accommodation and support services - in particular, access to affordable non-government housing; and
(3) strategies designed to improve the provision of aged accommodation and support services.

SOCIAL POLICY - STANDING COMMITTEE
Report on Proposed Select Committee on Youth Unemployment

MS ELLIS (12.02): I present the Standing Committee on Social Policy's report No. 1 on the proposed select committee on youth unemployment, together with a dissenting report and extracts of minutes of proceedings. I move:

> That the report be noted.

In tabling this report on behalf of the Standing Committee on Social Policy and acknowledging that Ms Szuty will be presenting a dissenting report, I would like to take this opportunity to address some of the issues relevant to the committee's discussions and considerations.

At the Social Policy Committee meeting held on 15 April a very frank and open discussion took place among all committee members at which a range of possible inquiry subjects was considered. As members will be aware, the terms of reference of the Social Policy Committee are extremely broad, covering a large number of community social issues. In fact, in informal discussions prior to the 15 April meeting, committee members had contributed to a list of some 10 possible subjects for consideration, any one of which could have properly constituted our first self-referred inquiry. Youth unemployment was included on that list.

At the conclusion of that meeting the committee made the decision to adopt as its first inquiry the inquiry into aged accommodation and support services, as reported by me to this Assembly a moment ago. The adoption of the aged accommodation inquiry and its terms of reference is in no way intended, and should not be seen, as a reflection against any of the other possible areas of inquiry, as outlined in the Social Policy Committee's terms of reference. I am disappointed that, after the committee's careful and proper consideration, Ms Szuty sought the establishment of a select committee on youth unemployment, which would have included the need to remove that subject from the bounds of the Social Policy Committee.

The Assembly has a system of standing committee where members can democratically, I believe, decide on subjects for self-referred inquiries. The committee believes that to use the establishment of a select committee in this way may set an undesirable precedent. As stated in the report:

> It has the potential to legitimise the practice of establishing a select committee each time a proposed inquiry is not supported by a majority of members on the relevant standing committee.

Madam Speaker, with regard to the question of youth unemployment, the remaining members of the Social Policy Committee believe it to be - as does Ms Szuty - of concern to our community. We are pleased to note the Standing Committee on Tourism and ACT Promotion's inclusion of tourism related employment in the terms of reference of its current inquiry.

We also welcome the EPACT report titled "The ACT Youth Labour Market", a report prepared for the Chief Minister. This report has carefully examined the youth labour market and has listed 18 recommendations. In the press release accompanying the release of the report the Chief Minister has said:

> While the latest youth unemployment rate for the ACT of 11.7 per cent is extremely encouraging, I will continue to take every action possible to assist our young people in improving their career prospects.

Further, she said:

> Those seeking full-time employment, while comparatively small in numbers in the ACT, are more at risk of moving into long-term unemployment. The EPACT recommendations relate to access to jobs in the public sector, private sector, and vocational training.

The Chief Minister has referred the report to the Youth Advisory Council and to Ministers and their departments for comment. The Chief Minister said in her press statement that, given the importance of the issues raised in the EPACT report, the Government is giving urgent attention to those recommendations.

Madam Speaker, given the level of community concern attached to many of the areas within the terms of reference of the Social Policy Committee, I expect that at the conclusion of our current aged accommodation inquiry we will again pursue a lively debate when deciding our next self-referred inquiry. I am personally gratified that when we reach that point the full terms of reference of our committee can again be considered in the light of the community priorities at that time. As chair of this committee, I would like to record my thanks to all members of the committee for the manner in which this inquiry was conducted.

MS SZUTY (12.06): Madam Speaker, I hereby register my dissent from the Social Policy Committee's decision "that the committee recommends that a select committee on youth unemployment not be established". The chair of the Social Policy Committee, Ms Ellis, quite rightly points out that the issue of youth unemployment falls within the parameters of this standing committee of the Assembly because, under its existing terms of reference, both "employment" and "youth affairs" are expressly mentioned in the committee's terms of reference. Ms Ellis also reports that on 15 April 1992 the Social Policy Committee discussed at length whether to undertake an inquiry into youth unemployment or whether to undertake an inquiry into aged accommodation and support services.

I feel that I need to say to members that I have no difficulty with an inquiry into aged accommodation and support services. In fact, I welcome it - - -

Mr Kaine: I raise a point of order, Madam Speaker. I hate to stop Ms Szuty in full flight, but this report has been tabled. Quite clearly, what Ms Szuty is reading is her dissenting report that has already been tabled. I wonder whether we should simply accept the fact that it has been tabled and leave it at that.

MADAM SPEAKER: Mr Kaine, there is a question before us that the report be noted, and that allows debate to ensue because it is noted rather than tabled.

Mr Kaine: It seems rather pointless to read a document that is already attached to the report that has been tabled. The report is tabled and she is just reading it.

MADAM SPEAKER: I take your point, Mr Kaine; but Ms Szuty is allowed to speak to her report.

MS SZUTY: Mr Kaine may be interested to hear that at the end of the dissenting report there will be more. I feel that I need to say to members that I have no difficulty with an inquiry into aged accommodation and support services. In fact, I welcome it as an important inquiry for the Social Policy Committee to undertake and I have had considerable input into the process of the inquiry to date.

However, the most crucial social issue concerning the ACT community at present is youth unemployment. Even though many inquiries are worthy of the Social Policy Committee's consideration, the one issue which I consider we have been almost obligated to address is the issue of youth unemployment. It was for this reason, then, that on 12 May 1992, following discussion of the issue as a matter of public importance, I proposed that a select committee of the Assembly be established to specifically examine the issue of youth unemployment, bearing in mind the decision of the Social Policy Committee not to adopt this issue as a specific inquiry.

My support for a select committee on youth unemployment was not approached from the viewpoint of setting an undesirable precedent, but simply from the viewpoint of wishing to address the issue in the most comprehensive way possible, with Labor, Liberal and Independent members working cooperatively together to reach recommendations which could be readily implemented to alleviate the suffering and distress of Canberra's all too many unemployed young people. A select committee of three members would have enabled a Labor member and a Liberal member interested in the issue of youth unemployment to participate in the select committee, as my fellow members of the Social Policy Committee had already expressed their concerns about their workloads.

Ms Ellis refers in her report to the Standing Committee on Tourism and ACT Promotion and the terms of reference of its inquiry which include the words "tourism related employment". As a member of the Standing Committee on Tourism and ACT Promotion, I welcome the suggestion that youth unemployment levels in the ACT can be examined in this context. However, this is one aspect of the Tourism Committee's terms of reference for its inquiry, and I believe that the issue of youth unemployment cannot be fully explored by this committee alone.

I believe that this ACT Legislative Assembly needs to fully address the issue of youth unemployment in the ACT, and I believe that it has the opportunity to do so through the establishment of a select committee for this purpose. I am disappointed with the Social Policy Committee's response to what is undoubtedly the major social issue of the moment in the ACT. I believe also that it is a major role of this Assembly to address the issues identified as being of greatest concern to the community. At the "Lighten the Load" forum held on the 2nd of this month at the National Press Club, which I attended, the Prime Minister, Mr Keating, committed the Federal Government to a national summit to address the problem of youth unemployment. During his speech to the "Lighten the Load" forum our Prime Minister placed on the record his commitment to a modern economy with a social ethic and stated categorically that more could be done to help young unemployed people now and that there was no one solution to the problem.

Youth unemployment is running at an average of 35 per cent in Australian States, and here I have omitted on purpose the figures for the ACT and the Northern Territory because of the high level of standard error. With so many young people looking for work and being unable to find it, we cannot afford to be complacent. The ACT's youth unemployment rate for May dropped significantly on paper. However, the Australian Bureau of Statistics views the difference between April's figure and that for May as being only just statistically significant. I would put it to the Assembly that there is no way that 700 young people in the ACT found jobs between the two months and, given that anyone who has worked one hour for wages is classed as employed by the Bureau of Statistics in their survey, I expect that the real unemployment problem is much greater than identified.

This brings me to the issue of the Chief Minister's Economic Priorities Advisory Committee report on the ACT youth labour market. I believe that Ms Follett will be making a ministerial statement on this report this afternoon during Assembly proceedings. In her press release the Chief Minister stated that she had indicated that this report would be referred to the Social Policy Committee once it had been released. However, from my reading of *Hansard*, no such commitment has been made. The stated intention was that once the Chief Minister had the report she would release it for community discussion and address the recommendations that EPACT have made as a matter of priority.

If there had been a commitment to refer the matter to the Social Policy Committee for its response at an earlier date, perhaps this would have placed a different complexion on the reference to the Social Policy Committee. But, lest I leave a wrong impression, I am delighted that the report has been produced so promptly and that it provides such a credible definition of the problem facing young people who are looking for work.

Within the report's recommendations there are many issues to be addressed and, as the committee moves on to the all-important review of budget matters, it would appear that a vehicle should be found to bring about implementation of those recommendations. It is therefore pleasing that the Social Policy Committee will have a chance to bring its expertise to the consideration of this report. In this regard I also welcome the comments of the committee chair, Ms Ellis, in this week's *Valley View* newspaper, where she is quoted as saying that she endorses fully the need for job creation, and the recognition given in that article to the fact that this is an issue for both government and the community. It is for this very reason that I sought to have the matter referred to a committee of this Assembly.

It is time to move on. The recommendations are on the table and it now has to be decided what is feasible in terms of implementation and what is not, and this includes what is acceptable to our community. There is a lot of debate already about deregulating shopping hours as one way of creating more jobs for young people. While this is an area to be investigated, there have been objections. One article in the press last week indicated that educationalists have some concerns that a lot of the casual work involved in opening stores all weekend and for longer hours during the week is work performed mostly by students and that their studies will suffer if they are put under pressure to work more hours. So there needs to be some assurance that it will stimulate job creation and not increase an extension of hours for those who already have jobs. As well, there are industrial relations aspects to such a proposal to be considered.

Much work now needs to be done with regard to this report. I disagree with the stance of the Social Policy Committee in not referring the issue of youth unemployment to a select committee as I feel that this would have been the perfect vehicle for passage of those recommendations deemed appropriate for putting recommended action into practice. However, even though the committee chair has admitted that the majority of the committee has, in the past, rejected youth unemployment as an area of investigation, I note that the current recommendation does not preclude it from being taken on at a later stage, and I would suggest that the EPACT report provides the perfect catalyst for this to now occur.

MR MOORE (12.16): I believe that Assembly business is approaching the end of its time. I was happy to move under standing order 77 for an extension.

MADAM SPEAKER: Mr Moore, we are finished with Assembly business. This is the presentation of papers.

MR MOORE: That makes it easier. Madam Speaker, I would like to address the subject, but I will defer to a member of the Social Policy Committee.

MRS GRASSBY (12.16): I rise to support the decision that was made by the Social Policy Committee. I feel that the committee that this should have gone to is the Tourism and ACT Promotion Committee. After all, we all know extremely well how badly we fared in the Premiers Conference. Therefore, we cannot look to the Government for this sort of money and we have to look to the private sector. As tourism is one of our biggest businesses in this city, I am sure that that committee could be looking at ways of improving jobs for young people in the tourist industry. As Ms Szuty is a member of that committee, I thought that that is the committee that it should be sent to.

I feel that youth unemployment is far too important to be put virtually on the backburner. As we are going to report on aged accommodation, I feel that, with the short time that everybody has on these committees, a report on youth unemployment would be something that would be done in a hurry, and I do not agree with that. I am not sure that we need just to look at the effect that unemployment has on youth. We pretty well know the effect that unemployment has on all people over a long period. We do not have to ask, "Well, what does it do to the youth?". We know that it has a very devastating effect on anybody who feels that they have a right to a job and cannot get one.

I feel that putting it to our committee and trying to deal with aged accommodation as well as youth unemployment would be very unfair to these people. It would be unfair to come up with a report that may not be done in a way that it should be done. As I say, we do not all have that amount of time to sit on committees, day and night. All of us are serving on two, sometimes three, committees. It does make it difficult. As I say, it is too important to just skip through something.

As Ms Ellis said, we have considered maybe looking at this later, but I cannot see how we on the Social Policy Committee can look at finding jobs for young people. What we can do is look at the effect unemployment is having, but the Tourism and ACT Promotion Committee can look at ways in which jobs can be found in that area in Canberra for people. So, I am afraid that I was one of those who voted against it. I support the chairman, Ms Ellis, on this, as other members also

did, and we were against Ms Szuty looking into this. I think that she came forward with that with a very good heart and that she feels very strongly about young people in this city who are unemployed. I agree with her that it is a difficult time for them, but I think it could be looked at by the Tourism and ACT Promotion Committee, which may come up with some ideas.

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

Sitting suspended from 12.20 to 2.30 pm

ABSENCE OF CHIEF MINISTER

MR BERRY: Madam Speaker, Ms Follett is not able to be in the Assembly for an unpredictable time this afternoon as a result of a pressing family matter, and I will be taking any questions that members might wish to ask of her.

QUESTIONS WITHOUT NOTICE

Education Budget

MR KAINE: I address a question to Mr Wood, Madam Speaker. In the budget strategy statement of two days ago the Chief Minister indicated that she had asked her managers to do better with fewer resources. I presume that that means the Education Department as well as everybody else. Can the Minister tell us whether he is considering making savings in the education budget from downsizing, to use the modern term, his administration; and, since 60 per cent of the budget is staff salaries, will this downsizing mean a reduction of staff in non-teaching positions in both schools and the central office of the department?

MR WOOD: Mr Kaine has correctly reflected what is in the Chief Minister's budget strategy document, and he will know that I am under instructions from the Treasurer - and happy to be so - that I should come back to her with my proposals in respect of the portfolio areas under my responsibility, including environment, land and planning. I will be doing that. I am presently discussing with officers of all my departments the way I may meet the demands of the Treasurer. I think Mr Kaine, a former Treasurer, will understand that I am not about to speculate publicly on what I may or may not be doing. I know that I am giving you much the same sort of answer that the Chief Minister herself has given to similar sorts of questions.

MR KAINE: I ask a supplementary question, Madam Speaker. I understand that the Minister would be reluctant to speculate on next year's actions, but the Chief Minister had a target in the current fiscal year of reducing the numbers in the public service by 250 people by redundancy. How many of those have, in fact, come out of the Education Department in the current year?

MR WOOD: Yes, we had to meet a target in education. The target of redundancies was met. From memory, it was something between 30 and 40 people; but I will check the precise number and get back to you. Certainly, the target was met. It was met rather later than our original target date because we went through the proper procedure of negotiating with relevant unions.

Tobacco Product Prices

MR LAMONT: My question is addressed to the Minister for consumer affairs. Can the Minister inform the Assembly about the sudden increase in the cost of tobacco products in the ACT?

MR CONNOLLY: I thank Mr Lamont for his question. The increases in the prices of the noxious weed are perhaps something that some of us would think is not such a bad thing, but when they are unjustified they are a problem. The behaviour of the market in relation to cigarette prices in the last 24 hours has really been something that would make even the oil companies blush. The New South Wales Government indicated that it would immediately increase its franchise fee from 50 per cent to 75 per cent, meaning a 55c per packet increase at the retail level for cigarettes.

Although the ACT Government has made it clear that no decision has been made about the future of tobacco tax in the ACT - and obviously it is a budgetary matter - and although clearly there has been no tax increase in the ACT, magically the price of cigarettes started to rise 55c, or more in some cases, around the ACT. Yesterday I issued a media statement condemning this practice, and the ACT Revenue Office urgently faxed all tobacco wholesalers, making it abundantly clear that the ACT had not raised the tax and there was no justification for their raising their prices.

We got some interesting responses from major wholesalers. Coles informed us that they inadvertently raised the ACT price when notifying the New South Wales stores; but, fortunately, now that they have had their attention drawn to it, they have reduced the price again, and people at the retail level are paying what they were paying 24 hours ago.

Mr Kaine: Have they refunded the excess?

MR CONNOLLY: They will indeed refund if customers approach them, we are told. The other major distributors in the ACT are Davids Holdings and Campbells Cash and Carry. Their head offices advised us that they raised the wholesale prices to be in line with New South Wales in order to avoid difficulties or disadvantages in the tax collection process, which is an interesting answer. They have had their attention rapidly drawn to the fact that that is unacceptable; and they have advised that, in light of the gentle reminder from the ACT Government, they will be revising their structures and will be resuming their wholesale price. They have said that, at the wholesale level, they will reimburse retailers who purchased the cigarettes at a higher price. Of course it will be up to the retailers to reimburse customers. But we did see yesterday a fairly unacceptable passing on of a non-existent tax rise to ACT consumers. The Government jumped in, and we seem to have nipped the problem in the bud.

Petrol Prices

MR STEVENSON: My question was to have been addressed to the Chief Minister, but Mr Berry has been kind enough to indicate that he will answer in her stead. It concerns the high price of petrol that Canberrans have to pay. Could the Minister please indicate why petrol is usually 10c a litre higher in Canberra than in Sydney, allowing that the government franchise tax is 6.7c a litre in Sydney and 6.53c a litre in Canberra?

MR BERRY: Madam Speaker, I will let Mr Connolly take that question, as he has been handling these sorts of matters.

MR CONNOLLY: Unfortunately, we have not had the same swift response from the petrol industry as we have had from the tobacco industry. What Mr Stevenson has said is right - the taxation rate in Sydney is higher than here. Within the ACT there is a 1.8c a litre freight differential, which we are quite happy about. So one could understand it if the price of petrol in Canberra were 1.8c or even 2c a litre higher than the price in Sydney. Of course, as Mr Stevenson points out, it is not. It is something like 10c a litre higher. I can accept that a retailer can, in good conscience, pass on to the consumer a wholesale price increase. In the past four weeks we have seen a wholesale price increase of between 2c and 3c a litre - or 3.1c a litre, to be precise. We have seen a retail price increase of up to 5c a litre. That is just unacceptable. That is an additional 2c a litre being passed on to consumers.

Members will recall that late last year we tabled for comment a Bill which would give the Government power to move into the market and set a maximum price for petrol. The petroleum industry, at the level of the major oil companies nationally, has of course railed against that and tells us that price control is economically inefficient, that price control does not work, and that the consumer benefits from the free operation of market forces and the free market. The petrol majors had better prove that very damn quickly, because it is clear that what has happened in the ACT for years is that we have been seen as a nice little earner for the major oil companies. Prices operating for the retailers here have been quite different from the prices operating in Sydney, and the long-suffering Canberra consumer has been paying for the difference. If the oil companies do not move quickly, the Government will have to intervene. Mr Stevenson, in short, asks for a justification for 10c a litre higher petrol prices. The Government's view is that there is absolutely no justification.

Sporting Groups - Representations

MR DE DOMENICO: Madam Speaker, my question is addressed to the Minister for Sport, Mr Berry. I refer the Minister to a report on the back page of the *Canberra Times* this morning that states that a person named Mr Peter Conway, who is allegedly the assistant secretary in the Office of Sport, Recreation and Racing, suggested that sport had made no official approach to his Minister in seven months. Can Mr Berry therefore confirm that in fact he has had no approaches from sporting groups in the last seven months?

MR BERRY: Which area of sport was the report referring to? It was referring to ACTSport, I think, was it not?

Mr De Domenico: I do not know, Mr Berry.

MR BERRY: Of course there has been representation from various sporting groups to the Minister's office from time to time. I have no way of knowing or controlling what the *Canberra Times* reports; but what I can say is that there has been a lot of consultation with sporting groups, for very good reason - the sporting groups well recognise that the Government has a responsible view on how it manages its sports policy, and they know that the Government has a commitment to developing sport in the ACT.

I have a particular view about the relationship between sport and health and how they might, with progressive policies, improve life in the ACT. But the issues listed by Mr Haynes in that report - including the Government's response to the recommendations of the Hartung report on sport, recreation and racing - have not been raised officially with me by any sports lobby group since late last year. I have, of course, as I have said, had a number of approaches from individual sporting organisations from time to time and, of course, I am aware of press reports and comments in the *Canberra Times* by ACTSport in April on the issue; but I have received no formal correspondence from them. I think perhaps the article is referring to ACTSport, is it?

Mr De Domenico: I do not know. The article does not make it clear, Mr Berry; I am sorry.

MR BERRY: For the Assembly's information, Madam Speaker, the previous Follett Government acted immediately to implement one of the major recommendations of the review of sport, recreation and racing functions - the Hartung report - and I think that was mentioned in that article as well. The Government amalgamated responsibility for the previously separate functions of racing, Bruce Stadium, sport and recreation facilities, and sport and recreation programs into the ACT Office of Sport and Recreation within one portfolio. I think we have received some undue criticism in that respect, because I think we acted positively and quickly. In addition, of course, it has substantially implemented a range of other recommendations of the report, including the establishment of an ACT Sport and Recreation Council.

I recall from the article, having skimmed it, that a former member of the Assembly had some criticism of the Government as well. I think his eyes would be green with envy, seeing the performance of this Labor Government on sport. We have done well. We have implemented policies that we promised. The jewel in the crown thus far - and there will be more - is the ACT Sport and Recreation Council, because it is doing a great job. It is ably chaired, and those people who have been appointed to it are performing a great deal of work for sport in the ACT - something that was not done in the past. I have to say that the former member who I think was referred to in the *Canberra Times* - was it the president of your council, your alternative sports council?

Mr De Domenico: I do not know. It might have been Mr Whalan or Mr Collaery or - - -

MR BERRY: The former member I am referring to is now the president of the alternative council for sport in the ACT, appointed by Mr De Domenico, with all of his authority. He would be envious of the performance of the Labor Government in sport, in particular the consultation role in setting strategic directions for assisting the Government to meet its objectives in sport.

The Government is progressively implementing other recommendations of the report and expects to have a new organisational structure for the Office of Sport and Recreation in place shortly; so that will be another positive move. We have demonstrated our commitment to sport and recreation by supporting a range of other initiatives. I will go through these because some of them relate to the article. There was a 9.4 per cent increase in funding for sport and recreation in the 1991-92 budget, and I think that was received with broad acclaim.

Mr Kaine: Would you like to read the notice paper when you run out of other notes? I will lend you mine.

MR BERRY: That is fine. The issue was raised and it is an important one for sport, Mr Kaine. I think many of the allegations that were made in the article really need to be answered, and this is a grand opportunity to do so. I refer to funding for capital works. Of course, we did well in the Tuggeranong Valley. The hole is in the ground, despite some criticisms of the Government's performance by you, Mr De Domenico, in relation to that pool. Everything is going smoothly.

Mr De Domenico: Yes. But it was after my criticism that work started, Mr Berry; so it is nice.

MR BERRY: When your criticism was made, the fence was up and the site sheds were there, but they had not started the tractors. After you had made the criticism - - -

Mr Moore: I raise a point of order under standing order 118(a) and (b). Not only is Mr Berry's answer not concise; it also seeks to debate the matter at hand. This is not the first time this week that Mr Berry has been playing close to the line on this standing order, Madam Speaker.

Mr Lamont: In your opinion.

Mr Moore: In my opinion; and I draw your attention to it, Madam Speaker.

MADAM SPEAKER: Thank you, Mr Moore. I am sure Mr Berry has heeded the advice from you as well.

MR BERRY: Mr Moore did not ask the question, so he is obviously not interested in it. Mr De Domenico is sitting there transfixed. You are interested in all this information, are you not? There is some more. Indeed, the Government has been performing well. There have been delegations from individual sports on a range of matters. ACTSport have not been to my office for some time, but I think that reflects a general satisfaction with the Government's performance. I think we can take some heart from that.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Mr Conway, who purports to be the assistant secretary of the Office of Sport, is quoted as follows:

> "If they want the Government to take sport seriously, they must make submissions on an on-going basis," Conway said.

Can the Minister confirm, in fact, that it is the Government's policy that unless any group in our community makes constant submissions it will not be taken seriously?

MR BERRY: I thank the member for his supplementary question, and I will answer it concisely. The Government will always take sport seriously.

Bruce Stadium - Corporate Boxes

MR MOORE: I believe that my question is directed to Mr Connolly. I hope that he does not, in turn, pass it on to Mr Berry; but, if he needs to, he must. It is about corporate boxes. I wonder why it is that ACTTAB and Canberra Milk have corporate boxes where I understand they provide guests with free drinks - not necessarily milk - at Canberra Raiders games. What benefits and costs does this have for the ACT community?

MR CONNOLLY: I will have to refer the question in relation to ACTTAB to my colleague Mr Berry, who I am sure will give a concise answer. But I am, in fact, in a position to give an answer in relation to Canberra Milk, because I know that the Liberal Party have been sniffing around on this issue in the last few days and have perhaps passed their ammunition across the chamber. I am able to produce and table a graph, which unfortunately is not in colour or large, so the Liberals may not find it as digestible as the one I had the other day for electricity prices. It shows our baseline and the percentage increase in our sales. The graph is fairly flat, declines and is again flat.

Since we started the Canberra Raiders sponsorship, the graph has gone fairly consistently upwards. That takes us up to the end of 1991. Canberra Milk is a sponsor of the Canberra Raiders, as members would be aware. It started the sponsorship in late 1989. The sponsorship is part of its marketing expenditure. Its total marketing expenditure, of which only a part is the sponsorship, runs to about half a million dollars. The decision by the Milk Authority to spend money on marketing is, of course, a commercial decision. The Liberals are always telling us about making commercial decisions and all the rest of it. The commercial decision, in terms of growth of milk sales, seems quite remarkable. The result of that, of course, is that we are able, through the Milk Authority, to put milk on the consumer's table in Canberra at something like 10c a litre cheaper than the price across the border in Queanbeyan. It is sensible to spend money wisely on marketing.

As part of the sponsorship package for the Raiders, the Milk Authority gets a corporate box in which it entertains people. I occasionally go out there for a Raiders game. Some of their principal clients - the wholesalers and operators of major retail chains, or some of the suppliers - are always there. As part of the

package it also gets, I think, 30 seats per home game which are distributed to junior rugby league in Canberra. As part of the sponsorship package, whenever a Raider turns up for junior rugby league, the Canberra Milk logo is displayed. The Raiders lime drink has proved extremely popular.

So, on the advice that I have, I am quite satisfied that the sponsorship of the Raiders by Canberra Milk has produced a remarkable marketing success. As part of their marketing expenditure, it is a highly justifiable charge on what is a commercial-style government operation. I table a chart showing year to date sales of Canberra Milk, demonstrating the success of the Canberra Raiders sponsorship.

Mr De Domenico: Is that in colour, like the ACTEW one?

MR CONNOLLY: It is not in colour, so the Liberals may have some difficulties following it.

MR MOORE: I ask a supplementary question, Madam Speaker. It would appear that we are going to have to ask the same question of Mr Berry in respect of ACTTAB at another time. Why would you suggest that the increase started to occur simply because of the sponsorship of the Canberra Raiders? Is it not possible that that also coincides with the great fuss over recyclable glass milk bottles? It may well be the case that the increase in the benefit for Canberra was due to people's growing awareness of the environmental advantages of using reusable, recyclable glass milk bottles.

MR CONNOLLY: Anything is possible, Madam Speaker. But, if you are operating in a commercial context, as Canberra Milk is, and you engage in a marketing strategy which results in a dramatic increase in sales, I think you have to make the assumption that your marketing strategy is valid. While Mr Moore, perhaps to generate some media attention, seems to be focusing on the Canberra Raiders and on the corporate box at Bruce Stadium, I think of equal significance is the whole process of junior rugby league tickets which are clearly identifiable as part of the Canberra Milk sponsorship and club liaison officers going to schools and promoting Canberra Milk. The development scheme running throughout Canberra is Canberra Milk's schools rugby league development scheme. This whole marketing strategy is targeted very much at the schools, and it seems to me to be a very sensible marketing strategy.

Hospital Beds

MS ELLIS: My question is addressed to the Minister for Health. The Liberal health spokesperson claimed in the *Tuggeranong Valley View* on 28 April that Woden Valley Hospital is set to shut down a number of elective surgery beds during the August school holidays and that Tuggeranong residents would be hardest hit by that decision. Is this true?

MR BERRY: This is another example of the Liberals getting it wrong.

Mrs Carnell: You are not going to do it now?

MR BERRY: Mrs Carnell says, "You are not going to do it now?". Mrs Carnell needs to go back to school. She talked about school holidays in August. They do not happen in August. You are, first of all, talking about closing down beds in the August school holidays which do not exist. School holidays are in July. The holidays are in July, remember. Mrs Carnell can go back to school, find out when the school holidays are, and then make claims about the hospital system. But what the Liberals are more concerned about is creating a misconception about our hospital system and making cheap political points on any ground at all without checking the facts. They never even bothered to check when the school holidays were, let alone the facts.

There are no plans to close elective beds at Woden or Calvary. I will just pre-empt your next stunt. The next scream we will hear over in the Belconnen newspapers is, "Calvary Hospital beds to close in the August school holidays". They will not close in the August school holidays, because there are no holidays then. Neither will they close in July. This is just a classic example of Liberal misinformation. It is aimed to create concern and the misconception that there is something wrong in our hospital system. The Liberals have not even bothered to check the facts first. Madam Speaker, this is just a simple publicity stunt, and there is no evidence at all that valley residents will be affected. The Liberals have a history of inaccurate claims and scaremongering. These tactics achieve nothing more than confusing the residents of the ACT. May I say, finally, Mr Kaine, that here again is another Liberal lightweight who is no challenge at all to you.

Secondary College Students

MR CORNWELL: Madam Speaker, my question is directed to Mr Wood, the Minister for Education. I refer to the statement in the *Canberra Times* today that your Labor Government would take a tough stance upon students wishing to repeat year 12. I ask: How does this equate with the claim that government schooling, including colleges, accepts all students irrespective of race, creed or circumstance? Secondly, is this proposal to refuse re-enrolment legal, given that the Education Act does not have an upper age limit upon students attending schools or colleges and that the lack of places in colleges is not really a consideration, as there are currently at least 800 vacancies?

MADAM SPEAKER: Mr Wood, before you answer, I point out that, as you are probably well aware, questions are not permitted to ask for a legal opinion. So you are at liberty not to answer that element of the question if you so choose. The rest of it is okay.

MR WOOD: I think Mr Cornwell has asked some reasonable questions. It is a matter that I am giving thought to, and I will develop that thought over the year. Decisions that the ALP makes on schools are based on educational grounds. It was very much part of our argument in the school closures debate that the primary concern is educational. Nevertheless, in this circumstance we are not unaware of the economic background. Mr Kaine asked a question earlier today about savings in the education budget. Yes, I will be looking at savings. I have to look across the spectrum to see what I might do.

It is clearly the case that in our secondary colleges there are a number of students - and I do not want to put a figure on it at the moment - who are not gaining significant or even reasonable education benefit by their presence there. Some students take years 11 and 12 or some part of those years rather more casually than they ought to on the basis, if nothing else, that they can do another year or another two years on top. Let me emphasise that I think most of our students, the great bulk of our students, in our secondary colleges are working very hard, doing an excellent job and fully giving to secondary colleges the high reputation across Australia that they deserve.

But the fact is that this year it is costing about $2m for repeat students. Some element of that is simply not productive educationally. Teachers tell me that. We know it. Not all of those students are going to benefit from that extra time that they spend there. So I am going to look at that. I am going to decide what is the best way I can attend to that in the interests of the student, first of all, but also in the interests of the ACT budget. Early this year, some of you may recall, there was a bit of a fuss - and I can understand why - when we counselled about 100 returning students and turned about 60 of them into TAFE courses. That saved us a bit of money, and that was part of the background; but, more importantly, the students, the parents and the teachers accepted that that was in the best educational interests of the student. That is what is driving us.

MR CORNWELL: I ask a supplementary question, Madam Speaker. I am conscious of your ruling, but I wonder whether it is possible for the Minister, Mr Wood, to look into that legal question that I raised. Perhaps he can take it on notice.

MR WOOD: I will take it on notice, but it is beyond the compulsory years. Recently I acted to direct students doing ESL programs away from secondary colleges. They were aged up to 30 or so. I thought it was not appropriate that they should be in our secondary colleges. Secondary college is the most expensive part of our schooling system. You know that as well as anybody does.

Mr Berry: I ask that any further questions be placed on the notice paper.

OFFENSIVE LANGUAGE

Mrs Grassby: Madam Speaker, I rise on a point of order under standing orders 54 and 55. My point of order concerns the comments made by Mr De Domenico yesterday and printed in the proof *Hansard* on pages 18 and 19. I ask for them to be withdrawn because I think they are offensive to other people in Canberra. I am paid to be here and be insulted, but I do not think other people in Canberra should be insulted. I have spoken to Mr De Domenico, and he does understand my point. I would like the comments withdrawn so that they do not appear in *Hansard*.

Mr De Domenico: Madam Speaker, Mrs Grassby did talk to me, and I did agree that some of the comments that I made may have been seen to be whatever. For the sake of peace, Mrs Grassby and I have agreed that some of the comments that she made would be withdrawn, as some of the comments that I made would be withdrawn.

PROSTITUTION REGULATION
Paper and Ministerial Statement

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, for the information of members, I present a discussion paper entitled "Issues and Policy Options in the Regulation of Prostitution in the ACT" and move:

That the Assembly takes note of the paper.

Several Australian jurisdictions have recently legislated to regulate prostitution; and others, such as New South Wales, have introduced legislation or, such as Queensland, are considering recommendations from law reform bodies on reform of prostitution law. These developments have, for the most part, occurred since the period when the Legislative Assembly Select Committee on HIV, Illegal Drugs and Prostitution, chaired by Mr Michael Moore, was completing its interim report, "Prostitution", issued in April of 1991.

The discussion paper which I am tabling in the Assembly today and releasing for public comment has therefore been able to take account of the significant developments as well as to comment on the two Bills introduced by Mr Moore earlier this year. Those Bills are, of course, identical to the mark II Bills, as amended by Mr Moore, which he introduced into the previous Assembly in late 1991. The discussion paper also presents a suggested government position outlining a package of reforms based in part on Mr Moore's amended Bills and building on the work of the select committee. This package is designed to remove criminal sanctions based on what the Government considers to be an outdated policy of total prohibition of prostitution and to establish certain controls in the interests of the protection of public health, orderly planning and development and the interests of the workers and operators in the prostitution industry itself.

Madam Speaker, the industry has existed in Canberra for many years as a commercial operation generally tolerated by the community. We do not say that the community endorses or necessarily supports the prostitution industry, but its operation has been well known and there has been a de facto policy of containment and surveillance by the relevant authorities. This situation cannot be permitted to continue indefinitely. The operators, the workers in the industry and the whole community suffer a disadvantage by this situation which arises directly from the illegality and the de facto tolerance of that illegality. The Government believes that reform which would establish appropriate arrangements on a legal footing is preferable to the present situation. It is that practical concern which motivates the Government in putting forward this initiative. Of course, Madam Speaker, we do not propose to remove all existing criminal sanctions, and the discussion paper suggests that penalties relating to the involvement of children be retained and that some new offences be created to address certain health issues and other matters.

While recognising the valuable work of the select committee and of Mr Moore's Bills, the Government believes that the time taken to more fully consider policy options and developments in other jurisdictions has resulted in an improved and more highly developed proposal, and has enabled the Government's advisers to identify a range of problems needing to be addressed in the health and planning aspects and in some technical aspects of Mr Moore's Bills. Madam Speaker, the Government has always taken the view that there are too many important matters involved in this issue for it to be dealt with quickly, and we intend that there will be at least two months for community comment on the discussion paper. I therefore commend the discussion paper to the Assembly and to the ACT community, and I look forward to considering comments provoked as a result of this debate.

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

YOUTH EMPLOYMENT
Ministerial Statement and Paper

MR BERRY (Deputy Chief Minister): I seek leave to make a ministerial statement on youth employment on behalf of the Chief Minister.

Leave granted.

MR BERRY: Madam Speaker, there are almost 60,000 15- to 24-year-olds in the Australian Capital Territory, representing almost 20 per cent of our population. They form the largest single demographic group in our community. A large proportion of this group have been born and educated in the ACT, representing a significant investment by our community. Our young people are amongst the Territory's most valuable assets and the Government wishes to ensure that they are given every opportunity, both for their own personal development and to maximise their contribution to the community over the coming years.

Figures released by the Australian Bureau of Statistics last week indicate that youth unemployment in the ACT is currently at 11.7 per cent. Whilst this figure is subject to sample error and fluctuates monthly, it is clear from the labour force figures that for this year the youth unemployment rate in the ACT has been falling compared to the situation a year ago, when we had amongst the highest rate of youth unemployment in the nation. The situation nationally and even our own figures, however, are still a matter of great concern for the Government. While recognising that the current high level of unemployment is essentially the product of national circumstances, the Government is determined to better the prospects of all young people in Canberra. In this context the Government has instigated a range of employment initiatives and programs designed to give youth a fair go. I remind the Assembly of the diversity and intensity of our efforts, particularly since last year's budget.

Unemployment of our young people was the first reference that the Chief Minister gave to the Economic Priorities Advisory Committee of the ACT, EPACT; and later on I will be tabling their report for the information of Assembly members. I will elaborate a little later on those findings. The Government has given increased funding to Jobline and Involve which will assist young people into short-term employment and meet skill training needs. The Chief Minister recently opened the southside office of Jobline and was impressed by their efforts.

The Streetlink program has been expanded to include an employment focus. Negotiations are currently under way with the Commonwealth to co-locate Streetlink in Belconnen with a youth access centre. A site has been identified and a shopfront will open in the near future.

We have launched the innovative venture and development assistance program, which will provide a range of assistance to young people and youth organisations to increase skills and create jobs. The program will provide grants to young people for skill development outside the mainstream education and training system and to assist with the establishment of their own businesses or ongoing employment. In addition, grants are available to incorporated community organisations to provide skill or personal development programs.

We have provided an extra 57 places in TAFE courses for school leavers and alternative courses of study, including at TAFE, for those who enrolled to repeat year 12 in 1992, in order to better meet young people's career aspirations. We have increased the commitment to traineeships in the ACT Government Service. The tradeswomen on the move program, which is targeted at young women entering the non-traditional apprenticeships, has also been expanded. Under the employment and training grants program, over $500,000 has been provided to community organisations to enhance the employment and training options of individuals in the ACT. Of this, $110,000 was allocated to programs which were youth specific. The Government has also provided increases for the fares assistance scheme and the workers compensation rebate scheme, both of which assist youth with their entrance to the work force.

As well as these initiatives, the Government has taken steps to add to the overall availability of jobs. Earlier this year we announced an acceleration of the capital works program. This program, totalling $35m, supports some 330 jobs and has been an important stimulus to the construction industry. In the budget strategy statement earlier this week the Chief Minister referred to the proposed 1992-93 capital works expenditure of $147.2m as the maximum affordable. The Government is very aware of the importance of the building and construction industry to Canberra's economy generally and in the provision of jobs. We recognise the high multiplier effect of this industry in supporting jobs in other sectors. We are particularly pleased, therefore, to propose a 1992-93 capital works increase of some $17m, or 13 per cent, compared to this year.

The Government has also approved the development of the casino. The construction phase over approximately two years involves expenditure of $31m and will lead to the creation of 280 new jobs. The operation of the casino itself will create an estimated 500 new jobs, many of which will go to our youth. I note that Casino Canberra Ltd has recently commenced training for its croupier positions. Members may also be aware of a number of other developments in the tourism industry which will bring about a significant number of long-term, sustainable jobs for young people. These developments include the innovative and exciting Chinatown proposal for Woolley Street, Dickson and the Gold Creek tourist resort.

We have all been heartened to see occupancy rates in the tourism industry rising steadily during 1992. Rising occupancy rates will result in additional jobs in accommodation houses and attractions. The tourism industry fared rather badly during 1991, and it is good to see that this trend has been reversed. As the Chief Minister has remarked in this house before, the tourism industry provides

some 7,000 jobs in Canberra, and these are predominantly filled by younger people. I believe that it is possible for the tourism industry to grow by up to 10 per cent during 1992. If this can be achieved, then the industry will provide a substantial increase in job opportunities for our youth.

On behalf of the Chief Minister, Madam Speaker, I would also like to take this opportunity while addressing the issue of youth employment to inform the Assembly of outcomes from the Youth Ministers Council which was attended by the Chief Minister in Adelaide on 22 May 1992. The meeting, involving Youth Ministers from around Australia and New Zealand, discussed a range of matters, including youth employment. A large part of the Chief Minister's report on ACT youth affairs to the conference addressed the Government's initiatives in the area of youth employment which I have just outlined on behalf of Ms Follett. Ms Follett presented a paper which brought together information from around the States and Territories on youth employment development programs. These are not "make work" programs. They are programs which develop or maintain employment opportunities. They are an important part of a continuum of labour market programs.

The ACT's emerging and innovative venture and development assistance program is one of two programs sponsored by governments around Australia which specifically target young people. The other is the Victorian Government's youth enterprise program. Further research will be commissioned through the national youth affairs research scheme to examine and measure the outcomes of employment development programs on young people, particularly those young people considered disadvantaged or at risk.

On the issue of income security for young people under 21, Ms Follett was pleased to join other State and Territory Youth Ministers to urge the Commonwealth Government to examine the adequacy of payments for different activities. Reforms in income support arrangements are an essential part of ensuring that young people are able to fully participate in post-compulsory education or training or in the work force. Simpler administrative arrangements, for example, will ensure that younger people are able to move from unemployment to further study or training without facing any income security disadvantage. The Youth Ministers Council also agreed that special measures would be needed to ensure the participation of disadvantaged young people in education and training. Territory, State and Commonwealth governments have supported targets for 95 per cent of 19-year-olds to have completed year 12 or an initial post-compulsory school qualification, or be participating in education as training, by the year 2001.

From a social justice point of view, it is essential that young people in most need, facing homelessness, isolation or family breakdown, are able to get the necessary support in order to obtain the skills required for participation in the work force. These measures will require careful consideration by governments, particularly in view of the major changes facing TAFE in the near future. At the May and June Premiers Conferences the future of vocational education and training was the subject of particular consideration. As a result, heads of government have agreed to the development, as a matter of urgency, of a proposal for a national vocational education and training system based around the concept of a national training authority. The attraction of a national system is that it has the potential to bring about an expansion of overall training opportunities, especially for young people, improved balance in the provision of post-school education and training and greater quality, diversity and efficiency of the national training system.

The challenge in creating such a system is to ensure that regional economic needs are properly recognised and that the resources available to a national system are equitably distributed. Clearly the issue is complex, and it may be necessary to put in place interim or transitional arrangements which would facilitate the creation of a national system. Nevertheless, Ms Follett has indicated to me that she feels that there is a real commitment on the part of all heads of government to an improved system which will bring benefits both for students, many of whom are young, and for the Australian economy as a whole.

During the Youth Ministers Council Ms Follett was provided with information about the youth conservation corps. This program is conducted by the South Australian Government. It provides vocational opportunities for young unemployed people to participate in conservation and heritage projects of benefit to the wider community. Most importantly, the young people involved gain accreditation through TAFE during the program. Ms Follett has instructed her department to investigate the youth conservation corps program in more detail, to assess the feasibility of it being implemented in the ACT.

Members will recall that in January this year the Chief Minister established the Economic Priorities Advisory Committee of the ACT, EPACT, to provide broad-based, independent advice to the Government on the formulation of economic, industry and employment policy. The Chief Minister is happy for me to say on her behalf that it has been an extremely successful initiative. As its first priority, the Chief Minister requested the committee to address the problem of youth unemployment in the ACT. After extensive consideration by the committee, the chairperson of EPACT, Professor Fred Gruen, has recently submitted EPACT's report entitled "The ACT Youth Labour Market". The committee has undertaken a thorough analysis of youth employment and unemployment in the broader context of the ACT labour market as a whole and has provided a range of recommendations. The report notes that job generation is a fundamental issue for the Government and for the community as a whole and that cooperation between all sections of the community - notably unions, business and government - is necessary during a period when all areas of the labour market are under pressure.

EPACT has the view that in the longer term the overall supply of jobs, for youth and others seeking employment, is dependent on increasing economic activity through the growth of a vigorous private sector. It also recommends that government needs to take a lead role and work closely with unions and business to facilitate economic growth, particularly in areas where there are the highest returns for employment generation. Whilst EPACT identifies a number of specific issues relating to youth which need to be tackled, the general conclusion is that the best approach to reducing youth unemployment is to promote overall job growth. This the Government supports.

In relation to youth, EPACT argues that there are particular issues surrounding two categories. The first comprises youth looking for part-time vocational and non-vocational jobs. They are some two-thirds of unemployed youth in the ACT. The second comprises youth looking for full-time vocational jobs, and they account for one-third of unemployed youth. The majority of those youth seeking part-time employment are in further education and are seeking non-vocational employment for income supplementation. For these youth it is availability of

positions with flexible working hours in predominantly the retail, tourism and hospitality sectors which is critical. EPACT suggests that job growth in these sectors and issues such as trading hours, penalty rates and associated award conditions need to be addressed.

The number of youth seeking full-time vocational support and not in further education is relatively small in the ACT. However, it appears that this group is most at risk of moving into long-term unemployment, and hence warrants special attention. Specific recommendations are made in relation to access to jobs in the public sector, in the private sector and of course in relation to vocational training. EPACT also states, however, that there are clearly other groups of an equal or even higher labour market priority. Whilst these other groups are not considered extensively in the report, they include women re-entering the work force, people with a disability, people from a non-English-speaking background, older workers - predominantly males - who have been made redundant, sole parents and Aboriginal people.

In the matter of public importance debate on youth unemployment on 12 May the Chief Minister noted that EPACT was soon to deliver its report and that it was the Chief Minister's intention to release the report for public discussion and to address the recommendations as a matter of priority. Members would be aware that the Chief Minister has publicly released the report this week.

Mr De Domenico: It would have been nice to have had the members of the Assembly given a copy first, Mr Berry.

MR BERRY: Be patient, Mr De Domenico.

Mr Cornwell: Where is it?

Mr De Domenico: Yes, where is it?

MR BERRY: All good things come to those who wait. Notwithstanding the need for public comment, Madam Speaker, there are a number of EPACT's recommendations that can be pursued immediately by the Government. The Chief Minister has requested all Ministers and their agencies to give urgent attention to those matters, which include targeting of funds to areas where there are the highest returns for employment generation as part of our budget strategy, reviewing public sector recruitment policies, ensuring targets for traineeships and apprenticeships are met and that job opportunities exist at the end of their training, and referring the issue of penalty rates and associated award conditions to the Industrial Relations Advisory Committee.

Mr Cornwell: You are finally waking up to those penalty rates, aren't you?

Mr De Domenico: Yes, another Liberal Party policy.

MR BERRY: We have not seen it with the same warm inner glow as the Liberals seem to see deregulation. If you think we are going to do what the Liberals do - take on the labour movement as was unsuccessfully tried in Tasmania in a way which divided the community - then you have another think coming.

Members will recall, Madam Speaker, that the matter of youth unemployment was referred to the Standing Committee on Social Policy. Accordingly, the Chief Minister has referred the report to that committee's presiding member. Madam Speaker, in May last year ACT youth unemployment was at 27.5 per cent

compared with a level of 26.8 per cent nationally. The Australian Bureau of Statistics figures released recently showed ACT youth unemployment at 11.7 per cent compared with 35.5 per cent nationally.

Mr De Domenico: That is an absolutely useless statistic, Mr Berry, and the ABS admit to that.

MR BERRY: You are perfectly entitled to your view, but do not lumber us with it. These results are heartening and suggest that the span of this Government's policies is contributing to an improved outlook for our young people. I think even Mr De Domenico would agree that it is better for us to focus on doing more for our young people. Nevertheless, the Government will not be resting on its laurels. There is still much that needs to be done regarding young people in the Territory. In this context the Government will be giving the EPACT report its fullest attention; and the Chief Minister, as well as all of the other Ministers, will welcome comments on the report and its recommendations from all sectors of the community.

Madam Speaker - and this is what Mr De Domenico has been waiting for - on behalf of the Chief Minister, I now table the EPACT report on the ACT youth labour market. Your patience has been rewarded.

Mr De Domenico: No; I had one before, Mr Berry.

MR BERRY: What are you whingeing about, then?

Mr De Domenico: I had to get it photocopied by someone outside. Someone had not thought of members of this Assembly, unfortunately.

MR BERRY: On behalf of the Chief Minister, Madam Speaker, I present the following papers:

Youth employment - Ministerial statement, 18 June 1992.

The ACT Youth Labour Market - Paper No. 1 - Prepared by the Economic Priorities Advisory Committee, dated 19 May 1992.

I move:

That the Assembly takes note of the papers.

Debate (on motion by **Mr De Domenico**) adjourned.

GAS BILL 1992

MR BERRY (Deputy Chief Minister) (3.25): Madam Speaker, I seek leave to present, on behalf of the Chief Minister, the Gas Bill 1992.

Leave granted.

MR BERRY: I present the Gas Bill 1992.

Title read by Clerk.

MR BERRY: I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill establishes an economic regulatory system for the distribution of natural gas in the Australian Capital Territory which will effectively put a ceiling on price increases for tariff customers. It also determines responsibilities for the safety and technical soundness of gas distribution in the Territory. Natural gas has been distributed in the ACT since 1980 without supporting legislation. Arrangements have been based on an exchange of letters between the then Commonwealth Minister for the ACT and the Australian Gas Light Co., or AGL. That agreement envisaged that legislation would be enacted, but it was still not finalised at the time of self-government and the average ACT gas consumer was paying over 20 per cent more than his or her counterpart in Queanbeyan.

During the first Labor Government we instituted a major review of gas distribution and imposed a price freeze pending the outcome of that review. As an interim measure, in January this year the Chief Minister concluded an agreement with AGL which ensured the removal of the remaining tariff differences with Queanbeyan and Sydney. For domestic consumers this occurred on 1 February, and for industrial and commercial consumers on a tariff rate the remaining difference will be removed on 1 July this year.

The Government has now given detailed consideration to the recommendations from the review which took into account the views of AGL and consumer comment. The review confirmed that a regulatory system is necessary. Regulation is necessary because there is only one gas distributor, AGL Canberra Ltd. A form of price regulation is essential to protect gas users from monopoly pricing behaviour, yet at the same time allowing the distributor to compete with suppliers of substitute forms of energy.

The Bill now before you, members, will provide an economic regulatory system which safeguards the interests of consumers, with minimum regulatory intrusion. The system will provide predictability, encourage efficiency by the gas distributor by preventing inefficiencies being passed onto consumers and foster good service and reasonable prices.

The proposed economic regulatory system contains the following principal elements: It provides for the issue of a long-term authorisation or licence to a gas distributor. The authorisation will include a price control formula initially determined by the Minister. It provides an effective means of adjusting the conditions of the authorisation, including the price control formula. It provides for the establishment of a part-time Gas Authority of the ACT to ensure compliance with the Act and authorisation and to monitor the operation of the gas distributor and the price control formula. It provides for the appointment, when and if required, of a review panel to determine issues when agreement between the Gas Authority and the gas distributor cannot be reached. It establishes a position of gas technical controller to ensure compliance with the safety and technical aspects of gas distribution. It establishes an annual research and development levy of 0.5 per cent on gas sales revenue or such lesser amount as determined by the Minister.

Madam Speaker, this type of economic regulatory system, which has been successfully operating in the UK and most recently for gas in New South Wales, is a different approach to the one we have been accustomed to. I therefore, on behalf of the Chief Minister, would like to deal separately with the key components. Under the arrangements agreed by the Commonwealth Government in 1980, annual price increases were determined by a profit control formula. This was not satisfactory for the gas distributor and, as the price difference with Queanbeyan in 1989 showed, not for ACT consumers either. The current tariff setting arrangements will be replaced by a price control formula which will be made a condition of AGL's authorisation and its operation monitored by the Gas Authority.

The formula will apply to tariff gas users, who include domestic, commercial and small industrial users. Major industrial gas users, the contract market, will still be able to negotiate individual contracts with the gas company. However, there will be provision for the contract market to be brought within the economic regulatory system at a price control formula if this is considered to be in the public interest. As I have already mentioned, gas users on a tariff price will all be paying the same price as users in Queanbeyan and Sydney from 1 July. It is intended, therefore, that the price formula in AGL's authorisation will apply in the same way as currently applying to AGL in Queanbeyan. This will mean that not only will price increases be linked to CPI movements but also the disparity with Queanbeyan prices experienced in the past will not exist.

The establishment of an independent Gas Authority will ensure that the operations of the gas distributor will be overseen by a body which understands the needs of a commercial operation but is able to ensure that the gas distributor complies with the conditions under which the distributor is granted access to the market. As the proposed system is almost identical to the one in New South Wales, the Chief Minister has initiated discussions with the New South Wales Government to see how we might cooperate in the administration of these systems to our mutual benefit. These discussions are continuing. For the present, we intend appointing a single person for the position of chairperson of the Gas Authority of the ACT. We expect that the Gas Authority will establish a close relationship with the Gas Council of New South Wales.

The existing arrangements give AGL exclusive access to the ACT market. These will be replaced by an ongoing authorisation granted by the Minister. Conditions of the authorisation will impose a range of responsibilities on the gas distributor, including the need to take environmental protection into account in conducting their activities. The Minister may revoke an authorisation after 10 years of its operation, giving prior notice of 10 years, or at any time during its term for specified conditions and with appropriate safeguards. The Gas Authority may, after notifying the Minister, modify authorisations with agreement of the gas distributor. If there is no agreement, the matter will be examined by a review panel, and the authority is required to amend an authorisation in accordance with the review panel's recommendation.

There are a number of other elements which I wish to draw to members' attention. The Gas Levy Act, which was passed by the last Assembly on 10 December last year, is part of the overall approach to regulation of the gas industry. It provides for a levy to be paid each year by the gas distributor of 1.75 per cent of gross revenue from gas sales. This approach is in line with that adopted in New South Wales. The first payment of $420,176, which was for a

six-month period, was received in March. Also in line with New South Wales, the Bill before members provides for an annual energy research and development levy. Funds from the levy will be used to undertake research into energy related matters of benefit to the Territory.

It has also been recognised that there are potential benefits to be obtained by ensuring that other suppliers of gas can have the opportunity to enter the market. As it would be most unlikely that a second pipeline system could be justified, the ACT provides for access to the existing pipeline system by a third party, subject to conditions and recognising the existing rights of the existing gas distributor. Madam Speaker, AGL fully supports these proposals and is already operating under such a system in New South Wales. Finalisation of AGL's authorisation and appointment of the Gas Authority will take place to coincide with commencement of the legislation.

Madam Speaker, after 12 years the ACT can feel confident that under these proposals it will have an appropriate level of control over distribution of natural gas in the ACT. The proposals will also ensure that the benefits of the three-year price freeze will not be taken away, provide consumers and AGL with clear conditions for the provision of gas and replace the previous inconsistent and unsatisfactory approach to price regulation with a predictable, open formula. Madam Speaker, on behalf of the Chief Minister, I present the explanatory memorandum for the Bill.

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

POSTPONEMENT OF ORDER OF THE DAY

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

> That order of the day No. 1, Executive business, Dog Control (Amendment) Bill 1992, be postponed until a later hour this day.

BUDGET STRATEGY 1992-93
Ministerial Statement

Debate resumed from 16 June 1992, on motion by **Ms Follett**:

> That the Assembly takes note of the paper.

MR KAINE (Leader of the Opposition) (3.36): Mr Deputy Speaker, my purpose today is to respond to the statement from the Chief Minister put forward two days ago as a budget strategy, which falls far short of the objective that its title would suggest. You might expect that the Follett Labor Government's budget strategy would tell us how the budget will be framed, what its priorities are and how the economic future of the ACT will be shaped. But our expectations have not been met.

All this statement does is tell us that this Government is aware of the obvious problems and, in ways that have not been defined, will try to do something about them. As the *Canberra Times* said in its editorial yesterday:

> If fine words and good intentions were what was necessary to develop a sound budget strategy in difficult financial circumstances, the ACT would be in a very good position.

Indeed, that is true. I have no difficulty in agreeing with some of the platitudes of which the budget strategy largely consists. Indeed, some of the statements made by the Chief Minister basically reflect what the Liberal Party said during the election campaign, with the exception that we went further and said what we would do to address the problems. To us, the problems are self-evident and solutions readily present themselves. But the evidence suggests that the Follett Government does not see that as being so.

The budget strategy does not provide solutions to problems. Rather, it is more in the nature of a statement of the known problems. For example, the Chief Minister said:

> We must reduce the cost of delivering government services in order to sustain the services themselves. No area of expenditure can be quarantined in the search for increased efficiency.

She is absolutely right. But that is a statement of the problem. Where is the evidence of action to satisfy it? She has already produced two budgets but has not on either occasion shown the will or the conviction to apply the knife where it is necessary. I see no will or conviction to do so in this third budget either.

Ms Follett leads a high taxing, high spending government that now finds itself in a tight budgetary situation which, astonishingly, seems to have caught them by surprise. The December 1991 forward estimates - that is only six months ago - projected a potential budget gap of $40m for the coming year, 1992-93. Now, six months later, out of the blue comes the revelation that we are running at a $73m shortfall. What that means is that the ACT taxpayer is in for a $73m shock, starting on 1 July. The Government seems as surprised at this state of affairs as anyone else, and the Chief Minister, after the financial Premiers Conference only last Friday, said that her Government had not yet given consideration to measures to deal with it.

The longer this Government delays facing up to the tough decisions necessary to close the budget gap, the greater will be the financial hardship the ACT taxpayer will have to accept in order to meet the expectations of this Government. Indeed, it is already too late, in my view, for decision making in some respects. The decisions should have been made a long time ago. But the Follett Government, as usual, has delayed confronting the hard decisions for far too long. The Alliance Government began a process of necessary change in 1990-91. The Follett Government should have continued that process in 1991-92 but failed to do so.

Had the Government in this current year not spent our entire reserve funding as though there were no tomorrow, had it invested in structural and micro-economic reform, had it maintained a longer-term view than just one year, the budgetary problems with which it is now confronted would have been far less. Regrettably, the Follett Government has no clear vision of where it is going. It has no strategy; it has no plan. It merely makes ad hoc decisions from one year to the next, and this has resulted in a totally ad hoc approach which lacks direction.

The Chief Minister has consistently refused to tell the Assembly how she proposes to fund her commitments. She avoids questions about new taxes. She has consistently refused to rule out spending cuts. She has done a backflip on whether or not she will borrow, saying on 7 April that she would continue her practice of not borrowing, then saying in the Assembly as recently as last Tuesday that she would borrow prudently, "if necessary". I find that "if necessary" qualification an odd statement in light of the newly revealed gap of $55m on the capital budget. If she is not going to borrow, how is she going to bridge it?

The Opposition, the business community and the electorate are all thoroughly confused on the issue of where this Government thinks it is going and, quite frankly, I think the Government itself is confused. Here we have a government short on understanding of how to frame its budget. We have a government that is out of its depth and bereft of solutions. I suspect that the Cabinet room is becoming a sweatshop as Ministers realise that their promises do not add up and their budget becomes more and more difficult to frame within the parameters of a $73m gap. Of course, one might ask: Does it stop at $73m? It has already nearly doubled in the last six months.

The Chief Minister appears, however, to have been struck quite belatedly by the gravity of the situation, because in a paper she co-wrote, according to its cover sheet, with the State Premiers to submit to the Special Premiers Conference last month she said, and I quote what they said collectively:

> If States are to contain their structural deficit without increasing taxes or charges, massive ongoing cutbacks in essential State services will be required. By 1995-96 State deficits will be equivalent to almost 50 per cent of the States' health budgets.

There was a prophesy from the Chief Minister, along with her State Premier confreres. At the beginning of that statement I said that the Chief Minister was struck by this. Perhaps "thunderstruck" might have been a more apt word.

Ms Follett appears to have been defining over a period of months, on the run and perhaps even subconsciously in some cases, the ground rules for her coming budget. On empirical evidence these are - and they all come from the record - that there will be either a massive blow-out in the deficit by 1995-96 or massive cuts in essential State services. She will not rule out new taxes. She ruled out borrowing and then she ruled it back in again. She said that no government service shall be quarantined from examination in order to achieve efficiencies. She said that the burden of new taxes will be spread across all sectors of the community - I suggest that our business people had better stand back - and she tells us that she will not pre-empt her budget.

These are a quite different set of ground rules from the ones she spoke about just last Tuesday. The strategy objectives described then, in what I consider to be nothing but a series of platitudes, would have us believe that the Follett Government is in control of the budget. Ms Follett's performance, as reflected in her public statements, regrettably does not support that, nor does the blow-out in the health budget, nor does Ms Follett's first public acknowledgment of blow-outs in other undefined areas of the budget. I quote her own budget statement:

> Our budget has experienced a higher than expected call for resources from several areas.

Removing the doublespeak, what Ms Follett is saying here is, "Our budget has blown out, but I will not or I cannot tell you where or by how much". It is a clear admission that there are budget blow-outs that she has not revealed to us.

The Opposition is very supportive, as I have said, of the ideas behind many of Ms Follett's platitudes; but we are most concerned about what she intends to do about them, and that is what the strategy statement should have told us. It requires commitments to be made and honoured and it requires an expression of just how the budget will be framed. What are her priorities? What exactly is the shortfall? How will she make up this shortfall? Where will additional revenues be levied and where will the costs of government be cut? On whom will the burden fall? These are some of the factors that most people would have expected her strategy statement to deal with, but it is silent on all of those issues.

Ms Follett can be assured that we would take very seriously and would support any real government proposals to reduce the costs of delivering government services. If efficiencies are achieved in the delivery of services, then, very simply, real cuts to service delivery will be minimised. This reform process is one which the Opposition has been promoting for the last three years. The hospital reconstruction project was the major but by no means the only Liberal initiative in this regard. I must say that Mr Berry has dropped the ball on this one, as his budget performance testifies. That project was entered into to achieve annual budget savings of $8m, not to authorise annual budget blow-outs through strange business rules unique to the health portfolio.

I must refute one erroneous assertion put forward by Ms Follett in her speech. She said that the difference between the Liberals and the Labor Party was that we, the Liberals, "do not believe that we need an economy with both a public sector and a private sector". That statement is simply not true, and I only hope that her understanding of budgetary processes is better than her understanding of the Liberal Party's philosophy. The Liberal Party remains committed to a vibrant and thriving private sector - so do a lot of other people in the community, and I will come to that in a minute - free, as much as is practicable, from government interference and from excessive taxation. But we also support the role of the public sector, and I remind the Chief Minister that I have long advocated establishing our own ACT Government Service. Only two weeks ago I welcomed the proposal to establish such a service, and my reasons are very simple. It gives the ACT ultimate and unfettered control over the performance of our public service and is part of the total process of self-determination for the ACT.

The Chief Minister, by contrast, has not even to this day been overly forthcoming in her support for this proposition. In fact, the recent proposal did not come from her; it came from the Prime Minister. I have commented elsewhere on the Government's propensity for responding to initiatives from others, and this is just another example. There are obvious functions in which the public sector must maintain an involvement. In health and education - two of the major functions for which government is responsible - the public sector must maintain a major role. So must it in such functions as public transport and the provision of welfare services. However, the Opposition also supports private sector involvement in the provision of these services. The delivery of services to the public in many areas can often be achieved with the highest level of efficiency and the best

customer results where there is an effective partnership between the public and private sectors, and in some cases community organisations, and where the balance between them is right. It is the role of government to achieve that.

I would like now to address the elements of the budget strategy specifically identified by Ms Follett on Tuesday. The first two of these are a balanced recurrent budget and limited borrowings. The nature and magnitude of the budget gap need to be put into some perspective. A $73m shortfall currently acknowledged consists, we are told, of $55m capital and $18m recurrent. The forward estimates suggest that the $55m capital gap could be affected by the transfer of some $20m or so from the recurrent budget to the capital budget, as has been done in previous years. Of course, some of your capital budget should be funded from recurrent receipts when you have some left over. However, the Chief Minister has said that the estimates of last December have been overtaken by events, and perhaps the relationship between the recurrent and capital budgets may have been overtaken by events too.

If this projected transfer of funds between the recurrent and capital budgets does take place, then the necessity for borrowing for the capital budget could be as low as $35m. If the transfer is no longer intended, the pressure in balancing the recurrent budget is somewhat relieved, but the full $55m for the capital budget, or the greater part of it, will need to be borrowed. Of course, some action in between those two extremes is the most likely outcome. It should be noted that the recurrent budget gap of $5.7m in the December forward estimates has now risen to about $18m and significant reductions in expenditure and/or new or increased taxes will be needed to address that problem. Whatever the level of borrowing ultimately forced upon the Government for the capital budget, it can clearly be accommodated within the $71m global approval from the Loan Council, but the decision will rest more on the capacity to repay the borrowing and an acceptable level of total debt. Of course, the global approval level and the possession of a AA+ credit rating are somewhat academic under those circumstances.

On the capital program, I refer briefly to the statement tabled recently by Mr Berry on youth employment. I notice that the Chief Minister is claiming, "We are particularly pleased to propose a 1992-93 capital works increase of some $17m, or 13 per cent, compared to this year". If she had compared it to last year, it would still reflect a reduction against last year's capital works program, despite the 13 per cent this year, because there was a major reduction in the capital works program put in place by the Government this year. So there is not too much to crow about in the fact that the capital works program for next year will be less than it was a year ago. It needs to be put into some sort of perspective.

The third point raised by Ms Follett was the question of efficiency gains. She talked of structural reform and producing better services with fewer resources, but I have yet to see Ms Follett's proposals for achieving these outcomes. Again, more platitudes but no substance. Some structural reforms initiated by the Liberals when we were in government, the main plank of which was the corporatising of operations such as ACTEW, have been shelved by Labor. Labor has made no new moves to restructure the public service and has identified no specific intentions to do so. Ms Follett should have used her statement at least to indicate how she would restructure the public service so that she could deliver hard results in the budget.

Motion (by **Mr Humphries**) agreed to, with the concurrence of an absolute majority:

> That so much of standing and temporary orders be suspended as would prevent Mr Kaine from concluding his speech.

MR KAINE: As part of the review of the public service, the first priority clearly must be to bring program budgets under control. The health budget has been out of control under Mr Berry's management, blowing out, on latest figures, by $3m a month. Ms Follett has suggested that other program budgets may be out of control too, but we do not know by how much or where. Ms Follett needs to present her plan to restructure the public service so that it can produce "better services with fewer resources".

Concurrently with this, she must outline her plans to encourage and enable the private sector to grow with two important objectives in mind: To provide enhanced employment opportunities and to expand the future revenue base, because they are not going to be created in the public sector. The concurrent private sector growth and rationalisation of the public sector must be designed to achieve the right balance in service delivery and cost to the consumer and to enhance overall employment opportunities.

The strategy also makes passing reference to TAFE college funding. The TAFE problem deserves more than passing reference. The Follett Government must actively address the problem of TAFE funding. While Ms Follett says that enrolments are increasing, the Government is in its final year of a three-year agreement negotiated by the Liberals when we were in government and involving progressive reduction of TAFE funding. That put them on their mettle and they found some funding elsewhere. Does the Chief Minister now plan to reduce TAFE funding to a level less than was agreed, even though, according to her, TAFE enrolments are increasing? This will lead to an even harsher regime for TAFE management and students than that which exists now, and it will result in the turning away of even more students during 1993. Where are the Follett Government's proposals? I have not seen any.

What about ACTION buses? The Chief Minister has told us in her budget strategy statement:

> The cost of our public transport system is another area receiving close scrutiny.

The ACT Government can no longer postpone solutions to the mounting cost of ACTION and this enterprise must be made more efficient and cost-effective. There has been plenty of time for scrutiny.

Mr Connolly: We have pulled it back $3m; it went up $7m when you were in.

MR KAINE: Why is it receiving such close scrutiny? You have not really attacked the problem, and you have not told us what you are going to do about dealing with this massive problem. There is a subsidy of close to $700 per household in the ACT for ACTION before anyone ever sets foot in a bus, and that is excessive by any objective standard. Subjecting the ACTION operation to close scrutiny does not serve. What does the Government intend to do after this close scrutiny? That is what the taxpayer wants to know and that is what I want to know.

Mr Connolly: It was up $7m when you were running the show.

MR KAINE: You are the Government; you have had it for a year. It is blowing out. What are you going to do to fix it? Platitudes are not enough.

Mr Connolly: No, it is not; it is coming back. It was blowing out when you were running it.

MR KAINE: It is very interesting. I can see that Mr Connolly is very sensitive about this. He knows that he is on thin ice. Platitudes will not do it, Mr Connolly.

Mr Lamont: Mr Kaine, is this speech not already tabled in *Hansard* through the ACIL report?

MR KAINE: No, I do not know anything about an ACIL report. I have not seen an ACIL report; I know nothing of it.

I am delighted that at last the Chief Minister has embraced the concept of privatisation, at least in connection with land and buildings "not benefiting the community". But she cannot just stop at looking at the usefulness of various depots located throughout the city. They are a minor part of possible redundancies. Other more valuable redundant assets should be identified for disposal, and in this connection dare I suggest that the future of the Acton Peninsula and the Kingston foreshores as prime examples in today's world cannot be ignored. What is the Government going to do about them? Is it going to let them sit there and fall apart at the seams?

I now turn to the place of urban renewal in the "strategy". The Chief Minister talks about urban renewal, yet this is the same Chief Minister who advocates a return to the dark days of public sector land development, the same Chief Minister who by knee-jerk reaction during the election campaign arbitrarily removed from the draft Territory Plan all those areas identified not for urban infill but for consideration for urban infill. Now in our budget strategy statement we talk about the place of urban renewal. Where does she stand and what are her proposals?

I have mentioned a lot of concerns, but the most worrying part of this budget strategy so far as the community is concerned must be where the additional revenue is to come from. Again, this subject is skated over by the Chief Minister. A cursory review of the possible sources of increased revenue suggests the direction that the Government might take. None of these options will be particularly attractive to people, whether in business or as private taxpayers. They include a consideration of increases in general rates, water and sewerage rates and charges for electricity already having been earmarked for very significant increases. They include payroll and land tax increases, retention of or even an increase in the petrol tax, vehicle registration charges, financial institutions duty, liquor and cigarette taxes, and taxes on gambling, to name but a few. They are the obvious ones.

New South Wales has already upped the franchise tax on tobacco; I am sure that this Government just cannot resist matching that. The iniquitous land tax which attracted so much attention a year ago must be very attractive when it is a quarter of a per cent less than applies in New South Wales also. Those people who were

offended by the one per cent land tax last year should wait and see what happens next year. These are all possible candidates. All I can say is: Whether you are a businessman or a private taxpayer, watch it. Any or all of these taxes are candidates for increases, not to mention the possibility of new taxes. Have you heard about the possible bed tax?

Significant increases on existing taxes or the introduction of new taxes will mean that the ACT will become the highest taxing political entity in Australia. And to what purpose? I suggest that the purpose is to enable the Follett Labor Government to make up for its poor decision making processes, its lack of forward planning and its lack of commitment to the structural changes and micro-economic reform measures that are demanded by our adverse situation, none of which are dealt with in the so-called budget strategy paper.

The Government has not properly availed itself of opportunities to implement a long-term budget strategy, despite the knowledge that it could not rely on continued transitional funding or special purpose grants from the Commonwealth, and we have known that now for three years. Ms Follett and her Ministers must now address their budget strategy seriously and ask themselves just how effective they have been in dealing with the obvious problems, rather than simply patting themselves on the back and being vague about their future intentions.

For the private sector, the Canberra Business Council in its submission to the Chief Minister - she refers to them as one of the groups with whom she consulted - made its position quite clear:

> At present, too many policies seem to be inflexible - and unfortunately too many of them bow to the few at the expense of the many. It is the many unemployed who are carrying the burden.

That is the advice from the business community. What does the Chief Minister intend to do about it? The submission also gives Ms Follett a very blunt warning:

> The private sector will not remain viable if it is further targeted for shortfalls in revenue.

Estimates on tax receipts which critically affect the private sector, such as payroll tax, land tax, stamp duty, financial institutions duty and the like, indicate a 42 per cent increase since 1989-90. A staggering $178m-plus was forecast to be received in tax revenues in these areas during this current fiscal year. As the Business Council says, any further taxation impost on the private sector will throw business into decline, this at a time when we want the private sector to grow and get itself out of recession. The Chief Minister in her budget strategy statement on Tuesday acknowledged:

> There has been a slow-down in the private sector which has stopped any overall growth in ACT employment.

That is an understatement, but it is basically true. She must now have regard for that fact. Continuing to impose a heavy tax burden, or most certainly imposing a more onerous tax regime, on business will certainly prevent it from developing and growing and will perpetuate this stoppage of overall growth in employment. So much for jobs for our youth if she does nothing to encourage and stimulate the private sector. Where are the initiatives to do this? The budget strategy statement does not mention them.

During economically difficult times small business, if given suitable encouragement and assistance, can lead the community back to growth. It is important that this Government address more thoroughly the needs of small business in our community. It is only by positive government action that our major problem of unemployment can be dealt with. The 6.6 per cent of Canberrans who are unemployed will not find jobs in the public sector, nor will they find them in the private sector until growth takes place, and that growth will not take place while the Follett Labor Government ignores the plight of small business. I notice from the EPACT report which was tabled on behalf of the Chief Minister this afternoon that somebody else agrees with me. EPACT has the view that, in the long term, the overall supply of jobs for youth and others seeking employment is dependent on increasing economic activity through the growth of a vigorous private sector. What is the Government going to do to stimulate it?

The Follett Government has to accept that the budgetary hole they are in is largely of their own making. Knowing the circumstances that existed a year ago, they spent the entire $53m transitional funding released by the Commonwealth; they spent the entire $25m transitional reserve established by the Liberals in the 1990-91 budget; they made no borrowings when prudence and the circumstances of the day would have dictated otherwise. When she talks about harsh Commonwealth outcomes, hard decisions, and how tough it is for her Government, Ms Follett needs to keep in mind that the costs of all this are not borne by the Government; they are borne by the community, they are borne by the taxpayer, both private and business.

Because of last year's decisions, the cupboard now is bare. Those were Ms Follett's decisions. No-one else is responsible. She cannot blame the Commonwealth. It is highly ironic that the Chief Minister stood here on Tuesday and said that her budget blow-out of over $70m was due to national factors rather than local developments, citing various contributing national factors as the cause. Yet the Chief Minister claims credit for expected growth forecasts and labour force projections during next year which, it can be argued, are as much the consequence of national factors as those which she claims have caused her budget blow-out. You cannot have your cake and eat it. You either cop the lot or transfer the whole onto the Commonwealth.

The fact is that the entire $78m held in trust for, or reserve by, the ACT a year ago has gone by Ms Follett's decision, in the space of one financial year. The fiscal problems of the ACT during this year's budgetary process are largely of Ms Follett's making, and what must be now of concern to the ACT community is that they will be paying in the coming years for the Follett Government's irresponsible management this year.

It is time for the Government finally, if belatedly, to confront the reality and tell the community what it intends to do. It must realise that this is not just a numbers game being played out in some play world. We are dealing with some $1.2 billion of ACT taxpayers' money; not their money, your money. The community is entitled at this stage of the budgetary process to know how big the problem is. By how much does the Government intend to cut its expenditures and where are these cuts to be applied? How much more does the Government intend to raise by way of increased rates, taxes, fees and charges? Who do they

expect to carry the burden of these increases? How much does the Government intend to borrow? What are its longer-term proposals to get it right beyond the coming fiscal year? The community does not expect to be kept in the dark, to be told, "We will not pre-empt the budget".

This Government claims to be consultative, and Ms Follett said in her speech only the day before yesterday:

> It is now time to start a wider consultative process, reaching out to the whole community. The community must have a say in our planning for the future.

I totally agree. They are fine words. But consultation is a two-way street. Before the community can make realistic inputs it must know the facts of the situation and it must have the benefit of the Government's evaluation of the situation. Behind-closed-doors consultation will not do it. Expecting productive input from an uninformed community will not do it. If it is true, Ms Follett, that you and your Government have not yet fully considered all options open to you to deal with our budgetary situation, and you indicated last Friday that you had not, then I submit that you are derelict in your duty.

Ms Follett, you have defined the problem - that is what your budget statement is about - but not the solutions. It is your task to define and publicise your solutions. I challenge you to tell the community the facts. Tell them what you intend to do to deal with the problems you have defined. They should not have to perform a surgical operation to extract information from you concerning their money. In the end, they are going to have to carry the costs of your decisions, whether they are good or bad.

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

DOG CONTROL (AMENDMENT) BILL 1992

Debate resumed from 16 June 1992, on motion by **Mr Wood**:

> That this Bill be agreed to in principle.

MR WESTENDE (4.07): Mr Deputy Speaker, it is interesting that hot on the heels of the Animal Welfare Bill comes another Bill on which there has been even less time for consultation. What is it about these Bills to do with animals? Does the Government assume that everything it does in this area has the support of the community? Does the Government assume that because a certain piece of legislation satisfies one area of the community, in this case the organised dog clubs, it is okay with everybody else? Does this Government assume that because the Bill is of a minor nature it does not need consultation or sufficient time for the Opposition to consider it?

This Bill was presented in the Assembly by the Minister for the Environment, Land and Planning on Tuesday of this week - the day before yesterday. The ink is hardly dry. I think that as a general practice a minimum of a week should always be allowed for consideration of new Bills. It concerns me that this Government brags about its consultation with the community, but when it comes down to it this is probably their greatest deficiency. Consultation, for this Government, is talking to those who agree with it. The rest do not get a hearing.

The views of those in the community who might be inclined to challenge the Government on a particular matter are not wanted by this Government. They do not want to be swayed from their single-minded, tunnel-vision, narrow perspective of how they see most things.

Mr Deputy Speaker, I realise that there are administrative reasons why this Bill needs to be considered today in order to meet the licensing requirements, et cetera. I must say that we are broadly in agreement with the Bill. However, to have contemplated the introduction of the Bill with little or no time for our consideration, let alone that of interested groups such as the RSPCA, is not good government. It is not good government and it is not good management. In that regard, the Minister for the Environment has on two occasions in the past two days indicated to the house that various organisations I indicated to him were consulted on the Animal Welfare Bill - the first time on Tuesday night in his speech during the debate on the Animal Welfare Bill and the second time in answer to my question without notice to him yesterday. I happen to know that this is not the case. I have received letters from seven organisations saying that they were not consulted on the Animal Welfare Bill.

I would like to read a portion of one of the letters we received in this regard from the RSPCA which relates to the lack of consultation on the Bill we are considering now. I refer to the letter from Mr Neil Turner, director of the RSPCA.

Mr Lamont: Mr Deputy Speaker, I rise on a point of order on the question of relevance. We are discussing the Dog Control (Amendment) Bill; we are not discussing the Animal Welfare Bill.

MR DEPUTY SPEAKER: Mr Westende has already indicated that he does believe that it is relevant in relation to the Dog Control (Amendment) Bill, although it relates to the Animal Welfare Bill. I am quite prepared to allow him to draw on the statement.

MR WESTENDE: It reads:

> Dear Mr Westende,
>
> I would like to thank you for consulting us over the introduction of the Animal Welfare Bill. We were sent a copy of the Bill by Mr Bill Wood but have had no further contact with him regarding it.
>
> We are the largest animal welfare organisation in the ACT and through our membership of RSPCA (Australia) part of the largest animal welfare group in Australia.
>
> The RSPCA (ACT) had a significant input to the proposed Bill and it was therefore disappointing that apart from you we have not been approached to give an opinion or advice on the present issues arising from the Bill. Indeed we learned of the tabling of the Bill from newspaper reports. A similar situation occurred with the Dog Control Act.

So it is relevant, Mr Lamont. Mr Deputy Speaker, I make this point because we have been informed that this lack of consultation occurred with the Dog Control (Amendment) Bill. The RSPCA and the Animal Services Division of the ANU were among those who advised of this. The amendment to the Dog Control Act

that is before the Assembly has obviously gone down the same path. Organisations such as the RSPCA, which plays an important and essential role in the community in all matters relating to the welfare of animals, must be given at least the respect of having the opportunity to contribute to the formulation of legislation that will in some way impinge on their activities.

With regard to the Dog Control (Amendment) Bill 1992, we do not have any objection to it. It would appear to be reasonable and will regulate the keeping of dogs, with tighter controls. This can only benefit the community and the welfare of dogs. It will impose greater responsibility on dog owners. Unlike the Animal Welfare Bill, at least we know what we are getting with this Bill. It is very specific; it leaves little uncertainty about what it means. We strongly suggest that the Government take a good look at its consultation processes or run the risk of losing even more contact with the community it purports to serve. I indicate that we will support the Bill.

MR STEVENSON (4.14): The Dog Control (Amendment) Bill has been introduced because of concerns that the previous Bill placed unfair restrictions on dog owners. I was most concerned, as usual, when the Bill was introduced a couple of days ago and the suggestion was that it was going to be debated this week. I looked at it and decided that there were advantageous clauses in the Bill that should be handled.

Mr Lamont: Which Bill, Dennis?

MR STEVENSON: The Dog Control (Amendment) Bill. I think it continually highlights the fairly frequent debate we have in the Assembly as to why Bills should or should not be pushed through in a hurry. We always require that the public do their homework in time in making various reports to government and so on. Perhaps we could set an example ourselves by giving the public more notice, rather than hitting deadlines on some of these things, so that they have to be debated in a hurry to meet a deadline. It tends to come up fairly frequently in this Assembly.

Certainly, there are useful points in the Bill. However, it may well be that there are other people in the community that could suggest amendments even to this Bill. Unfortunately, they simply will not have time to do that if the Bill is passed today, and that is the difficulty. Let us do our utmost in future to allow more, rather than less, time on any Bill and let us try not to hit deadlines so that Bills have to be forced through in a hurry.

MR HUMPHRIES (4.16): Madam Speaker, I think perhaps Mr Stevenson and my colleague Mr Westende have been a little mild in their comments about this question of time and notice. Their points are very well made, but I would go further than they do and ask whether it is even appropriate for the Assembly to consider these Bills.

Mr Wood: Listen to me, then, when I speak.

MR HUMPHRIES: Mr Wood might convince us otherwise. I hope he does, because I am extremely unhappy, as Mr Wood would well know, about going down this path of putting legislation before the Assembly for such short periods and expecting us to pass it into law. I know that you are going to say, "It is a simple piece of legislation. It is only about four pages, or whatever. That is not very much. We can pass laws like that. It does not really matter". I remind the

Assembly that this Bill is being amended in part because problems were not foreseen when it originally was passed by the Assembly last year. That is why we are debating it today - to fix up a problem that may have been due to haste.

Mr Lamont: A long bow.

MR HUMPHRIES: Not at all. Mr Lamont looks sceptical about that. I remind him and the Assembly that there has been considerable complaint from various organisations involved with dogs since the original Dog Control Bill was passed last year. I recall, and I am sure the Minister does, seeing a large number of letters in the newspaper, letters to members of the Assembly and other comments and complaints from people saying, "We did not have much notice of this coming along. What was going on? We wanted more debate".

The Minister acknowledges seeing three letters. I have had at least that many, and I am sure others in this Assembly have had a number as well. Mr Lamont might think that three constituents are too few to worry about. I do not take that view. In my view, it is quite clear that there are some sections of this community not fully apprised of what is going on here. Irrespective of the level of debate that might have gone before, it is not advisable as a matter of rule to treat this Assembly as the last very perfunctory stage in the process of getting legislation up and running.

Mr Connolly: We would never do that.

MR HUMPHRIES: "We would never do that", says Mr Connolly. I think the record says otherwise. This is not the first time it has happened. I realise that sometimes we get deadlines; sometimes we are told, "The Bill has to be before the Assembly by this stage in order for it to be passed before something happens that causes it to affect the way in which the law operates in the Territory", and I accept that.

The question that has to be asked there is: At what point did the Government realise that amendments of this kind would be necessary? To what extent do we have people back in the department saying, "We can do this and we can do that, and our real deadline is this latest possible date because the Assembly can pass it in a sitting week or a couple of sitting days or a few more than a couple of sitting days"? That is not acceptable. Do not pretend that the departments do not do that, Mr Connolly. I have been a Minister too. I know that they do it, and they have to be told that it is not acceptable. We are entitled to consideration as the legislators, who see the legislation for the first time when it is introduced into the Assembly, as a rule, not only for ourselves but also on behalf of the whole community, which will not have seen legislation before it hits the Assembly either. The period the legislation spends in this place is in a very real sense, for the vast majority of legislation, the only time the community has to consider what the laws of the Territory are going to be. It is very important that we be able to deal with these things properly.

I hope the Minister can persuade us that we should pass this Bill today. He looks very confident that he can, and I am sure he will make a valiant effort to do so. I appreciate that there are good reasons for this Bill to be passed quickly and I look forward to hearing them; but I remind members, and particularly the Minister, that the question of consultation is even more important when we consider Bills in a short time. I expect a Minister to have little time to give us in this Assembly

proper exposure to legislation. That is fair enough. But there are extremely few excuses for not giving those affected by the legislative changes a chance to look at that legislation in its drafting stages or in its policy formulation stage.

We have already heard today from Mr Westende clear evidence of a body as important in this question as the RSPCA having insufficient input into what is going on in both the animal welfare legislation and the amendments to the Dog Control Act. That is regrettable. We take it on ourselves, as members of the Opposition, to ensure that there is adequate consultation with the community when legislation comes in, on the assumption that the Government might have missed something. I am very surprised to discover in the case of legislation dealing with animal welfare or dog control that a body as important as the RSPCA does not consider itself fully consulted. I look forward to the Minister's comments on why the RSPCA is unhappy about this matter.

I have also had a letter from one constituent - I think the Minister has also heard from the same constituent - who is concerned about access for him and his dog to areas surrounding rivers. As a person who has also taken his dog down to the river occasionally, particularly in summer when it is hot, I think the Minister needs to address that question.

Mr Lamont: Which part of the Murrumbidgee River?

MR HUMPHRIES: I cannot recall, Mr Lamont. That is a concern of dog lovers like me, and I hope that the Minister is taking it on board. A matter such as dog control legislation is one that causes a lot of community concern. It does change quite dramatically the way in which some people use and handle their dogs, and it requires a process of public education to make sure that the laws are not breached through ignorance. If that is going to occur, there must be proper ventilation of the issues over as extensive a period as possible, and I must say that I am not convinced that this has happened in this case.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.23), in reply: Madam Speaker, let me assure Mr Humphries and others that we are not seeking to circumvent the Assembly or treating the Assembly in a condescending way, or whatever the word he used was, by putting this Bill through this week. It is moving through rapidly, let me acknowledge. Let me tell you the story about this. It is, in fact, as a result of consultation that we are bringing this Bill to the Assembly. It is a Bill to amend a recently established Act.

I was not going to be very explicit because of sensitivities that some people in clubs may feel. The Bill was introduced last year after extensive consultation. I want again to commend the people in the department who undertook that consultation. Nobody complained about lack of consultation - nor could they; nor would they want to - when I introduced that Bill in November or December last year. Part of our consultation was with the Canberra Kennel Association - a very fine, hardworking body in this town and predominantly a voluntary body, although they maintain at least one full-time officer because they have the task of ensuring the registration of pedigree animals.

We consulted extensively with the Canberra Kennel Association and its executive. There were numbers of meetings between my officers and the Canberra Kennel Association executive. We did not go out to every member of the association, nor could we or should we. It is a proper function of government - you have done it;

we do it - to negotiate with the peak bodies, where there are peak bodies. That is what we did with the Canberra Kennel Association, and we agreed with them the Bill that came in last year, which we are now amending. Their president came to me and we discussed certain things, as a final stage of negotiation, I suppose. On some matters I agreed; on a couple I said no. For whatever reason, some members of the Canberra Kennel Association were not in tune with that debate. Whether that was the fault of the executive or whether it was their fault for not keeping up with things, I do not know; but at that late stage some members felt that they had not been informed. That arose, I think, substantially from a time in January or February, during the election campaign, when I went to a meeting called by the Kennel Association to talk about matters ahead of the election and to talk about the implementation of the legislation.

The legislation was given at least a six-month period to be implemented. Indeed, that is one of the causes for a very minor amendment today from the floor. We had six months to put this into operation. A whole range of matters were to come about by way of regulation - fees, exercise areas, and so on - so we set a six-month period before the Act was to be implemented. A couple of people who came to the meeting, it would appear, had not been quite aware of this. I do not think it is our fault; it may be the executive's fault, or their fault.

Mr Humphries: What about the RSPCA?

MR WOOD: I will come to that. So they were concerned about some things. We continued our negotiations on the development of those regulations. We took on board a great deal of what they said as we framed those regulations. Indeed, on fees and charges, for example, they ground us down to lower fees than we had initially expected. That will emerge shortly, as I announce fees and charges. We listened to them. Part of the concern of a few members came out and the two main amendments that I am bringing forward today were required to satisfy them. I thought it was a reasonable thing to do. I do not think it was a result of our lack of negotiation or consultation, because we, as you would understand, dealt with the executive. I think that is fair. I will say for the third time today that whether they did not report well enough to their members or whether their members were not tuned in to the debate, I do not know; and it does not matter. But it did emerge and I think that is understandable. I do not think it is because of anything we did, particularly, that this late debate came about.

They convinced me that if a structure in a backyard were "legal" today, if it had been approved - if, indeed, it needed to be approved - it should be legal after the Act comes into effect; that the more stringent requirements, the two- and nine-metre rule, as we say, should not require the destruction of existing facilities - I do not think that would happen in very many cases - and the construction of new ones. So I do not think it is our fault, and for that reason I agreed that we would bring these up today. The six-month period runs out on 24 June, not 25 June. That is the reason we have to do this today. I acknowledge that it has come through fairly quickly; but, if anything, it is as a result not of lack of consultation but of continuing consultation. I think that is what it is.

I cannot really answer, at the moment, your question about the RSPCA. In fact, I did not hear Mr Westende read out the letter he had, because I was engaged in conversation on another matter behind me; but I have sent my officers to try to withdraw from the bureaucracy a letter - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

DOG CONTROL (AMENDMENT) BILL 1992

Debate resumed.

MR WOOD: That brief respite has not enabled me to retrieve the letter that I received from the RSPCA. By interjection, Mr Westende might indicate whether that related to the Animal Welfare Act or the Dog Control Act.

Mr De Domenico: Both.

MR WOOD: Both. I had a letter from the same person and I said, "Good. It is nice to get some praise from time to time". I cannot really answer Mr Humphries's query there.

Mr De Domenico: He praised you for consulting on the Animal Welfare Act but not on the Dog Control Act, as I understand it.

MR WOOD: I will get it back and have a look at it to see whether it is the same letter that he sent to everybody. If there is a comment in it about the dog control legislation, then my explanation to this Assembly about that might also satisfy Mr Turner. I am informed that the RSPCA supported the original Dog Control Bill - yes, certainly they did, last year - and we have that letter from them, but that was last year. I will dig that up and keep members informed.

Let me repeat that these amendments today are because of consultation. In no way are we stopping those things. We will continue to talk to groups; but it, I suppose, is extended consultation, if you like, from that Act that was put into place last year. I thank the Liberals for their comments earlier and their indication of support in principle and I think, with that explanation, you might allow it to pass today.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.33), by leave: I move:

Page 2, paragraph 4(b), line 15, proposed new subsection (4), omit "25", substitute "24".

Page 3, paragraph 8(a), line 24, omit "25", substitute "24".

Page 4, Schedule (amendment of subsection 20(3)), after "his" insert "(wherever occurring)".

These are, as I have explained to members, quite minor things. I also table a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Tuggeranong BMX Club

MR DE DOMENICO (4.34): Madam Speaker, I would like to talk briefly about the Tuggeranong BMX Club, and I call this a sorry saga. On 14 May I received a call from a Ms Julie Haynes of the Tuggeranong BMX Club. Last July, I am advised, the club received a phone call from the Office of Sport and Recreation asking the club to move from its Wanniassa site because of the undesirable element from the local high school which was using the club's premises to hang out and drink, et cetera. One wonders what the "et cetera" is.

Mr Wood: Look, just be a bit careful there.

MR DE DOMENICO: That is why I said, "One wonders". I am in wonderment of these things, Mr Wood. The club was well aware of the problem, and it had to clean up afterwards - bottles and syringes - and fix vandalised equipment.

Mr Wood: I am sorry you have mentioned a high school there. Are you assuming? You do not know where these kids came from.

MR DE DOMENICO: I said that it was close to the Wanniassa High School site, Mr Wood, if you had listened.

Mr Wood: I just think a more cautious use of language is called for.

MR DE DOMENICO: A high school is there. I can tell you that for sure. Three possible sites to move to were identified, and the club said that it believed that the one behind the Kambah Fire Station was the best. The club held a meeting on site with the planner in November, when a timeframe for the move was outlined. The club was given to believe that the move would be accomplished before Christmas. They were told that the Government would be able to arrange something with the servicing of the land. Importantly, the club was told that the Land Division would pay for sewerage, water and access to the boundary.

In February they received a letter from the Planning Authority asking them to apply for a lease. In March the club had a meeting with officers from the Department of the Environment, Land and Planning - in particular, Mr John Malouf and Mr Gary Munday, I am advised - about an application and a $625 fee, which they duly paid. They paid their money and made the application to lease the land at Kambah. On 8 May this year the club received a letter from the Planning Authority again, setting out the development requirements for the site. These included preliminary costings, sewerage to the boundary, $26,200, and water to the boundary, $13,800. The letter asked the club for their advice on their financial capacity to meet these costs. The letter came with the helpful advice that no funding was available, of course, from the Office of Sport and Recreation.

The problem, Madam Speaker, is that, since being told that the club would be moving, no maintenance has been done on the old site in Wanniassa, and the club is now left for about half the year without any facilities whatsoever. Quite obviously, the club wishes to point out that it never asked to move in the first place, but moved at the suggestion of the office to ease what was an obvious problem, with neighbours complaining. The complaints never involved the club's activities themselves. Wanniassa, I am advised, was one of the original BMX tracks in Canberra, and its members have represented Australia in national championships. Membership is well over 125, which means the involvement of more than 300 mums and dads and relatives. The club is now losing membership as they have no facility.

After indications being made of the move to Kambah, the club then investigated the possibility of hosting the Australian national championships in 1995. The championships were last held in Canberra in 1987, Madam Speaker, when a $33,000 grant was approved to build facilities. The tourism authorities estimate that this event injected about $6m into the Canberra community. The club has received a favourable response and if the facilities are available the national championships may come to Canberra in 1995. But they cannot pay $30,000 or $40,000 to develop the site. Quite obviously, they need help.

They in fact did meet with the Government on Monday. I must thank Ms Ellis for organising that meeting with the Government. I did advise them, by the way, to go and see Ms Ellis, my fellow Tuggeranong resident who is part of the Government. They met with the Government on Monday to seek help - - -

Mr Lamont: So that she could do all the work. It saves you doing it.

MR DE DOMENICO: No. I will not reply to the interjection; it was wrong anyway. They met with the Government on Monday to seek help and to get a resolution of the problem. The Government's solution now, I am advised, is to try to find $5,000 - - -

Mr Lamont: Ms Ellis has fixed it up, and you are now trying to claim the credit.

MR DE DOMENICO: That is not the case, Mr Lamont. Just listen and you might learn something. The Government's solution is to try to find $5,000 and send them back to the old site at Wanniassa, which originally they were told to leave.

Ms Ellis: You are totally misrepresenting the facts, Tony.

MR DE DOMENICO: That is what I am advised.

Ms Ellis: You have been ill-advised.

MR DE DOMENICO: I am sorry. It is up to somebody else to advise and correct the situation.

Mr Berry: Why don't you ask a question?

MR DE DOMENICO: Hold on a tick; I have not finished. Easy, boy, easy.

Mr Berry: Ask a question and you will get the answer.

MR DE DOMENICO: You will not even talk to them, mate. You talked to them only last Friday. It has been going on for years.

Mr Berry: Last Monday.

MR DE DOMENICO: Well, Monday. The club is more than willing to do the fundraising, but they cannot meet impossible costs all in one go. All they are asking for is some help. The Government's solution has been short-sighted, in my opinion, and I am asking the Minister to look at the case again sympathetically, so that the people can get a facility which I think they well deserve.

West Belconnen Rugby League Club

MR LAMONT (4.39): Some time ago I availed myself of the good intentions of each of the members of the Assembly to assist in a fundraising event for Ian Henry, the immediate past president of the West Belconnen Rugby League Club, who went overseas and became embroiled in a health issue. Mr Henry ended up being the subject of a $94,000 medical bill. His international insurance agent refused to meet the cost of a five-way bypass operation in the United States. That fundraising evening, where the $1 cheques that were kindly donated by all of the MLAs were auctioned, and raised a considerable amount of money, I might add - - -

Mr Kaine: They are very valuable artefacts.

MR LAMONT: They certainly are. They will prove more valuable in time, one would suspect, as more of the members opposite depart from the Assembly.

Mr Stevenson: When we are all gone they will be worth a fortune.

MR LAMONT: They will be worth a fortune, particularly when those opposite are gone, Mr Stevenson. It was, to say the least, Mr Stevenson, a rocket of a night. It was extremely successful. I understand that the evening raised in excess of $22,000 and that has gone into a trust administered by the club on behalf of Mr Henry. I wish to say my personal thanks to all members of the Assembly for their contribution to this most appropriate occasion.

Tuggeranong BMX Club

MS ELLIS (4.41): I rise following the adjournment debate speech delivered a few minutes ago by Mr Tony De Domenico. There are a few points that I would like to take the opportunity to clarify for the sake of the record, as I believe that Mr De Domenico either may have received some misinformation or, in fact, was given some incorrect information. In regard to the BMX club in Wanniassa, the first I knew of the club having any problem at all in relation to its track was a fairly spectacular headline that appeared in the *Valley View*.

Mr Kaine: You are not in close touch with the community, are you?

MS ELLIS: Let me show you how close my contact is, Mr Kaine. The moment I saw that headline I was in touch with the club. They did not come to me on anybody's referral; I got in touch with them. I then interviewed them, at length, got all of the facts from them, and arranged a meeting, which was held on Monday of this week, with the two Ministers involved - Ministers Wood and Berry.

I am sure Mr Berry will not mind my reporting this part of the meeting. At that meeting his concern was expressed that in the short term the viability of the club at Wanniassa might be affected badly whilst the negotiations and the subsequent work for the new track were undertaken. At that time he offered to attempt to find a small amount of funds - the funds that were nominated were, in fact, nominated by the club - such as would be required to address the problems at the Wanniassa track.

At the end of that meeting the two representatives of the club and I continued to meet in my office. During that time they expressed to me the opinion that maybe, on reflection, it would not be worthwhile spending any money on Wanniassa; that the club members, particularly the juniors, were well and viably running, practising around the valley on 12 different sites that they had produced themselves. They considered that any money that the Government could lay its hands on in the meantime should be spent on the new club and not the old. At that time I suggested to them that they go off and put in writing a total update of their view and position on the situation.

They have done that and my understanding, as of 11 o'clock or 12 o'clock today, is that there is a submission from them waiting for me in my letterbox at home now, outlining their views on how to handle the Wanniassa track and their views on how to handle, in either one or two stages, both financial year based, the new move to the new site.

Mr De Domenico: To where? Where is the new site?

MS ELLIS: The site at Kambah, I understand, is the only one that has been discussed at this stage as an acceptable possibility. I think that the views put, with due respect to my colleague Mr De Domenico's speech, were quite misleading in that no offer of spending money ridiculously on the Wanniassa track was made by the Government. It was in fact in response to comments made by the club. Once I knew, following that meeting, that they had reviewed their decision, I immediately transmitted that information to Mr Berry's office.

We are now awaiting the submission that they have now put in my letterbox. I can assure the people of this Assembly that, from the point of view of this Government and in my role of representing the Tuggeranong community in this Government, the views of the BMX track people will be taken into account totally, with any suggestion of any move, refurbishment of any track or construction of any new track.

Downtowner Buses

MR STEVENSON (4.45): I want to commend all those responsible for the Downtowner buses. The free service around the city is an excellent idea and, secondly, the idea of having an imitation tram is just superb. It does a lot to enhance the look of Canberra's inner city area. Whoever is responsible - obviously Mr Connolly and the Urban Services Department must have some responsibility - deserves commendation.

Downtowner Buses

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.46): Madam Speaker, on behalf of ACTION I thank Mr Stevenson for his remarks. I can guarantee him unlimited free use of the trams.

Youth Unemployment

MR HUMPHRIES (4.46): Madam Speaker, I wish to talk about the serious subject of youth unemployment in my remarks in the adjournment debate. Members will have seen today's statement handed down by the Chief Minister, or on behalf of the Chief Minister, dealing with the problem of the many young people in our community who are presently unable to obtain employment. Of course, we are all concerned about this. A number of measures have been announced by this Government over the period of the last year. We have debated in the past the efficacy of those measures and we will do so again in the future, I am sure, at great length.

I understand that the present position is that the Government is considering the EPACT report on this matter and will in due course, I assume, announce to the Assembly certain initiatives about how it might deal with this matter. But I must say, Madam Speaker, that if ever there was a need for consideration of some fairly

dramatic steps in this area I think now is the time. I think that that kind of dramatic effort can be found in some aspects of Liberal Party policy on youth and employment, in particular on the question of giving much more flexibility, much more freedom, in the area of youth wages and apprenticeship-type wages.

We have in this community a great breaking of the assumption that there is a chance to get into the job market when you are young and build your way up towards permanent, stable employment as you get older. That whole assumption has been broken through the events of recent years. We need to take some steps to provide not just for suitable employment, suitable wages and suitable conditions for those who already have jobs but also for the capacity of those who do not to get into the market in the first place. That must be among the most important criteria the Government could possibly pursue at the present time.

I would say, Madam Speaker, that, if the Government opposite is not inclined to listen to the view of the Liberal Party in the ACT on this matter, they might care to look at the views of their own colleague, the Premier of Queensland, Mr Goss. He said on Monday of this week, in a report in the *Courier-Mail*, that he would support a new system of youth training wages at much lower rates than present awards so that unemployed youth could get a job start. That is a very important point, Madam Speaker. He is not talking about slave labour. He makes reference to that concept and clearly that is not acceptable in this community in this day and age. But there is a question of whether or not people are being priced out of the market at present by the way in which the youth wage system is structured. The *Courier-Mail* report said:

> Mr Goss said he felt that so many young people "just wanted a start". "At the moment the bottom rung of the ladder is just too high for them," he said.

I would respectfully agree with those comments. Let us do some fairly innovative thinking about this. I am not saying that we necessarily should throw out the whole youth wage system - of course, that is a very big step - but it may be that we can provide enough flexibility in the system to admit many more hundreds of young people in this Territory to the very first step in getting long-term employment, and that is entry into the job market at whatever level.

Croatian Community

MRS CARNELL (4.49): Last week a group representing the Croatian Women's Group came to see me. The Croatian community has some 7,000 people living in the ACT. Many of these people have been affected personally by events in the former Yugoslavia. This is because many of their friends and relatives have become casualties or, alternatively, they do not know where they are as they have very little contact with their homeland. I am sure the same thing can be said about other groups from the former Yugoslavia.

Last year the Croatian Community Association applied for a one-off grant in order to employ a counsellor - somebody who could help those who have been badly affected personally by this conflict, and also somebody who could help their young people come to grips with the sorts of pictures they see each night on

television and to come to grips with their anger that sometimes might be directed against other groups from the former Yugoslavia. The Croatians are particularly concerned about the chance of this happening. Unfortunately, the request for this one-off grant has not yet been approved. Given the seriousness of the events and the personal toll, I would like to use this opportunity to urge the Government to reconsider their decision and to give this group, and possibly others in similar circumstances, a higher priority at this very nasty time in the history of their homeland.

Question resolved in the affirmative.

Assembly adjourned at 4.51 pm until Tuesday, 23 June 1992, at 2.30 pm

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ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question Number 55

Attorney-General Portfolio - Consultants

MR KAINE - asked the Attorney-General 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 Minister; and (b) each agency in the Ministers portfolio.

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

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

(1 a) Over the period 31 October 1991 to 31 March 1992 no consultants were engaged by the Minister.

(2) Details of the consultants, the purpose, duration and cost of each consultancy service engaged by each agency within the Ministers portfolio over the period 31 October 1991 to 31 March 1992 is provided in the table below.

1057

CONSULTANTS PURPOSE DURATION TOTAL COST

ATTORNEY - GENERALS DEPARTMENT

Magee Consulting Development 8 Implementation 31 Oct 91 - 31 March 92 $55760
of Court Case Management System
Computer Power Specialist advice and Facilities 358.5 hours $28163
Management and Training in relation (payment made in period)
to computer system

Computer Power Specialist advice In revenue accounting
practices and assistance in complex 15.75 hours $882
accounting (payment made in period)

MINISTER FOR HOUSING AND COMMUNITY SERVICES
ACT LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 116

Killymoon Court, Yarralumla

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

In relation to Killymoon Court, Yarralumla:

(1) How many units are being constructed.
(2) What is the cost per unit to the ACT Housing Trust.
(3) Are the units for occupancy by Yarralumla-based Housing Trust tenants.
(4) What is the value of the land.

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

(1) Killymoon Court was completed in 1989. There are nine aged persons units in the complex.

The average cost of the units at Killymoon Court was $74 860.

The units are currently tenanted and upon vacancy will be available

to clients on the public rental housing waiting list who are registered for this type of accommodation, and who have specified a preference for South Canberra.

(4) The Unimproved Land Value for Killymoon Court is currently $370 000.

1059