



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

25 June 1992

## Thursday, 25 June 1992

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

**TRUSTEE COMPANIES (AMENDMENT) BILL 1992**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.31): Madam Speaker, I present the Trustee Companies (Amendment) Bill 1992.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

This Bill will amend the Trustee Companies Act 1947, which regulates the trustee company industry in the ACT. The amendments are designed to allow trustee companies to provide a more efficient and competitive service to the people of Canberra. There are three main areas of reform in this Bill. Firstly, it will allow individuals to jointly administer a deceased estate with a trustee company. Secondly, it will allow trustee companies to charge fees on a service basis, rather than a commission basis for work done in the administration of deceased estates. Thirdly, it will allow trustee companies operating in the ACT to establish and maintain common trust funds.

In the past a person who was appointed as executor in a will or who was entitled to apply to the court for permission to administer the estate of a deceased person had the choice of either taking on the administration of the estate or passing the responsibility entirely to a trustee company. Many people placed in that position may wish, however, to have some input into the decisions regarding the estate, but not have the time or feel the confidence necessary to deal with the minute legal and financial detail involved. Such people will, as a result of the amendments in this Bill, be able to be personally involved in the estate, but also be able to rely on the professional expertise of the trustee company.

At present the fees charged by a trustee company for administration of a deceased estate are a percentage of the capital value of the estate. Clearly, this means that a trustee company will receive a large fee for dealing with a valuable estate, but only a small fee for administering an estate of low value. The fee paid on this basis has no relation to the amount of work actually involved in administering the estate. It is quite common, for instance, for a small estate to require a large amount of work in terms of ascertaining the financial position, contacting relatives and transferring assets. A larger estate, on the other hand, may have been kept in a very orderly manner and may consist of a small number of valuable pieces of property, and therefore require little work in administration.

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By changing the basis of trustee company charges to fees for service, the Bill will put trustee companies on a level with other professionals involved in estate administration, such as solicitors, and allow them to charge for the work actually done in the process of administration. This deregulation will have advantages for beneficiaries of deceased estates as they will be paying only for work done. No longer will they be subsidising the more complex estate administration. Trustee companies will be able to compete by setting competitive scales of cost in order to make it attractive for people to appoint them by will as executors or for executors to join with them in the administration of an estate. In order to provide a safeguard, the Bill contains a provision to prevent the fees being raised after the estate has been committed to a trustee company for administration.

The final aspect of this Bill is that it allows trustee companies in the ACT to operate common trust funds. These are generally known as common funds and are permitted in all other jurisdictions. Common funds provide a mechanism for trustee companies to pool moneys held by them on trust for a number of clients and to invest those moneys as a lump sum. This clearly provides advantages to beneficiaries and other investors as it gives them access to the higher returns available on investment of larger sums. The money continues to be held on trust and may be invested only in authorised trustee investments. This reform, in particular, is long overdue and it will bring the ACT into line with the States in this area. Madam Speaker, I present the explanatory memorandum for the Bill.

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

### **TRUSTEE (AMENDMENT) BILL 1992**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.35): Madam Speaker, I present the Trustee (Amendment) Bill 1992.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

This Bill will amend the Trustee Act 1925-1942 of the State of New South Wales in its application to the Australian Capital Territory, which sets legal guidelines for trustees in the ACT. The amendments are mostly of a technical nature. The Bill includes a number of provisions which bring the legislation up to date by exchanging outdated references to other legislation for current terms.

In addition, the Bill expands the range of authorised trustee investments. These are investments of a secure nature which trustees are allowed to use for investing moneys held on trust. The Bill amends the Trustee Act to include deposits with a body corporate established by an Act of the Commonwealth or a State or Territory where the deposit is guaranteed by the relevant government. These deposits are secure and are consistent with existing authorised investments. The Bill also adds to the list bills of exchange which mature 200 days or less after purchase and which give the holder a right to get back from a bank the face value of the bill. The addition of these bills as authorised trustee investments brings us into line with the position in other jurisdictions, including New South Wales.

The final addition to the list of authorised investments is made in conjunction with the amendments contained in the Trustee Companies (Amendment) Bill 1992, which I have just presented, relating to the establishment of trustee company common funds. This amendment will allow trustees to invest in common funds which are restricted to investing in trustee investments authorised under ACT law. This gives a greater range of investment options to trustees generally by enabling trustee companies in the ACT to pool investments with related trustee companies interstate and overcome the restrictions of the size of the Canberra market which might otherwise make it uneconomic for them to offer common fund facilities to their clients. The restriction to authorised investments will serve to protect the beneficiaries for whom the trustees act.

The Bill also removes an outdated provision which restricts trustees in some cases from applying the capital of a trust for the maintenance and education of an infant beneficiary. This Bill clarifies a number of areas of trustee law and brings other areas into line with other jurisdictions. It is particularly important that we bear in mind that conflicts with New South Wales, in particular, in this area of the law can cause confusion and difficulty for people in the ACT. Where it can reasonably be achieved a consistent approach is desirable. The reforms in this Bill are both useful and sensible. I present the explanatory memorandum for the Bill.

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

#### **DIRECTOR OF PUBLIC PROSECUTIONS (AMENDMENT) BILL 1992**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.38): Madam Speaker, I present the Director of Public Prosecutions (Amendment) Bill 1992.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

This Bill encapsulates the first review of the Director of Public Prosecutions Act 1990 since that Act was passed just over two years ago. It comes almost a year after the establishment of the ACT Office of the Director of Public Prosecutions and the appointment of our first DPP, Mr Crispin. During that time a number of gaps in the legislation have come to light. In August 1991 the Director of Public Prosecutions brought to my attention certain legal impediments to the proper execution of his duties. Regulations were made prescribing additional functions to overcome these impediments.

One of these functions sought to enable the DPP to prosecute Commonwealth offences, a capacity necessary for the effective prosecution of cases involving both Commonwealth and Territory offences. The DPP is of the view that the regulation does not adequately overcome the lack of capacity to prosecute Commonwealth offences, particularly in relation to summary proceedings. This view is shared by the Commonwealth. The Bill addresses this problem by proposing amendments to the Act that will enable the director and staff to be authorised to prosecute Commonwealth offences. An additional function has been included of representing the Commonwealth DPP to enhance the ACT

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DPP's ability to appear in matters concerning Commonwealth offences. This provision will complement legislation being considered by the Commonwealth. It is envisaged that the Commonwealth will seek the assistance of State and Territory DPPs where it is unnecessary or inappropriate for a Commonwealth DPP lawyer to attend.

The DPP has also raised doubts about the capacity to appear before the Parole Board. It has been the practice for the DPP to assist the Parole Board in adequately exercising its statutory responsibility in relation to prisoners, since no other legal officer or private practitioner appears at such hearings. In view of this, it is proposed to clarify as one of the DPP's functions attendance at meetings of the Parole Board.

A function allowing the DPP to do anything incidental or conducive to the performance of another function is proposed, based on the similar provision contained in the Commonwealth legislation. It appears that a similar function was not included in the ACT Act because of section 18, the additional powers provision. However, section 18 does not expand the director's range of functions; it only gives additional powers necessary or convenient to carry out those stated functions.

Last year a regulation had to be made to give the director the function of representing the Territory at administrative decisions judicial review hearings arising out of committal proceedings - a form of appeal, in effect, against a committal. The view was expressed by the DPP's office that the regulation would not have been necessary if there had been an incidental function like the one proposed. It is likely that the DPP's operations will continue to be plagued by gaps in his or her functions unless an incidental function is included in the Act.

The Bill serves the additional purpose of removing obsolete references to the Commonwealth director. These were included in anticipation of the Commonwealth director being appointed to prosecute Territory offences prior to the appointment of the ACT Director of Public Prosecutions. The removal of these references accords with the principle of self-government.

The Bill also revises the prohibition on the DPP engaging in outside employment. The relevant amendments will remove the absolute prohibition on the DPP engaging in legal practice otherwise than in accordance with his or her functions. The DPP will thus be able to engage in private legal practice with the Attorney-General's consent. Also, the provision for the Attorney-General to dismiss the DPP for engaging in outside employment without consent will be changed from a mandatory requirement to a discretion to dismiss.

These amendments have been included because of concern that the prohibition on outside employment is too strict. For example, a technical breach of the prohibition could occur where the DPP, purporting to carry out the functions of the DPP, was ruled by the court to be acting outside these functions and thus acting in a capacity other than the DPP in the performance of his legal functions. A situation like this occurred last year in the case of *Storer v. Murphy*. A technical breach of the prohibition might also occur if the DPP gave, say, gratuitous legal advice to a friend or relative. The director is also from time to time asked to carry out tasks which do not fall within the functions - for example, the review of the Investigations Unit. There is concern that work of that nature might amount to a technical breach of the prohibition on outside employment and require the DPP's dismissal.



Finally, it would not be inappropriate, where the Attorney-General of the day consents, for the DPP to appear occasionally in matters not directly related to the DPP's functions - for example, in certain test cases, interstate inquiries and so forth. I would envisage, Madam Speaker, that consent to the DPP engaging in legal practice otherwise than in accordance with his or her functions would be granted only in rare instances where this did not conflict with the responsibilities of the DPP's office. I would add that, as a practice, I would think it appropriate that the Attorney-General of the day consult with the respective opposition spokesperson where such consent was to be granted, in advance of it happening, to avoid potential contention on the matter. I would consider myself bound to adopt that practice and I would expect future governments to do the same. Madam Speaker, I commend the Bill to members of this Assembly and present the explanatory memorandum for the Bill.

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

### **MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1992**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.44): Madam Speaker, I present the Motor Traffic (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

This Bill amends the Traffic Act to enhance road safety in the Territory in four principal respects. Firstly, it sets out the traffic priorities which apply when a motorist uses a slip lane to turn left at an intersection or junction. Secondly, it provides for the use of evidentiary certificates in court proceedings where a radar speed measuring device has been used to detect a speeding vehicle. Thirdly, it corrects an anomaly in respect of the requirement to provide a suitable child restraint for children between the ages of one and eight. Finally, it bans the use, sale or purchase in the ACT of radar detectors and radar jammers.

Madam Speaker, I would add that this Bill, by dealing with four matters, gives effect to a principle that I have stated previously in this place, and that is that it would be the Government's intention to bring in omnibus Motor Traffic (Amendment) Bills in the autumn and budget sittings, rather than getting to the situation where we are considering the Motor Traffic (Amendment) Bill (No. 6) halfway through the sittings. In prior practices this would probably have comprised four separate Bills. We have adopted the practice of consolidation to bring four related road safety matters before the Assembly in one Bill, although, of course, the Assembly could decide to strike out all or any of these provisions.

The first amendment which the Bill makes to the Act establishes the traffic priorities applying when a motorist makes use of a slip lane to turn left at an intersection or junction. Slip lanes have been developed to enhance traffic flow by enabling left turning traffic to bypass intersections and junctions. The usefulness of slip lanes in avoiding a build-up of traffic at intersections and

junctions has resulted in a rapid increase in their construction in recent years. However, the Act does not set out the traffic priorities which apply as between vehicles exiting a slip lane and vehicles travelling on the street into which the slip lane traffic is merging. The resulting uncertainty as to who has right of way has the potential to lead to motor vehicle collisions. In addition, it could present problems when it comes to determining which driver involved in such an accident is culpable.

The Bill amends the Act to require traffic exiting a slip lane to give way to traffic travelling on or entering the street into which the slip lane traffic is merging. This approach is consistent with the practice of the majority of drivers in the ACT who, when using a slip lane, give way to vehicles approaching from the right. The amendments will provide motorists with a clear statement of the traffic priorities of slip lanes, which are consistent with the practices of other jurisdictions.

The amendments contained in clauses 10 and 11, enabling the use of evidentiary certificates in respect of radar speed measuring devices, are consistent with existing provisions of the Motor Traffic Act dealing with amphotometers. The Act has, for more than two decades, included provisions enabling the police to use amphotometers to measure the speed of vehicles. The Act has also provided that, in court proceedings where the police rely upon an amphotometer measurement of a vehicle's speed as evidence of the commission of an offence, an evidentiary certificate relating to a range of technical and formal matters going to the use of the amphotometer may be presented to the court. However, the Act does not similarly provide for the use of evidentiary certificates in respect of radar speed measuring devices, even though radar equipment has been used by the police to measure vehicle speed since the early 1980s.

The lack of evidentiary certificate provisions in respect of radar speed measuring devices means that, in proceedings where a driver defends a charge on the ground that such a device was not functioning or was improperly operated, it is necessary for the police to adduce expert evidence, usually by a radar expert from New South Wales, to verify the reliability of the device and the method of its use by the police. As such witnesses are not always available, the potential exists for cases to become unduly prolonged or ultimately to be dismissed by the court. In order to ensure that radar speed measuring devices may be effectively used by the police in detecting and prosecuting speeding motorists, the Bill amends the Act to provide for the use of an evidentiary certificate in respect of an approved radar speed measuring device. The Bill also provides for the Minister to approve such devices.

The amendments will enable the police to present in court proceedings a certificate attesting to the manner in which a radar speed measuring device has been periodically tested to ensure its accuracy and the manner of its use to measure the speed at which a particular vehicle was travelling. This certificate will be prima facie evidence of the matters stated within it. However, the amendment will not impede the right of an alleged offender to contest the accuracy or manner of use of the device. It will merely dispense with the need for oral evidence as to the accuracy or reliability of the device or its method of use to be given, unless evidence to the contrary has been adduced by the defence. Both the ACT Bar Association and the Law Society of the ACT have been consulted concerning the development of the amendments and have agreed, in principle, with the use of evidentiary certificates in respect of radar speed measuring devices.

The third matter dealt with by these amendments is the provisions of the Act relating to child restraints. The Motor Traffic Act was amended in October 1990 to require that child restraints be fitted and used for children under one year of age. This amendment was made to take account of advances in the design of child restraints for children under one year of age. The 1990 amendment gave rise to an anomaly in the Act, however. While there is now a requirement to provide a child restraint and use that restraint for a child under the age of one, there is no requirement to provide a suitable child restraint for children who are one year old but under eight years old. There is only a requirement to use a child restraint for children aged between one and eight if a suitable restraint does happen to be fitted. Clearly, this is not acceptable from a safety viewpoint. The Bill corrects this anomaly by providing that a suitable child restraint must be provided for children between the ages of one and eight. The opportunity has also been taken to redraft what is a very complex section of the Act so that the provision dealing with seat belts and child restraints for children and young persons is much easier to understand.

The final amendment effected by the Bill is the introduction of a prohibition upon the sale, purchase or use of radar detectors and jammers. This amendment gives effect to the 1989 agreement of the Australian Transport Advisory Council that radar detectors and jammers be banned throughout Australia. Legislation giving effect to that decision has since been enacted in Victoria, New South Wales, Tasmania, South Australia and Queensland. Western Australia and the Northern Territory are also in the process of introducing similar legislation. Radar detectors and radar jammers are currently freely available in the ACT and are used to prevent the effective use of a radar speed measuring device by either jamming the signal or detecting when such a device is being used by police, thereby allowing a motorist using a detector time to reduce his or her speed before he or she may be identified by the police as speeding.

Speed and alcohol have been identified as the two greatest threats to road safety and the Australian Transport Advisory Council has undertaken to target these problems in particular. Although significant progress has been made in reducing the road toll over the past 20 years, road accidents remain a leading cause of death and are of enormous cost to the Australian community - some \$6 billion annually in health insurance, lost productivity, insurance costs generally and other costs. This figure, of course, takes no account of the pain, grief and suffering endured by victims and their loved ones.

This Government has already implemented important changes to the legislation to improve road safety in the Territory. Late last year we substantially increased the penalties for speeding offences in the ACT in an attempt to deter motorists from driving with excessive speed. Speeding is a significant problem in the Territory, with some 75 per cent of the 28,000 traffic infringement notices issued each year being for speeding offences. Prohibiting the sale, purchase or use of radar detectors and jammers is another measure which will assist in the enforcement of safe speed limits upon the Territory roads.

The Australian Federal Police will be conducting a publicity campaign to advise motorists concerning the introduction of this ban upon the use of radar detectors and radar jammers. The Bill provides for a one-month delay in commencing the amendments in relation to the ban, to enable ample time for the police media campaign alerting motorists to the commencement of the new legislation. This

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will provide motorists with sufficient opportunity to remove any anti-speed-measuring devices from their vehicles before the new law takes effect. Given that these devices are designed for open road speeding - there is very little open road in the ACT - and most of it is done in New South Wales where they are already banned, anyone with these devices is already breaching the law whenever they travel in New South Wales.

The amendments to the Motor Traffic Act are an indication of the Labor Government's continuing commitment to improving road safety in the Territory. I commend the Bill to the Assembly and I present the explanatory memorandum for the Bill.

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

### **LEGAL AID (AMENDMENT) BILL (NO. 2) 1992**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.53): Madam Speaker, I present the Legal Aid (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill contains a number of amendments to the Legal Aid Act 1977 which aim to bring into effect a set of minor changes to constitutional, administrative and financial provisions relating to the operations of the Legal Aid Commission. It is expected that the measures proposed in the Bill will assist the commission to keep pace with its growing importance in the Territory community. I am happy to note that the commission has shown keen interest in the measures which form the basis of this Bill and has been involved in the Bill's development throughout its various stages.

The Bill envisages a constitutional change to the commission which will see the commission membership reduced from nine to eight, in keeping with the small population it serves. This will be achieved by removing one of the two specialist commissioners. Specialist commissioners are appointed to provide specialist assistance to the commission with their skills, experience and qualifications. The commission no longer requires assistance from two commissioners of the same type.

The commission has difficulties in enforcing payments due to it, mainly owing to delays inherent in following the procedures under the existing provisions. I believe that, at the time when the provisions dealing with the commission's power to recover contributions were enacted, recovery of money by a non-financial institution like the commission was not regarded as being of much importance. However, the commission's status as an independent body and the growth of its operations, and consequently its need to have financial discipline, make it necessary to update the commission's recovery power.

The Bill endeavours to adopt some procedures from other jurisdictions that are immediately relevant for this purpose. A very important power the commission will have under the Bill will be to secure contributions by a charge over the property of a legal aid applicant. This charge will be created by simply registering a notice with the Registrar of Titles. The notice will contain the particulars of the land to be charged and the amount payable by the applicant. This charge will rank in priority with subsequent legal interests over the land and include a power of sale. The power of sale under the charge will be a very effective recovery device in respect of defaulting debtors, especially when a debtor becomes untraceable or where a debtor has means without having liquidity. The Bill proposes to impose certain notice requirements for the exercise of the power. These are meant to make the power a least preferred option or a measure of last resort.

There is an existing provision in the principal Act where, on a direction given by the commission to a legal aid applicant, the contribution due from him or her becomes a debt due and payable to the commission. The commission can recover this debt in court by means of a simple summary procedure. The Bill enables the commission to similarly direct a legally assisted person's solicitor to pay the contributions due to it out of moneys recovered on behalf of the person and, on such direction, the amount directed to be paid becomes payable as a debt by the solicitor. The Bill provides for a debt due to the commission, arising from its direction to pay, to accrue interest at rates prescribed in the Magistrates Court (Civil Jurisdiction) Regulations. Hence, the commission will be fairly compensated for any delay in recovering the debt. Another amendment reduces to 28 days the period after which a legally aided person's right to recovery may be statutorily assigned to the commission. The current period is three months.

With a view to streamlining the review procedure under the Act, the Bill will reduce the period in which an aggrieved person can apply for review of a decision. At present this period is set at three months. The Bill reduces the period to 28 days and the commission will be able to extend the period up to another 28 days.

**Mr Humphries:** A discretionary extension; it sounds good.

**MR CONNOLLY:** Indeed, Mr Humphries, yes. A review committee reviews the commission's decisions under the Act. Review committees are constituted by members appointed by the Minister. A senior member appointed by the Minister presides at meetings of a committee. Where a member of a committee resigns or otherwise ceases to be on the committee, the committee often becomes unable to function until the Minister appoints another person. The appointment of deputies has not been a satisfactory solution to this problem. Hence, there have been circumstances where a review could not be conducted until the Minister, by going through the procedure of calling fresh nominations, had appointed a member to fill a vacancy in a committee.

The Bill removes this difficulty by enabling the chief executive officer of the commission to choose three members of a review committee whenever an application is made for review of a decision. Members will be chosen from three panels that comprise Bar Association nominees, Law Society nominees, and lay representatives, respectively. Members of a committee will elect one of their number to preside at meetings. In order to retain ministerial control over the constitution of review committees, the Bill entrusts the Minister with the power to

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appoint the panel members and to remove them on specified grounds. The Bill also enables the commission to delegate its powers to grant leave of absence to a statutory officer of the commission and to appoint persons to act as statutory officers.

An amendment to section 44 of the Act has also been included to increase to \$100,000 the monetary limit of contracts the commission may enter into without the need for ministerial approval. The present level is \$50,000. These administrative changes will supplement the commission's statutory independent status and increase its responsibility for its own affairs, with the result, of course, of savings of time and cost.

The Act includes secrecy and legal professional privilege provisions which reflect the commission's special status as a statutory legal firm. However, these provisions have, on occasions, proved unduly constraining. The Bill addresses this by providing general exceptions to both the very strict secrecy provisions of the principal Act and the provision on legal professional privilege. Disclosure is to be permitted in a range of specified circumstances - that is, for the purpose of facilitating the investigation or prosecution of offences against the Act, with the express or implied consent of the person to whom the information relates - that is the client - and for the purposes of disciplinary proceedings under the Legal Practitioners Act 1970.

I believe that the measures proposed in the Bill will simplify and strengthen the procedures required for the commission's efficient operations in general. I commend the Bill to the Assembly and, Madam Speaker, I present the explanatory memorandum for the Bill.

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

### **FAIR TRADING (FUEL PRICES) BILL 1992**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.00): Madam Speaker, I present the Fair Trading (Fuel Prices) Bill 1992.

Title read by Clerk.

**MR CONNOLLY**: I move:

That this Bill be agreed to in principle.

There has been considerable community unrest about petrol prices in the ACT. There is a widespread perception in the community that petrol prices are consistently higher in the ACT than they should be. ACT residents can have that perception every time they travel by car to Sydney, as many residents do regularly, and they can see the prices advertised outside petrol stations by the roadside. Mr Matt Abraham, of the ABC morning radio program, is able to inform us nearly every morning that petrol in far-flung places in the outback is cheaper than, or at the same price as, petrol in Canberra.

The Prices Surveillance Authority published a report in 1991 dealing with its survey of Canberra and Sydney prices and that report, although conceding the limited nature of the survey, concluded that in general terms ACT prices were not excessive. Unfortunately, that survey did not capture the notorious pre-Easter price hike which caused much consumer concern that year. Madam Speaker, the Government believes that the PSA study was useful and valuable. The survey pointed to a number of factors which could affect the Canberra price relative to Sydney and other capitals. The survey also recorded many instances of quite large gaps between ACT prices and Sydney prices, and it did find that practices occurred in the Sydney market which sometimes meant that price benefits might not be passed on to consumers in the ACT.

Madam Speaker, more than a year has elapsed since that time and once again we have seen a jump in petrol prices. Recently we have seen petrol rise virtually uniformly across the ACT from 69.9c a litre to 73.9c a litre, when this speech was prepared, and 74.5c a litre uniformly this morning. That rise cannot be wholly accounted for by reference to rises in the wholesale price, which is determined by the Commonwealth Prices Surveillance Authority. In Sydney average prices rose less than in Canberra, even though the wholesale price rises were exactly the same.

The Government believes that the difference in the recent behaviour in the market is that no-one in the Canberra market wants to be competitive. In Canberra, unlike Sydney, the price goes up in unison across the city. I am not talking just about retailers but about competition at all levels of the industry. In Canberra we have a higher proportion of company-owned service stations than is permitted nationally and we see little or no company-led discounting, while in Sydney it is apparent that there is frequent effective discounting at the wholesale level. As the *Canberra Times* said recently, in an editorial on 11 June:

It is hard to conclude other than that the ACT is a happy market for oil companies, oil distributors and service station managers - a market which gives them maximum returns on their investments. Why should any of them wish to disturb the balance?

Madam Speaker, it is against this background that the Government has decided to introduce this Bill. We are determined to ensure that Canberra consumers are treated fairly. The Government is not introducing this Bill with the idea that the problems involved in the marketing and supply of fuel can all be solved by the stroke of the legislative pen. That is not realistic. There are limits to what government can and should do in the marketplace.

Madam Speaker, the Government is also looking at structural issues affecting the Canberra market through the ACT Petrol Prices Working Group which we established last year. That group is receiving submissions from the industry and the public, and has extended its closing date to 30 June. The policy changes which may result from that inquiry should go a long way to ensuring a competitive market in the ACT in the longer term. The industry tells us that costs are greater in the ACT and that therefore we must always expect to pay higher prices in Canberra. Madam Speaker, we would question that assertion. We have seen these claims in the past applied to the food and grocery industry, and to the liquor and wine retailing industry in the ACT. However, the injection some time ago of competition into those areas by the Franklins and Farmers chains has seen prices in these areas fall and remain comparable to those in Sydney and other capital cities.

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The working group is collecting information on these matters currently and will subject these claims to appropriate scrutiny. We expect that, where there are ways to reduce costs and make it easier to operate in the ACT in terms of government policies and regulations, the working group will be identifying these matters and making recommendations to government on them. But in the immediate term the Government feels obliged to take action. The Government believes that we should not abandon the consumer to the vagaries of the present market, which is clearly not serving the interests of the whole Canberra community. We believe that we have to take positive measures to engender competition in the market, and we ask all members of the Assembly to join us in this endeavour.

It may be that some of the problems in the Canberra market are the result of government policies in the past, but does that mean that we should throw up our hands and do nothing? The Government says no to that proposition and says that we should use legislative means to intervene in the market if it is necessary in the interests of a fair go for Canberra consumers. Madam Speaker, we do not want to set prices in the ACT. We would prefer that this legislation was never used. But we believe that the time has come for this Assembly to take steps to ensure that the law enables intervention where it is necessary.

Madam Speaker, the Bill is fairly simple in structure. It would enable the Minister responsible for consumer affairs to gazette maximum prices for fuel on the recommendation of the Director of Consumer Affairs. The director would also be empowered, on a confidential basis, to obtain relevant information from the industry to enable him or her to make appropriate reports to the Minister. The Bill allows the setting of maxima; it does not empower the setting of recommended prices or margins, because that would lessen competition by price and discourage trading at lower prices.

Madam Speaker, every motorist in Canberra will be doing his or her own monitoring of prices at the petrol pump during the coming weeks, and I encourage Canberra motorists to be prepared to shop around for the best deal and to support operators who are prepared to be competitive. I am confident that Canberra motorists will support the Government in introducing this Bill.

We have heard regular complaints from the oil industry at the level of the multinational oil companies, who say that price control is ineffective, who say that consumers are best served by competitive market forces. Those companies will now have the winter recess to prove their assertions and deliver real competition to the Canberra motorist. If that happens, this Bill may never need to be enacted or may never be enforced when enacted. The companies have been talking about competition for too long without delivering it. They now have a final chance to prove their assertions of competition.

I should add, finally, that this Bill is not aimed against the individual retailers; we are setting our sights clearly on the oil majors, the group that Mr Humphries acknowledged on ABC radio this morning seemed to be engaging in cartel-like practices not in the interests of Canberra consumers. They have the winter recess of this Assembly to get their house in order. Madam Speaker, I present the explanatory memorandum.

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



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

Debate resumed from 18 June 1992, on motion by **Ms Ellis**:

That the report be noted.

**MR MOORE** (11.08): Madam Speaker, I suppose that the Chief Minister and the Leader of the Opposition must be incredibly embarrassed.

**Mr Humphries**: He is leaving, he is so embarrassed.

**MR MOORE**: Mr Humphries interjects that he is so embarrassed that he is leaving the house, and indeed he has. It may well be that there is another reason, but there we are. At least the Chief Minister is here, ready to take her medicine.

The point that is most important is that both major parties, in fact, almost everybody who competed at the last election for a seat in this house, considered that one of the major issues for the election was youth unemployment - unemployment, of course, but specifically youth unemployment. The matter was raised by Ms Szuty in the committee, and it is quite clear now that, had either Labor or Liberal supported her, we would have had an inquiry into youth unemployment.

It must be of great embarrassment for people who in the election campaign said, "We will do something about youth unemployment", to be in this position. The Chief Minister has made a statement about all the things she is doing at the moment to try to assist in resolving this problem, and many of those substantial initiatives are laudable. There is no question about that. She also spoke about the EPACT report, which looks at TAFE, tourism, casinos and a series of other issues that may assist in resolving the youth unemployment problems as well; and they too are laudable. But are we not committed to doing absolutely everything we can to reduce youth unemployment? We should leave no stone unturned.

The embarrassing position here is that a new idea might come out of such an inquiry. If there is the chance that a new idea will come out of such an inquiry, we must pursue it, because of the price our young people are paying through being unemployed. Nothing could be more important in this era than for a social policy committee to look at youth unemployment. There is no reason why looking at it would slow down some of the initiatives of the Government. Perhaps that was one of the fears, but it does not have to operate that way. It can run in parallel. Every single thing we can do as a group on youth unemployment we should be doing, with a bipartisan approach as far as possible. Every initiative that can be explored ought to be explored. That is not happening under the recommendation we have before us of the Standing Committee on Social Policy.

Madam Speaker, I think it is appropriate for members to reconsider this motion, perhaps over the six-week recess, and try to keep in mind that an Assembly committee, initiatives by the Government and questions by the Opposition do not have to be mutually exclusive. We can run in parallel. We can look for ideas, and we should all be looking for ideas to assist in resolving this problem. I note that

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the Federal Government is talking about running a summit on youth unemployment here; yet look how limited it is in terms of numbers. But at least it is going ahead. Let it go ahead, but let other things go ahead as well. That is the most important message, and I guess that that is the thing that if I were the Chief Minister or the Leader of the Opposition I would be most embarrassed about. Here is an opportunity to search, to look, to try to find whether there is something else, one other thing we can do to resolve this incredible social problem that our young people have to deal with.

One could go ahead in a speech such as this and talk about some of the problems that young people have to deal with as a result of unemployment and as part of the lack of self-concept that unemployment leaves. We could talk about the increasing number of youth suicides, which is part of the same problem. We could talk about education and those other issues that are dealt with in the many statements that have come out about youth. I think that to a certain extent I would waste this Assembly's time by doing that. I want to get the one message across - that we should keep trying everything we possibly can. I urge members to reconsider over the next six weeks the possibility of having a committee of this Assembly look at this issue in the hope that they might find one more idea.

**MRS CARNELL (11.15):** I would like to speak very briefly in support of the report of the Standing Committee on Social Policy and its chairman, Ms Ellis. Being part of that committee, I know that we looked at the issue very long and very hard, and it was with great anguish that we came up with this decision. Any committee that looks at an issue spends time and money, but particularly money. The issue has already been looked at by EPACT, and having now read its report, I believe that it vindicates my decision as a member of that committee not to go ahead. The money we would have spent on that issue should be spent putting into practice a number of the very good recommendations that are part of that report. That is something this Assembly and the ACT Government could do that would actually produce jobs. The concern of the Social Policy Committee was that we could spend a lot of money and a lot of time and at the end of the day not produce one job. That has been done before; let us not do it again.

**MS SZUTY (11.16):** Madam Speaker, I seek leave of the Assembly to comment further on this issue.

Leave granted.

**MS SZUTY:** I remind members that I dissented from the Social Policy Committee's recommendation that a select committee on youth unemployment not be established, and there are few points I would like to make. This issue has been debated at various times in the Assembly following the initial discussion of the Social Policy Committee's recommendation. The Chief Minister said in her speech on youth employment in the ACT in relation to the EPACT report:

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.

Indeed, the establishment of a select committee achieves this objective. The Chief Minister also said:

Members will recall ... that the matter of youth unemployment was referred to the Standing Committee on Social Policy. Accordingly, I have referred the report to that committee's presiding member.

In fact, the Chief Minister almost seems to suggest in her speech that the Social Policy Committee take on a formal reference on youth unemployment. If that is her wish and/or her intent, the Chief Minister should formally propose that the Social Policy Committee do just that. Appropriately, it can draw together the views of unions, government, business and the wider community, as the EPACT report suggests.

The Prime Minister has announced that a youth summit will be held in Canberra in early July. Since then we have seen the emergence of a youth forum to be hosted by the Federal Opposition. There are two parallel strategies to address Australia's most pressing social issue - youth unemployment. We have the opportunity in this Assembly to do better than that, to establish a select committee that will draw together the full range of views on this issue by working cooperatively.

**MS ELLIS** (11.18), in reply: I rise to conclude this debate with some comments. I do not want to allow an impression to be created in this Assembly that the Social Policy Committee chose to ignore or not recognise the severity of youth unemployment in the ACT. This is not the case. The committee, in recognising the problem, believes the issue to be an economically-driven one, primarily to be economically addressed, far more than an issue to be solved - I emphasise that - by any Social Policy Committee.

The Economic Priorities Advisory Committee of the ACT was established by the Chief Minister to provide broad-based independent advice to the Government on the formulation of economic, industry and employment policies. As advised by the Chief Minister, the first report requested of EPACT was on the ACT youth labour market. Whilst we see other governments around Australia creating summits and talkfests, as some of my colleagues refer to them, on youth unemployment, this Government has already taken action and now has a valuable and well-documented study which is being examined as a matter of urgency by others, including the Ministers of this Government.

Whilst acknowledging the urgency of the youth unemployment question, the EPACT report states that there are clearly other groups of an equal or even higher labour market priority. It states:

Whilst these groups are not considered extensively in the report, they include women re-entering the workforce, people with a disability, people from a non-English speaking background, older workers, predominantly males, made redundant, sole parents and Aboriginal people.

The unemployment question needs a broad and holistic approach. Whilst EPACT identifies a number of specific issues relating to youth that 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 fully supports.

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The Chief Minister has referred the EPACT report on the ACT youth labour market to, among others, the Social Policy Committee, given the Assembly's referral to that committee of the question of the proposed select committee on youth unemployment. I want to make that very clear. By referring that report it is not, as Ms Szuty may believe, suggesting that the committee take on the issue; it is in answer to the Assembly referring the question of a select committee to the Social Policy Committee. It would have been rather inept not to have sent the EPACT report across. The Social Policy Committee has not met, I might add, since receiving that report, but will obviously carefully examine the report and the recommendations therein. Whilst the Social Policy Committee recognises the impact of unemployment on our community through all areas of society, the view is held by the majority of the committee that the matter is more appropriately addressed within economic policy areas.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE**  
**Proposed Inquiry into Canberra in the Year 2020**

**MS SZUTY (11.21):** I move:

That the Standing Committee on Planning, Development and Infrastructure inquire and report on strategic planning in the ACT addressing the key question - "What should Canberra be like in the year 2020?" and with particular reference to the following:

- (1) past strategic plans for the ACT;
- (2) consideration of projected demographic, economic, environmental and social changes;
- (3) consideration of the ACT as part of Australia's economy;
- (4) consideration of the ACT as a regional centre;
- (5) having regard to quality of life, economic development, employment location, environmental and energy management, finance, education, health, community services, transport, housing and social justice issues in this context;
- (6) the development of metropolitan goals, implementation strategies and an evaluation and review process; and
- (7) to report to the ACT Legislative Assembly by 10 September 1992.

Madam Speaker, there are few issues which concern Canberra's residents more than planning. We see it when schools are threatened, when green spaces face development, and when major facilities such as Royal Canberra Hospital close, foreshadowing redevelopment. The recent example of the draft Territory Plan is

a good one. The threat of the loss of amenity has been enough to rally the population, leading to the deletion of what we came to know in the election campaign as the pink bits or, in the words of the planners, investigation areas. Now these are back on the agenda to be dealt with bit by bit.

The Government's decision this week has provided the impetus for this motion to be debated today. It is not good enough to decide in an ad hoc and incremental way what is good for the current and future residents of the national capital. To recap what I said in the Assembly during my inaugural speech, Canberra has always been a planned city and successive management policy plans have ensured that a vision for the future was enshrined in its development. It is through a visionary approach that we have gained the Canberra we have now. We must build on this for the future and resist those who advocate that Canberra should become like other cities. While I hold these ideals, I also recognise that Canberra is a much different place now from what it was in the 1960s, with near full employment, a job for every school leaver, a small population, and a Federal government purse to fund the highest of principles. Our change in circumstances leads me to believe that it is even more important now that our ideals for the future are put in concrete form; otherwise we risk losing the great advantage we have of being a planned city.

Let me turn to the terms of my motion. The question is asked: What should Canberra be like in the year 2020? That is less than 30 years away. What impact can we have at that time if we do not follow the basic precept of Canberra's development, that is, forward planning? If we do not define our infrastructure and social needs for the future and, instead, adopt an incremental approach to planning, what are we leaving the next generation of policymakers? I would suggest, if other cities are studied, that we will be leaving them massive problems to overcome. Our definition of what we want is not just the definition of the planners, based on what they have worked with compared to how they think it should be. Self-government has given Canberrans responsibility for the bills. It also gives us responsibility for the vision. What do the people living in Tuggeranong see as the future of Canberra? Decentralised employment or more transport options to the city centre? Do the people living in Belconnen think it is important to preserve the current building height restrictions? Do we all understand the implications of losing open spaces in other suburbs?

My first reference is to past strategic plans. The National Capital Development Commission was established in 1957 when it became evident that Walter Burley Griffin's plan for the national capital, which foresaw a population of only 75,000 people, was not going to bear the pressures of a growing urban centre. The NCDC produced its first outline plan, with a projection to include a population of a quarter of a million - a little less than the current population. The 1970s saw the Y-plan, which has been modified by successive national capital plans. In 1984 the Metropolitan Canberra Policy and Development Plan was published with these stated purposes:

describe the background of the existing Metropolitan, or Y plan;

describe the existing land use structure of the city and the location of key activities;

prepare forecasts of future growth and change;

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predict the future needs of Canberra based on those forecasts;

describe how the public and private sectors can carry out urban development both jointly and individually.

Then come the two I consider most important in this debate:

show how future needs can be accommodated in alternative plans and analyse the implications of the alternatives; and

describe a preferred strategy for future growth and change, indicating the main metropolitan policies and development programs needed to guide the long term development of Canberra.

What this document did not foresee was the advent of self-government. Its authors worked on the idea that Gungahlin would be developed before the end of the century and there would be a major need for transport infrastructure renewal. These things are now the present, not the future, and we need to bring this ideal of a planned city into the world of self-government, with its increased demands on infrastructure and services.

My second reference is to the consideration of projected demographic, economic, environmental and social changes. There has always been an excellent standard of statistics gathering in the ACT. There does not seem to be an activity carried out by the population that is not quantified. But it is important that these figures be used to look forward, not just back to where we have been. In forecasting demographic trends we need to consider more than just: Where will we house these people and where will they work? There is a need to take this a step further, to provide social and community infrastructure to support the population. Gungahlin is a case in point. As yet, we have not seen any proposals for the development of community services for that population. However, we know that residents are already settling in the area. In so many cases of new development, the residents often suffer for long periods before community services are provided, imposing a heavy burden on people who are, by the very nature of home buying, suffering financial constraints.

My third reference is to Canberra's place as part of Australia's economy. As the national capital we hold a special place in the Australian landscape, but we need to analyse our position within the economic framework. We have a growing and diverse private sector and a well-known public sector. We need to establish how Canberra's planning can augment and assist the development of a sustainable industry base.

Fourthly, I think the Planning, Development and Infrastructure Committee should examine a future vision with regard to the quality of life, economic development, employment location, environmental and energy management, finance, education, health, community services, transport, housing and social justice issues in the context of what Canberra will be like in the year 2020. While I have touched on these matters so far, they need to be examined and re-examined constantly and cross-referenced to other aspects of this review. These topics address the sustainability of growth and development in Canberra and, like the legacy of previous plans, would give future legislators information about the vision of the current generation.

This brings me to the penultimate reference: Development of metropolitan goals, implementation strategies, and an evaluation and review process. This recognises the need for a visionary statement to be able to meet the demands of a growing and changing society. We need to set out what the population sees as the aims they want to achieve and the ways to bring these about and to take note of how we are progressing in the pursuit of these goals. Without a strategy, we fall into the incremental development mode where decisions are taken in the light of not how they fit into a wider view of our city but how they fit into the current list of pressing needs.

J. Gilchrist said in "Commercial Centres in Canberra, Planning and Implementation":

The art and skill of town planning lies in the ability of town planners to anticipate the demand for activities, to forecast the impact of development, to avoid unnecessary consequences and costs by planning ahead, and to have the courage of their convictions to carry through and implement their plans.

What must drive this conviction is a vision for the future. Ed Wensing, acting in his capacity as a litigator in the famous *Canberra Times* site case, said in a recent speech to the Royal Australian Planning Institute:

Increasingly, major development applications requiring some form of planning approval are being considered, not on the basis of their wider impacts on metropolitan land use and transport planning objectives, but in the context of their localised and incremental impact on the area immediately surrounding the proposed development. The analysis of incremental changes to traffic and transport systems, air, water and noise pollution and other considerations usually manages to show that the negative effects of increased development are either not significant or can be accommodated by new infrastructure or remedial public works.

Of course, the litigants won the battle in two courts but lost the war when Concrete Constructions surrendered the lease and were given a new lease. I could not agree more with Mr Wensing's interpretation of the current system. If the Government proceeds with its plan to put the pink bits back on the agenda, we will be heading down the road of ad hoc planning.

Canberra is a planned city. This is one of its major attractions. The NCDC and the ACT Planning Authority have both referred to the current draft plan and previous plans as the framework on which the development of Canberra is determined. But a framework can contain many things, and the incremental developments can be decided on fairly limited criteria unless they are driven by a future vision. That is what is important. Our planned city is a great asset to Canberra. It makes our capital different from every other Australian city and enhances the lifestyle of all of us who live here. We have greenfields development occurring in Gungahlin and infill proposals for some other areas, but it is crucial to take into account strategic planning principles as we increase the development of our city.

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The ACT Labor Government wants to allow continued planning by draft variation, but the question needs to be asked: Is this in the interests of all Canberrans? This proposal ignores the community consultation process, which is still ongoing at this time, where the ACT Planning Authority is responding to community concerns about the draft Territory Plan. If we move along the path of draft variation, we risk ad hoc and unsuitable development, because planning by draft variation allows consideration only of the part and not of the whole.

The ALP plan to restore "old" Canberra to its former population levels raises alarming concepts. It implies major changes to "old" Canberra which may or may not be part of the vision of the wider community. Heritage issues, if assessed on this basis, will fragment a part of Canberra which is admired not only by residents but also by tourists and other visitors. Such an approach puts greater stress on the open spaces currently available in older Canberra. An infill plan requires careful consideration in planning terms, to ascertain whether the proposals put forward have real and tangible benefits, including social benefits, to local communities.

The ALP objective appears to be to minimise the commitment it has given to community consultation, seeks to impose planning solutions to Canberra's perceived planning problems, and does not seek the community's participation, help and advice in working cooperatively to determine our future. I urge members to support this motion.

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

#### **LEAVE OF ABSENCE TO MEMBERS**

**MR HUMPHRIES** (11.34): Madam Speaker, I seek leave of the Assembly to move a motion concerning leave of absence for Mr Cornwell.

Leave granted.

**MR HUMPHRIES**: Madam Speaker, I move:

That leave of absence from 24 June to 25 June 1992 inclusive be given to Mr Cornwell.

As members know, Mr Cornwell is representing the Assembly at a meeting of presiding officers in Adelaide.

Question resolved in the affirmative.

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

That leave of absence from 26 June to 10 August 1992 inclusive to be given to Mr Moore.

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

That leave of absence from 2 July to 6 August 1992 inclusive be given to Mrs Grassby.



**LEGAL AFFAIRS - STANDING COMMITTEE**  
**Inquiry into the Accessibility of the Legal System**

**MR MOORE** (11.37): I move:

That the Standing Committee on Legal Affairs:

- (1) Inquire into and report on the accessibility of the legal system addressing the following questions:
  - (a) which socio-economic groups are disadvantaged and given advantage under the current legal system;
  - (b) how accessible is the legal system across the socio-economic spectrum;
  - (c) how can the legal system be made more accessible;
  - (d) are legal charges reasonable compared to other professions;
  - (e) should the legal profession retain control over conveyancing of property or should the ACT adopt a similar Land Brokerage system as used in South Australia and elsewhere; and
  - (f) any other question the Committee considers relevant.
- (2) The Committee to report to the ACT Legislative Assembly by the first sitting in April 1993.

Madam Speaker, one of the burning questions at the moment with reference to the law is accessibility to the law. It seems to me that some strides have been made in ensuring that those in our community who have a need for access to the law, and who have been particularly disadvantaged, get that access, by such means as legal aid and various other methods. However, there are still some concerns that some people are not getting reasonable access to the law. Often that has to do with what is perceived as quality in terms of the legal profession. I do not believe that that is necessarily the case.

The other point that it is most important to raise here, Madam Speaker, is the fact that people in the middle of our society, those who are not so poor that they can access legal aid but are perhaps what may be described as lower middle class, seem to have a great deal of difficulty in getting access to reasonable legal representation. Those with money to burn can access the best legal representation and that gives them significant advantage. That is, of course, the burning question. That is why I have moved that the Standing Committee on Legal Affairs look at this matter.

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The other point that I think is worth raising specifically is the notion of the land brokerage system used in South Australia. I understand that a number of jurisdictions have now taken the conveyancing of land away from the legal profession and are handling it at a semi-legal level. That has been done in South Australia, I think for about a century or so, and done very successfully. I think it is important that that be included in the terms of the reference to this committee. I commend the motion to the Assembly.

**MR HUMPHRIES** (11.39): Madam Speaker, I indicate that I, for my part, have no objection to this motion. I am getting the wind-up already, Madam Speaker. That is a red rag to a bull, if ever I saw it. I might, if I am persuaded, put aside my 15-minute speech and just give my two-minute one.

**Mr Lamont:** They are exactly the same.

**MR HUMPHRIES:** Madam Speaker, perhaps they are just repeating the same words over and over again, if you are not careful. That would be torture. Madam Speaker, I want to declare my interest in the matter. Subparagraph (e) in that motion referred to the question of land brokerage. During the recent election campaign I indicated that my party was opposed to that concept or that notion. The idea of conveyancing firms opening up in Canberra, we felt, was not justified on the evidence at this stage.

**Mr Kaine:** Can we stop the debate while I pull up the flag?

**MR HUMPHRIES:** Yes, I can stop the debate while you pull up the flag, Mr Kaine.

**Mr Kaine:** I just want to raise the flag.

**MR HUMPHRIES:** Raise the flag; there we go. Madam Speaker, I remain to be convinced about that; but, of course, this inquiry would be an opportunity to examine the evidence with respect to that matter. I am prepared to remain open-minded about that and, as chairman of that committee, ensure that the issue is given a proper hearing.

Mr Moore indicated that there is a real problem, as there has been for many years, concerning the question of who gets access to the law and the cost of legal counsel. It is an issue which I, as a solicitor, was aware of very much in my practising life, and I am very much interested in seeing what issues we can address and what solutions we can propose to alleviate this problem. Therefore, I commend the motion.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.41): Madam Speaker, on behalf of the Government I indicate that we will be supporting Mr Moore's motion.

**MR MOORE** (11.41), in reply: In that case I can close the debate, Madam Speaker. I just want to mention that we do recognise that a Senate committee has been looking into this issue. I think it is important that the committee not attempt to reinvent the wheel but use the information that will be available, and to a certain extent is available from that Senate committee. I thank members because I think this can make a contribution to the work of this Assembly and to our society.

Question resolved in the affirmative.

**TOURISM AND A.C.T. PROMOTION - STANDING COMMITTEE**  
**Discussions in Brisbane**

**MR DE DOMENICO**, by leave: Madam Speaker, I am pleased to make a statement regarding the Standing Committee on Tourism and ACT Promotion's recent discussions in Brisbane. As the Assembly is aware, the committee is currently inquiring into the contribution made by tourism to the ACT economy, the potential for expanding tourism, the interrelationship between the ACT and the region in marketing and promoting tourism, and measures to counter adverse publicity about the ACT. The Assembly is aware of the full terms of reference. Written submissions have been invited from interested persons and organisations by 29 June, and the committee's present intention is to hold public hearings during July. This statement serves to remind the ACT community and especially the operators, organisations and employees involved with the tourism industry that the inquiry offers them a significant opportunity to put their views to committee members, who are approaching the issues with completely open minds. It goes without saying that the committee's understanding of industry imperatives, problems and opportunities can be given full credence only if those within the industry and those on the periphery who depend on tourism are prepared to put their views to the committee.

For its part, the committee, in seeking to expand its knowledge and understanding of the issues which stimulate and drive tourism, is making full use of whatever opportunities arise in discussing with the industry and other experts how to maximise the tourism potential in the ACT and the region. Two members of the committee, Mr Lamont and I, were in Brisbane on 28 May in connection with other Assembly business. We were joined there by the third member, Ms Szuty, for discussions with Brisbane-based industry representatives on 29 May. Those discussions were of considerable benefit to the committee.

In the course of the day meetings were held with the Queensland Tourism Industry Association, the Queensland Tourism Commission, the Brisbane Visitors and Convention Centre, and the New South Wales Travel Centre. In addition, Madam Speaker, the committee met with the new Lord Mayor of Brisbane, Alderman Jim Soorley. Although this was essentially a courtesy call, the meeting extended for more than 45 minutes and covered a range of issues relevant to the committee's work. The committee appreciated the Lord Mayor's generosity with both his time and his comments.

From what can only be described as an extremely fruitful discussion with a very professional group of Brisbane tourism people, a number of matters arise which will form a basis for the committee's focus on ACT tourism. There is a long list of them, Madam Speaker, so I will not bore the Assembly; but this statement will be available. The committee was heartened to note the positive perceptions of the ACT and region held by those we met. While accepting that the ACT is competing with Queensland for the tourist dollar, nevertheless our Brisbane contacts recognised that the States and regions must cooperate in attracting inbound tourism. In that regard the committee observed a genuine desire by relevant organisations to see the ACT and region developed to its full potential.

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Again I remind Canberrans and the ACT and region tourism industry that the committee needs their views on the issues as soon as possible, so that it can develop recommendations which are timely and of real substance and contribute to the development of the ACT and region economy. I present the following paper:

Tourism and ACT Promotion - Standing Committee - Committee Discussions in Brisbane.

I seek leave to move:

That the Assembly takes note of the paper.

Leave granted.

**MR DE DOMENICO:** I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

### **URGENT BILLS** **Suspension of Standing and Temporary Orders**

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

That so much of the standing and temporary orders be suspended as would prevent Mr Berry from making a declaration of urgency and moving one motion for the allotment of time in relation to the Rates and Land Tax (Amendment) Bill 1992, Gas Bill 1992 and the Buildings (Design and Siting) (Amendment) Bill 1992.

### **Declaration of Urgency**

**MR BERRY** (Deputy Chief Minister) (11.45): I declare that the Rates and Land Tax (Amendment) Bill 1992, the Gas Bill 1992 and the Buildings (Design and Siting) (Amendment) Bill 1992 are urgent Bills.

Question agreed to:

That these Bills be considered urgent Bills.

### **Allotment of Time**

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

That the following times be allotted for the consideration of the Rates and Land Tax (Amendment) Bill 1992, the Gas Bill 1992 and the Buildings (Design and Siting) (Amendment) Bill 1992:

- (1) for the agreement in principle stage of the Rates and Land Tax (Amendment) Bill 1992 - until 12.30 pm this day;
- (2) for the remaining stages of the Rates and Land Tax (Amendment) Bill 1992 - until 12.40 pm this day;
- (3) if any amendment is moved or circulated by Members for consideration during the detail stage of the Rates and Land Tax (Amendment) Bill 1992, the Speaker shall, at 12.40 pm this day, put forthwith a question that the amendments be agreed to;
- (4) for the agreement in principle stage of the Gas Bill 1992 - until 4 pm this day;
- (5) for the remaining stages of the Gas Bill 1992 - until 4.10 pm this day;
- (6) if any amendments are moved or circulated by Members for consideration during the detail stage of the Gas Bill 1992, the Speaker shall, at 4.10 pm this day, put forthwith a question that the amendments be agreed to;
- (7) for the agreement in principle stage of the Buildings (Design and Siting) (Amendment) Bill 1992 - until 4.50 pm this day;
- (8) for the remaining stages of the Buildings (Design and Siting) (Amendment) Bill 1992 - until 5 pm this day; and
- (9) if any amendments are moved or circulated by Members for consideration during the detail stage of the Buildings (Design and Siting) (Amendment) Bill 1992, the Speaker shall, at 5 pm this day, put forthwith a question that the amendments be agreed to.

### **RATES AND LAND TAX (AMENDMENT) BILL 1992**

Debate resumed from 23 June 1992, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**MR DE DOMENICO** (11.48): Madam Speaker, we have had only 48 hours to look at this Bill, and the Liberal Party once again expresses its concern about the limited amount of time that all members of the house have to look at Bills and consult with various community groups. As it is a budget Bill, Madam Speaker, in the Westminster tradition we will not be opposing it.

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The Bill amends the Rates and Land Tax Act of 1926 and sets new rates for rates and land tax in the ACT. We are pleased and delighted to see that there is no increase in the rate of land tax, Madam Speaker. Whilst the Liberal Party believes, and has said, that the one per cent tax on residential property should not be there at all, at least the Chief Minister has not seen fit to increase it.

Madam Speaker, we note that the Chief Minister says that there is a 5 per cent average increase in the rates, yet we heard her suggest yesterday that the inflation rate was somewhat less than that. We express concern about that, but there is nothing that we of the Opposition can do about it at this stage. The fact that the yearly ratings system comes in is good, Madam Speaker; we applaud that. In fact, it was something that Mr Kaine commenced to introduce when he was Chief Minister.

We note that the value of the dollar has decreased and that property rates, or property values, have increased. Ironically, Madam Speaker, we note that the suburb that has the most increase is Reid. Mr Moore, I do not think you have noted that.

**Mr Moore:** I noticed that, yes. I am absolutely delighted.

**MR DE DOMENICO:** It is pleasing to see that Mr Moore will be making more than the average contribution to the rates bill of the ACT. For all those reasons, Madam Speaker, the Liberal Party does not intend to oppose this Bill. I have kept my comments brief.

**MS SZUTY (11.50):** In responding to the Government's urgent Bill on rates and taxes, I would like to take the opportunity to thank the Chief Minister, the Minister for Urban Services and the Minister for Education and Training for making officers from their departments available to me for briefings on these issues at short notice.

From 1 January this year the Australian Valuation Office has determined that there has been an overall increase in the value of ACT land of 18.4 per cent. Values, of course, vary from area to area across Canberra. In Belconnen, for example, the January 1991 average valuation was \$43,700. This has risen to \$55,700, a percentage increase of 27.46. In Tuggeranong there has been a 29.05 per cent increase, in Weston Creek 24.89 per cent, and in South Canberra 19.67, which, at an average rate of \$1,449.97, is still almost twice as high as any other rates cost. Overall, the rise represents an increase of \$1.2 billion in property valuations.

The general rate, set at 1.019c in the dollar, is actually less than in the previous year. However, on average, there will be an extra \$73 in rates for every Canberra ratepayer. Rates for rural landholders continue at half the general rate. In the commercial sector, values have actually dropped. Although it is only a small bonus to businesses, rates in this sector will reduce slightly, offering some relief. In my election platform I pledged to peg rates to the consumer price index, but I do not consider these rises to be unacceptable, in view of the substantial increases in the unimproved value of ACT land.

Moving to the tobacco tax, New South Wales and Victoria wasted no time in increasing taxes on these products after the Premiers Conference. Given our geographical position in relation in those two States, it was not unexpected that the ACT would follow suit. I also feel that it is responsible to recoup additional costs from the sale of cigarettes, given the consequences smoking has for our health system.

Likewise, the adoption of higher alcohol tax is in line with our closest neighbouring States, and it encourages the consumption of low-alcohol beverages. Again there are health implications from overconsumption of alcohol, and I am sure that any move to reduce the risk to drinkers will be a positive move in the long term.

The retention of the petrol franchise, like the previous two increases, was not unexpected. At 6.5c a litre, the ACT remains on the same level as it has been for the past two years. It is anticipated that New South Wales will index up to this level in the near future. With regard to Canberra's high petrol prices, we will see later what measures the Government feels are necessary to bring us into line with New South Wales consumers.

The Chief Minister has outlined the need for rises in ACTION and parking charges to recoup more revenue from commuters, to help reduce the deficit. We have seen the ACTION deficit used as a political football in recent weeks and I applaud the Government's bid to bring this deficit down. At the same time, a review of the parking charges will not encourage commuters to use their vehicles. Park and Ride and Three for Free promotions are excellent, promoting the sensible use of vehicles and encouraging the use of public transport. There is a need for a balance in the availability of long stay and short stay parking, and a need to fine tune parking arrangements in concert with a comprehensive public transport and parking strategy. This is a very important part of overall planning processes.

We need to pay close attention to the wide-ranging needs of people in our community. We must consider regular commuters who use bus and car transport to get to work and home as well as families with child-care commitments who have particular needs with regard to the time taken in travelling, accommodating the needs of young children and the distances from accessible public transport - a fairly topical consideration, given the current inclement weather. We must also consider access to shopping facilities, and the needs of people working and living in various town centres across Canberra, and how their needs vary from those working in the central business district. These needs have to be evaluated on an ongoing basis, particularly as new developments such as outer suburbs in Tuggeranong and Gungahlin come on line.

The TAFE increases reflect the Government's commitment over three years to recoup more money from students for TAFE studies. Student representatives recommended a phasing in of these extra charges and that the inequities between full-time and part-time students be addressed. This has occurred. A concessional system also operates, which reduces charges for people receiving the family allowance supplement or holding health benefit cards. Importantly, as a response to the notice of motion passed in this ACT Legislative Assembly earlier this year, fees for adult literacy courses have been abolished.

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Overall, the proposed increases in rates and taxes appear to me to be a reasonable response by the Government to the issue of raising revenue to meet, in part, its budget commitments. It will now be important to gauge the community's reaction to these. I am pleased that the Government has also addressed its social justice obligations. I will further address the Government's proposed budget strategy in broader terms during the budget strategy debate later this afternoon.

**MR MOORE** (11.56): Madam Speaker, for me there are two principles involved here. I have a policy of pegging rates to the CPI, and that is my preferred position. But I also made it very clear in the election - much clearer, in fact, than that policy - that I would be committed to allowing a government to have their budget Bills. Under these circumstances I think it is appropriate for the Government to have my support in being able to raise revenue. My preference would be to increase land taxes rather than rates, as I have stated in this Assembly before today. It is a position that is the very opposite to that which Mr De Domenico just stated. However, I will not be moving an amendment to the Bill, nor opposing it, because of my previous commitment.

I have the same feeling about the fees charged at TAFE. I am still of the opinion that education is a basic right and that education, whether compulsory or non-compulsory, ought not have fees attached to it. That applies to tertiary education as well as secondary education - tertiary education both at TAFE and at the universities. So I state here my personal opposition to that but at the same time recognise the right of the Government to levy taxes as it sees fit. I would like to reiterate Ms Szuty's comment about the adult literacy courses. I think this is a most important area. We have debated it in this Assembly. I am very pleased to see that the Government has moved on those courses. With those few comments, Madam Speaker, I am prepared to accept this Bill.

**MR STEVENSON** (11.58): I do not agree that the Government should be able to do whatever they like with taxes and charges and fees regardless.

**Ms Follett:** That is why it is in the Assembly.

**MR STEVENSON:** The Chief Minister says that that is why it is in the Assembly. The difficulty with that is that other members of the Assembly have agreed to pass such Bills and will not do anything else with them. They are already locked into any charges and increases that there are. The difficulty is that once again the people of the community, who have to fork out of their pocket for these various charges and increases, do not even have time for discussion.

One example is the 3c a litre tax on petrol that you said would not be there. One of the most time-honoured methods of governments in Australia is to say, "At a certain time we will do away with this". I assumed that the Chief Minister had indicated that that tax would go.

**Mr Lamont:** Your assumption is not correct.

**MR STEVENSON:** Okay, I withdraw that until I check the wordings again; but that is fine. Nevertheless, it should have gone. There is no opportunity for the people in the community to have a say on this thing. We have spoken again and again about Bills being rushed through. There are no more important matters than those which take away the power of people in the community to pay for the things they need to pay for, such as education, health, and various other things for themselves and their families.



The community has a right to have a say and to discuss these matters before they are passed by this Assembly. It obviously is next to useless, unfortunately, to say that these Bills are being rushed through, because I have been saying it for 3 years and we have seen no change whatsoever. We made our point on Tuesday that we would ask the Government to understand that we think that there should be more time allowed for public discussion, community discussion, on these things. That has not helped. We have been doing that for three years.

There is really only one way to handle the matter, and that is to put in black and white, in fine print, that there is a minimum time in which a Bill can be introduced and passed in this Assembly, unless that Bill is first debated in this Assembly as an urgent Bill and that is agreed to by a majority of people in the Assembly. That is a separate debate. That is the difficulty. We should allow the people of the community to have a say. Someone in the community might be able to come up with better ideas. The key point is that governments should not willy-nilly increase rates and charges, with all good justification, as they always have, without public consultation beforehand.

**MS FOLLETT** (Chief Minister and Treasurer) (12.01), in reply: Madam Speaker, I would like to thank members for their comments on the Rates and Land Tax (Amendment) Bill and for their support where that applies. I would also like to thank those members who took advantage of my offer to have a briefing on this Bill, those members who put their own time into better informing themselves on the provisions of the Bill, and my officers who, of course, made the briefings available.

There is really very little to respond to; but I would like to comment first on Mr De Domenico's question about the rates increase being above the CPI, and, indeed, it is. The CPI being used is 3 per cent and, as Mr De Domenico rightly points out, I am raising the rates by an average of 5 per cent. That is being done in view of a number of factors, not the least of which is that we have reduced funding from the Commonwealth and in times of recession we have a much greater call on government services and government facilities.

There has been a conscious decision by the Government to get a slightly larger take from our rates Bill than might otherwise have been the case. In previous years I have increased the rates only by the CPI. Last year it was 4 per cent and that was the amount that the rates Bill increased by. That is, I think, in stark contrast to Mr Kaine's budget and his rates Bill back in the year when he was Treasurer. He actually increased the rates by over 16 per cent. So I believe that what we are doing this year is modest indeed. It is also the first year that the annual land revaluations have been in operation and that has tended to avoid the very large increases in the unimproved value of land. I should say, Madam Speaker, that this year, because there has been such a buoyant market in residential properties, there is quite an increase in the annual valuations and that, of course, is reflected in people's rates bills.

I would like to make a couple more comments before I formally close the debate. The first of these, Madam Speaker, relates to the issues that were raised by the Scrutiny of Bills Committee in regard to the Rates and Land Tax (Amendment) Bill. The Scrutiny of Bills Committee asked, first, why subclause 4(1) of the Bill has been backdated to have effect from April 1992. Madam Speaker, this is a

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definitional matter and the backdating of that subclause is largely for cosmetic and convenience reasons, so that one definition takes over shortly before the demise of the previous one. I think that it does not have any real effect; it is really just tidying up.

There is also the question of whether anybody would be disadvantaged by the backdating of the date of effect of subclause 4(1), and the answer to that is no; nobody will be disadvantaged. It simply picks up the definition of "city area" which was frozen in time as a result of the repeal of the City Area Leases Act. It certainly does not alter the boundaries and no land is differently rated as a consequence of the insertion of the new definition. I say that just to respond to the Scrutiny of Bills Committee which, as usual, has made an extremely thorough scrutiny of this particular Bill in a very short time.

I would like to comment, finally, Madam Speaker, that in looking at the Rates and Land Tax (Amendment) Bill members should be aware that there is some government assistance available to people who might have difficulty in meeting rates and land tax charges. I think this is important as some areas, as Ms Szuty pointed out, have quite large increases in line with the increase in the unimproved value of their land. The assistance that is provided is by way of three separate strategies: Firstly, there are pensioner rebates; secondly, there is also a scheme for the deferment of rates; and, thirdly, of course, there are hardship rebates as well. So the Government does provide some assistance to people who are genuinely in difficulty and, by the same token, can negotiate for time payment arrangements on a case by case basis. I think it is important to point out that where people find themselves in that situation they should contact the ACT Revenue Office as quickly as they can and make the arrangements that are necessary.

Madam Speaker, I would like to respond quickly to Mr Stevenson's remarks and say that, had he been in Canberra a bit longer and perhaps had he taken a more active role in some of the business of the Assembly, he would know that we have a rates Bill every year. I do not think this would be a surprise to the Canberra community, and certainly not to the property owners of Canberra. It is the usual thing with revenue Bills to introduce them and get them through very quickly so that there is no speculation, so that nobody is able to take undue advantage of a revenue measure. While I take Mr Stevenson's general point about consultation and I certainly take his point about the community having the right to be involved in decisions which affect them, I think that in this case the community would expect to be getting the rates Bill this year and would expect it to be based upon the unimproved value of their land. Were they to be asked what they thought ought to be in the rates Bill, perhaps the results may not be terribly helpful.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## GAS BILL 1992

Debate resumed from 18 June 1992, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**MR WESTENDE** (12.09): Madam Speaker, here we have a very substantial Bill which, in principle, we agree with. It is generally sensible to provide a regulatory system for the supply of natural gas in the ACT. This Bill will provide important price controls, it will establish standards of safety, and it will provide for continued research and development of energy resources. While creating a monopoly, the licensing of AGL to be the sole distributor will provide stability, and the price control provision will ensure that prices should remain competitive. These aspects we are generally in favour of.

However, Madam Speaker, the Bill is far more substantial and contains more than some general points of intention. It is a very detailed Bill. It has some 55 pages in all and it requires detailed assessment. Once again it has been impossible to assess each clause of the Bill thoroughly. There certainly has been no time for us to consult anyone on the implications of the Bill. We could make various comments about the Bill, and I will make some shortly, but they by no means reflect a studied assessment. The pushing through of these Bills with such unnecessary haste obfuscates perhaps quite significant and important considerations.

I was absolutely astonished by a comment made by Mr Connolly in the house yesterday about our concern about the lack of due time for consideration of new Bills. He said that we complained about the lack of Bills in the last sitting of the Assembly, and that we were now complaining about getting too much legislation. Madam Speaker, it is not the amount of legislation we are complaining about; it is the lack of sufficient time to consider it properly. So, Madam Speaker, Mr Connolly's comment was quite ridiculous and not appropriate utterances of someone who is the Attorney-General. Perhaps, on further reflection, he may regret saying something so stupid.

Madam Speaker, by way of general comment about the Bill, I would first like to raise the question of why this Bill requires such urgent attention by the Assembly. We can see no reason why this Bill could not be adjourned to the August sitting. Madam Speaker, we have some concerns about aspects of the Bill. One concern is the power of the review panel. The Bill empowers the panel to do all things necessary and convenient in connection with the conduct of its investigations. What does this actually mean? What does "to do all things necessary and convenient" mean?

We also are concerned about the research and development levy. This Bill establishes an energy research and development trust account, but it does not provide any indication of how these funds are to be disbursed. The only provision is that all authorised distributors have been consulted. Of course, this means AGL. The Bill does not indicate the criteria for research and development projects. The Bill does not indicate any integration of research and development by this trust with other similar bodies in Australia. Is having AGL the sole distributor for 20 years a good idea? Would it be better to license them for 10 years with an option of a further 10 years?

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Madam Speaker, with these few comments I believe I have indicated enough concerns with this Bill to raise the question of why the need to race it through. If there are no reasons to expedite the Bill today, we would urge that further consideration of it be adjourned until the August sitting. As I said previously, Madam Speaker, we do not disagree with the Bill per se. We agree with the substance of the Bill; but, being quite honest, I must say that I have read the explanatory memorandum and the other items a couple of times, but I have not read the Bill in its totality. That being the case, we will certainly not oppose it, but we would like to give notice that we require more time in future.

**MS FOLLETT** (Chief Minister and Treasurer) (12.14), in reply: Madam Speaker, I would like to thank Mr Westende for his indication of support for this important Bill. I believe that this Bill is long overdue. It will establish a regulatory system for gas distribution, which has been lacking since 1980 when gas first came to Canberra. It has been some time coming.

The Bill really relates back to 1989 and the earliest days of self-government - of a Labor Government, I should say - when it was necessary for the Government at that time to freeze the price of gas in the ACT as a result of a large discrepancy in the price to Canberra consumers compared with that to consumers across the border in Queanbeyan. Since that time it has been possible to address the pricing regime. I should say that AGL has cooperated in all of that negotiation and debate, and the result now is that we have the Bill before us.

Madam Speaker, there is little of detail to respond to. The Scrutiny of Bills Committee has made a recommendation in relation to this Bill, and I would like to foreshadow that I will be moving a very minor amendment during the later stage of debate of this Bill. I would like to answer Mr Westende's comment about the research and development arrangements. I advise Mr Westende that the decisions about which areas of energy research and development might be pursued through the use of that levy have not yet been made. There is still some negotiation to be done.

I would like to comment also that at this stage there has been no decision made to extend that levy to other energy suppliers, although there is a possibility of some sort of joint research being undertaken, say between AGL and ACTEW. There obviously will be areas of research that are necessary for the good of the community, and that levy will be usefully employed in pursuing that research.

Madam Speaker, that concludes my comments. I commend the Bill to the Assembly. It has been a long time coming. I appreciate the fact that it is now able to be dealt with under the urgency motion, but clearly it has the support of the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail Stage

Bill, by leave, taken as a whole

**MS FOLLETT** (Chief Minister and Treasurer) (12.17): Madam Speaker, I move:

Page 26, subclause 59(2), line 11, after "who", insert ", without reasonable excuse,".

This is the amendment that I referred to as a result of the Scrutiny of Bills Committee's examination of the Bill. I also table a supplementary explanatory memorandum for that amendment.

Amendment agreed to.

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

Bill, as amended, agreed to.

### POSTPONEMENT OF ORDERS OF THE DAY

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

That orders of the day Nos. 3, 4 and 5, Executive business, Budget Strategy Statement - Ministerial statement - Motion to take note of paper; Youth Employment - Ministerial statement and paper - Motion to take note of papers; and Status of Women - Ministerial statement - Motion to take note of paper, be postponed until a later hour this day.

### BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL 1992

Debate resumed from 18 June 1992, on motion by **Mr Wood**:

That this Bill be agreed to in principle.

**MR KAINE** (Leader of the Opposition) (12.19): The Opposition has no objection to this Bill. In fact, what is proposed here is relatively minor. The main purpose of it is to allow the Minister to impose fees where they were not previously imposed. We find nothing here that we can object to. We support the Bill.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (12.19), in reply: Madam Speaker, I thank the Opposition for their support. As Mr Kaine says, it is relatively simple. Our procedures are now more complex following the new planning legislation. We are recovering some of the additional costs by way of fees; but we are not, at this stage, into full cost recovery. I do not know whether we will ever go down that path, but these are simple and moderate measures.

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Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.20 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Statement of Financial Transactions**

**MR KAINE:** I address a question to the Chief Minister and Treasurer. I draw the Chief Minister's attention to section 70 of the Audit Act, which requires the responsible Minister to publish each quarter a statement of financial transactions containing financial information with respect to receipts and expenditure of the Territory public account during the quarter and financial transactions showing, among other things, the manner in which the surplus for that quarter was applied or the deficit financed, and the like. Has the Chief Minister published such statements for the quarters ended December last year and March this year? If not, why not, and is she not in contravention of her own Audit Act?

**MS FOLLETT:** Yes, I have published that statement.

**MR KAINE:** I ask a supplementary question, Madam Speaker. If such reports have been published, why have they not been tabled in this Assembly?

**MS FOLLETT:** I am not certain that they are required to be tabled in this Assembly, but they have indeed been published.

### **Dog Control**

**MS ELLIS:** My question is directed to the Minister for the Environment, Land and Planning. In an article in yesterday's *Canberra Times* on the new dog control legislation, reference was made to the need for dog owners to comply with a two- and nine-metre rule. Can the Minister clarify whether all dog owners are subject to this rule?

**MR WOOD:** I was pleased to see that article in the *Canberra Times*. It is certainly the case that news about dogs is news. In recent times, the media generally have taken up the issue of dogs and dog control and savage dogs, and any publicity we can get for the new dog control legislation is most welcome. Therefore, I was very pleased to see that article in the *Canberra Times* the other day. It was a very useful article, might I say.

I would, however, elaborate on one point because I do not think it was as clear as it might have been. The two- and nine-metre rule applies only to keepers of four dogs or more; that is, if you have four dogs or more you need to have approval for that and you need appropriate conditions in the yard. There must be a

separate fence, two metres from any neighbouring fence and nine metres from the house. I do not think it was quite clear that that condition applies to those places where there are four or more dogs, and I am happy to take the opportunity today to make that clear. That two- and nine-metre rule was part of the discussion in the Assembly when amendments went through the other day.

### **Statement of Financial Transactions**

**MR HUMPHRIES:** I refer the Chief Minister to her earlier answer to the Opposition Leader's question. I ask: In what form were the statements of financial transactions she referred to published for the benefit of the ACT community? Can she recall undertaking to the Assembly that, when they were available, she would table those statements in the Assembly when she was required to publish them? If she has not yet done so, will she undertake to do so as soon as possible? Given the fact that the Assembly is about to rise, will she undertake to supply them to members of the Assembly before the end of this financial year?

**MS FOLLETT:** I certainly do not recall undertaking to table such documents in this Assembly.

**Mr Kaine:** You did, in answer to a question of mine some weeks ago.

**MS FOLLETT:** Mr Kaine is obviously standing ready to correct me on that. If that is an undertaking I gave, I will certainly abide by it, or make sure that members are provided with copies of those documents.

### **Acton Peninsula**

**MS SZUTY:** My question is to the Minister for Health. Many Canberra residents prepared submissions in 1991 in relation to the future use of Acton Peninsula and the future development of the Royal Canberra Hospital site as part of the public consultation process on the issue. According to a letter dated 2 June 1992 and signed by the general manager of corporate services in the Department of Health, preliminary planning work has been completed and the Government is currently considering the future use of the Acton Peninsula. The letter concludes by saying that, once the Government has made its decision, planning work will be completed prior to the commencement of construction works. I ask the Minister: What has happened to the public consultation process on the future use of Acton Peninsula and the Royal Canberra Hospital site? When will there be public discussion about the community submissions received by the Department of Health in 1991?

**MR BERRY:** The Government made its decision about the facilities that were to be provided on the Acton site in the light of much public discussion about the closure of the old hospital and argument for various facilities to be provided on the site. It is still in the process of considering what might happen at the Acton site. We are considering that in the budget context, so I cannot canvass issues that might be determined in that context. I can say that some preliminary planning resulted in a draft report being prepared, and further consideration of that report is ongoing.

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In terms of public consultation on the issue, I think we have made our decision in relation to the facilities that were planned for the site. Public consultation about how they might be provided is a matter for the future, once the Government determines how it might deal with the Acton site in the course of budget considerations. I can assure you that when the Government decides to move forward in any respect in relation to the Acton site the public will be fully informed.

### **Hospice**

**MRS CARNELL:** My question to the Minister for Health is also about the government-community consultation process. Were any of the following organisations consulted on the siting of the proposed hospice: The ACT Hospice Society, the ACT Cancer Society, the ACT Council on the Ageing, and Calvary Hospital? Does the Government's decision to site the hospice at Acton reflect the views of any of these important organisations?

**MR BERRY:** I do not recall the detail of discussions with those organisations, but can I say that the Government's decision to announce in the election campaign that a hospice would be sited on the Acton Peninsula was made against a background of consideration of issues raised by organisations such as the Hospice Society. The Hospice Society had made it clear at an early stage that they would prefer the hospice to be sited at Calvary Hospital.

**Mr Humphries:** So I was not - - -

**MR BERRY:** The Hospice Society can take a particular view, but because the Hospice Society takes a particular view does not mean that the Government is necessarily locked into it. Their views were taken into consideration, of course. I should say that the Hospice Society also offered some support for the siting of the hospice on Acton Peninsula. Any further consideration about what the hospice might look like in the context of what is decided by the Government on its siting will be the subject of notice to the Hospice Society.

All sorts of groups and organisations have particular preferences for the siting of the hospice. On the one hand, there is a very strong argument put by some groups that it ought to be located at Woden Valley Hospital. Others argue that a nice site would be on the Acton Peninsula, and that is one that has received some support by government.

**Mr Humphries:** From whom? Who put that forward? Anybody?

**MR BERRY:** Mr Humphries continues to interject, Madam Speaker, if I can draw this to your attention. If Mr Humphries wants to raise questions on health, given that he made such a shemozzle of it earlier, perhaps he should climb to his feet and ask them, instead of rudely interjecting the way he does.

**Mr Humphries:** I let you off the hook by interjecting there, didn't I? It is your favourite subject.



**MR BERRY:** My favourite subject, of course, is pointing out what a mess Mr Humphries made of it. I would advise Mr Humphries to be quiet on the subject. It leads us nowhere when he begins to talk about health, because of the mess he left in the wake of his period of office as Health Minister. Getting back to the hospice, it is an important consideration of government. The decision is one that will be made in the best interests of the community. It will not favour any particular group. It will come down on the side of good decision making.

### **Goods and Services Tax - Racing Industry**

**MRS GRASSBY:** My question is to the Minister for Sport. The Liberals have announced that they will exempt gambling from the GST. Will this exemption cushion the racing industry from the effects of the GST?

**MR BERRY:** Thank you, Mrs Grassby, for that very important question about another matter that could have some serious impact on the ACT. In my view, the goods and services tax included as part of the Liberals' "frightpack" will unquestionably have a devastating effect on the racing industry. The goods and services tax encompasses things such as stallion servicing fees, agistment, float fees, veterinary, racing and training charges, and even entry fees to our three racetracks.

**Mr Wood:** A tax on sex.

**MR BERRY:** There already is a tax on those sorts of matters. You only have to go out to Fyshwick; they pay tax.

The GST will impose an extra burden on both participants and patrons. It is not a laughing matter. It goes to the guts of the horseracing industry and what the "frightpack" will do to it. What is proposed by the Federal Liberals will do a great deal of damage to one of the most important industries in Australia. It is the fifth largest industry in Australia. The ACT Racecourse Development Fund could not afford a service tax of 15 per cent, putting a further impost on the ACT taxpayer. ACTTAB, having been corporatised by those sitting opposite, will have to decrease  
- - -

**Mr De Domenico:** I raise a point of order, Madam Speaker. I suggest that, under standing order 114, what Mr Berry may or may not think about what he calls "frightpack" has nothing to do with ACT administration.

**MR BERRY:** Of course it has something to do with the racing industry in the ACT. This is silly.

**Mr De Domenico:** Madam Speaker, can I suggest that until you rule - - -

**MADAM SPEAKER:** Could I just have a minute's quiet while I reflect, please? The Minister has chosen to answer the question, so he has interpreted it as being within his area of public responsibility. I ask the Minister to continue.

**MR BERRY:** The current tax incentives for the thoroughbred industry will also be at risk. There is no question about that. These are all integral parts of the racing industry, and a 15 per cent tax will have a devastating side effect on gambling. There is a puzzled look on Mr De Domenico's face. He seems to wonder whether the "frightpack" will impact on racing. Of course it will. You do

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not seem to want to admit it. I can understand why you would not want to admit it. Aside from all the damage it is doing or is likely to do to the industry, what puzzles me most is why the Liberals sit there pretending that nothing is going to happen.

**Mr Kaine:** We are going to take 20 per cent of your taxes off and add 15 per cent of ours.

**Mrs Carnell:** Things are going to be better. There will be a million more jobs.

**MR BERRY:** We get interjections from the Opposition. How much quality has the Leader of the Opposition? This is the person who yesterday was singing the praises of Nick Greiner. Nick Greiner lost office because of the ICAC's identification of him with corruption. You were singing his praises yesterday.

**Mr Kaine:** I will continue to do so, Minister.

**MR BERRY:** That gives you an idea where the Liberals are coming from. Corruption is okay in government.

**Mr Kaine:** We do not appoint our mates to positions in the ACT, like you do.

**MR BERRY:** Corruption is okay in government. Nick Greiner is okay.

**Mr Kaine:** Do you want me to name a few of your appointments to bodies in the ACT?

**MR BERRY:** Yes, I would be getting agitated about this, too. It is a big mistake.

**MADAM SPEAKER:** Order! Please allow Mr Berry to answer the question. Mr Berry, please answer the question.

**MR BERRY:** These questions are of a genuine nature. The racing industry is a major employer in the ACT, and the Liberals have stated that gambling will be exempt from the tax. But the realities are that, with the implementation of the "frightpack", racing, the fifth largest industry, will suffer heavily. That is important to me because it is an important industry in the ACT. It employs a lot of people and provides a lot of income for the industry and for government in the Territory. This in turn will impact on the associated industries that benefit from TAB funds. The flow-on effect will reduce the turnover in the industry and cut the amount of money punters have to bet. Canberra and the rest of Australia, I submit, clearly cannot afford a goods and services tax, no matter how much the Liberals deny it.

### **Budget Expenditure**

**MR DE DOMENICO:** My question is to the Chief Minister. Is she aware of comments made by the Canberra business community that "the political realities of both the Commonwealth funding and appropriate State-like expenditures require the Government to seek a reduction of at least 10 per cent of its overall budget expenditure, and a saving of at least \$100m must be achieved within the next two years, otherwise the current gap of some \$70m will widen to \$200m"? What savings need to be made? Will the Chief Minister outline her plan to complement her increases in taxes and charges well beyond the consumer price index?

**MS FOLLETT:** If that is a recent statement, no, I am not aware of it. It has not been conveyed to me. I presume that it is a recent statement. However, I would like to say that, prior to the release of the budget strategy statement, I had very valuable consultations with the Canberra Business Council, amongst many other groups. Indeed, I am aware of their general view. I am aware, in particular, of their view that the cost of government must be reduced, and I share that view. I have made it very clear in my budget strategy statement that we will be looking for efficiencies in all areas of government activity. I refer Mr De Domenico to that budget strategy statement to answer his question. If he is asking me for more detail of what steps I will take in the budget to be brought down in September this year, I will say yet again that I am not going to pre-empt that. It is clear to me and to most thinking people that the budget has to encompass review not just of revenue but of all areas of government activity in order to achieve efficiencies - and, as Mr Kaine is fond of saying, prudent borrowings. There is no great mystery to it.

### **Lease Purpose Breaches**

**MR MOORE:** My question is directed to the Minister for the Environment, Land and Planning. Last year, Mr Wood may recall, he was alerted to the fact that the National Convention Centre was operating in breach of the law by hosting leather sales, contrary to its lease purpose clause. Recently, Country Comfort did the same, and I have their lease purpose clause in front of me. It allows provision of restaurant services for travellers, guests and members of the public, and accommodation services. I was surprised yesterday morning to see the advertisement included in the *Canberra Times* suggesting that the Parkroyal was using the same sort of system. I must say that in their case I have not checked the lease purpose clause at this stage. There certainly is a repetition of this type of sale going on, against lease purpose clauses. When will the Minister act on blatant and public breaches of leases which undermine local businesses, particularly small businesses, who are operating within the law?

**MR WOOD:** Mr Moore quite well outlines the problems we are looking at. That is the case, and we are looking at them. The Department of the Environment, Land and Planning is investigating these issues. I am expecting from them shortly a document examining the options and what might be done to prevent the practice, if it is considered undesirable, or to change the various conditions, if that is considered desirable. The matter is receiving very earnest consideration, and I will be in a position to respond sometime soon.

**MR MOORE:** I ask a supplementary question, Madam Speaker. The pertinent question really is: Will the Minister be prepared to protect Canberra's small businesses where they are operating within the law?

**MR WOOD:** Madam Speaker, we have a great interest in Canberra's small businesses. I suppose that is a motherhood statement. However, these hotels and the like are also small businesses and we are no less interested in them. What we are interested in, above all else, is a fair and just system that is understood by all, accepted by all and obeyed by all.

### **Rental Accommodation**

**MR LAMONT:** My question is to the Minister for Housing and Community Services and follows some fairly poor attempts in recent weeks by the Opposition to deny what is fact in relation to rental accommodation vacancy rates in the ACT. Has the Minister seen today a press release from the Housing Industry Association relating to that matter, and will he inform the Assembly of the current state of play in regard to rental accommodation in the ACT?

**MR CONNOLLY:** I, as the Minister with responsibility for housing and community services, and the Chief Minister were getting quite a bit of stick from the Liberals around budget time last year when the Chief Minister introduced the land tax. The Liberal Party were screaming and yelling, saying that the land tax would result in reduced vacancy rates and difficulties in obtaining private rental accommodation.

I noted with great interest the media release just before lunch today by Mike Crowe of the Housing Industry Association, which indicates that there is a massive demand for local investment properties in Canberra; that is, new houses built for investment purposes for the private rental market. The press release states:

"At the commencement of this year Canberra's rental vacancy rate was 6%, today it is more like 3%", said Mr Crowe, a result of very strong investment buying that has seen virtually hundreds of new rental properties come onto the local market.

It is something for the Government to take some pleasure in, in that the rental housing market is doing very well, quite contrary to the alarmist predictions of this Liberal Opposition when the tax was introduced.

I note the final sentence of Mr Crowe's press release. I will be restrained; I will read it to the Assembly without comment. This sentence really makes a fine commentary on the role of this Labor Government and on the role of the Chief Minister and Treasurer in stimulating the local economy. I quote again from the Housing Industry Association:

Canberra's building industry is currently producing at the rate of over 1,000 commencements a quarter, a far cry from 600 a quarter only twelve months ago.

Twelve months ago, of course, we came into government.

### **Office and Shop Space**

**MR STEVENSON:** My question is to the Chief Minister. Will the Chief Minister indicate how many square metres of office and shop space is currently being leased in the ACT and is presently unoccupied? How much of this unoccupied space is being leased by the ACT Government or any of its departments? Is it a reasonable contention that this leased empty space is artificially raising the price of real estate properties within the ACT?

**MS FOLLETT:** I thank Mr Stevenson for giving me notice of the question, as it does involve some detail. The question is in several parts. The first asked: How many square metres of office and shop space is currently being leased in the ACT? According to the latest Canberra office market report, which is dated January 1992, of the Building Owners and Managers Association, the total stock of office space in the ACT is 1,294,100 square metres. Of this, a net total of 1,248,600 square metres is leased. According to the latest survey conducted by the ACT Government, which was in October 1991, there is approximately 730,000 square metres of total retail space in the ACT. Of this, about 86,000 square metres is vacant. Mr Stevenson also asked: How much of this leased office and shop space is not occupied? I regret to inform Mr Stevenson that data for the private market is not available, so I have given as much information there as I can.

Mr Stevenson further asked: How much of this unoccupied space is being leased by the ACT Government or by any of its departments? I advise that the ACT Government uses a total of 92,000 square metres of space, of which 75 per cent is leased, while 25 per cent is owned. Of the total, 16,029 square metres is unoccupied. Of the unoccupied space, some 15,604 square metres - that is, almost all of it - is currently being refurbished and fitted out. The remaining 400 square metres is unoccupied and not being refurbished. That lease expires in six months and will not be renewed.

Mr Stevenson also asked whether the leased empty space artificially raises the price of real estate properties in the ACT. I advise that there is not a significant quantity of empty office space being held by the ACT Government or its departments, hence there is no impact on the price of real estate properties in the ACT. The current vacancy rate for office accommodation in the ACT is 3.5 per cent. A balanced market is generally regarded as being around 3 to 5 per cent; therefore the ACT office market is in a very healthy balance indeed. It certainly compares very favourably with cities such as Sydney and Melbourne, where vacancy rates in the office market are currently 15.6 per cent and 24.4 per cent respectively.

### **Emergency Rescue Services**

**MR WESTENDE:** My question is addressed to the Minister for Urban Services. The Minister would be aware that the agreement between the Australian Federal Police and the Fire Brigade on the provision of emergency rescue services expires at the end of this month. Does the Minister intend to renew this agreement? If so, when? Will the Minister provide me with the terms of this agreement? If not, what arrangements will be made for cooperation between the police and the emergency services to ensure continuity of this level of service?

**MR CONNOLLY:** Mr Westende's question refers to a matter of some importance - the provision of emergency rescue services at motor vehicle accidents. This was an issue of contention some years ago and the resolution was, in effect, a north-south divide. It had the fire service providing the primary roadside rescue service on the north side and the AFP rescue squad providing the primary service on the south side. The AFP rescue squad have duties beyond road rescue, of course, but they do provide a road rescue backup. That arrangement tended to reduce somewhat the operational tension between the two

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emergency services. It does expire shortly, and I can advise the Assembly that detailed discussions are going on between the two services as to options for the future. When I am in a position to make a decision, I will certainly let Mr Westende and the general public know.

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

### **Statement of Financial Transactions**

**MS FOLLETT:** During question time Mr Kaine and Mr Humphries asked me about the quarterly financial statements required under the Audit Act. The statements for the December and March quarters were published in the *ACT Special Gazette* Nos S77 and S78. Copies of the *Gazette* were supplied at the time of publication to all members, so Mr Kaine and Mr Humphries should already have this information in their offices. As I said earlier, the Audit Act does not require that these statements be tabled; but, in the interests of making the details clear, I now table the relevant issues of the *Gazette*.

### **Revenue Increases**

**MS FOLLETT:** I would like to add to an answer I gave yesterday to Mr De Domenico. It was actually in reply to the supplementary question. Mr De Domenico asked when I would table the results of the 90 per cent of fees and charges that have been set at the level of CPI. I add to my answer that the Government has decided that, in general, fees and charges across the Government Service should increase only by the CPI. In many cases, fees are simply increased administratively, and there is no requirement for them to be tabled in the Assembly. Those increases will take effect from 1 July. Where the power to levy a fee exists under an Act, the ministerial determinations are notified in the *Gazette* and are disallowable instruments requiring tabling in the Assembly. Accordingly, those instruments will be tabled by relevant Ministers within the requirements of the Subordinate Laws Act. I expect that, in the majority of cases, notification in the *Gazette* will be by 1 July.

### **Urine Test Costs**

**MR BERRY:** Madam Speaker, yesterday Mrs Carnell asked a question which suggested that it costs \$7 in New South Wales and \$21, I think it was, in the ACT for urine tests. I said that I thought Mrs Carnell had chosen a best and worst case scenario to add a bit of colour to her question. I have looked into it and I have discovered that what I said then was true.

The ACT Government Analytical Laboratory conducts urine drug screening for several clients, including the Alcohol and Drug Service, and has been doing so for some 18 years. In July 1991 the laboratory instituted new methodology developed by laboratory staff utilising sophisticated techniques, which have resulted in charges for drug screening being reduced significantly. The laboratory now charges \$15 per sample for the methadone program, which is well

below what was suggested by Mrs Carnell. Early last year Oliver Latham Laboratory in New South Wales were quoting a cost of \$7 per sample; but in October 1991 Oliver Latham were quoting \$15 per sample, the same amount as in the ACT. These charges are for a comprehensive drug screen, with confirmation of drugs detected, and they cover the cost of consumables and equipment. The ACT Government Analytical Laboratory conducts some 5,000 drug screens per year.

**TABLING OF DOCUMENT**  
**Leave to Move Motion**

**MR DE DOMENICO:** Madam Speaker, I seek leave to move a motion in relation to a member's failure to present a document to the Assembly.

Leave not granted.

**Proposed Suspension of Standing and Temporary Orders**

**MR DE DOMENICO (3.04):** Madam Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr De Domenico moving a motion in relation to a Member's failure to present a document to the Assembly.

On 16 June at 9.46 pm - - -

**Mr Berry:** You are speaking to the suspension of standing orders.

**Mr Connolly:** You are trying to tell us what you want to do, so that we can decide whether to let you do it.

**MR DE DOMENICO:** Madam Speaker, it is a serious matter, which is why I was very hesitant to do what I just attempted to do. It relates to a member of this Assembly being required by the Assembly to table a document. That member did table a document, but it was not the document that this Assembly asked the member to table. Madam Speaker, I think that reflects on this Assembly; or otherwise I would not have chosen to do what I am doing now.

**MR BERRY (Deputy Chief Minister) (3.06):** Madam Speaker, I oppose the suspension of standing orders. I do not mind, nor would any member of the Labor Party, considering the suspension of standing orders over something serious, if we were given some detail about the issue before making a judgment on it. But the Government is not going to stand by and allow the business of this Assembly to be upset without being given full information on the issue. To try to spring on, first of all, by leave, a debate that would disrupt the business of this Assembly, without advising other parties in the Assembly, demonstrates a level of arrogance that we have become used to with some members of the Liberal Party. I exclude Mrs Carnell because she is always well mannered in this place. The rest of them, I have to say, have demonstrated a level of rudeness and arrogance on these issues which I find difficult to stomach, particularly when this sort of smartie approach is taken.

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If Mr De Domenico had had the decency to raise the issue with me or the Whip, with a view to seeking leave, and we had been aware of the details, I am sure that it would have been given due consideration. But he sprang the issue of leave on the entire Assembly without prior notice, and that is why he was not given leave. We will oppose the suspension of standing orders unless we are given some information about what he is on about. It is not worth disrupting the business of this Assembly because of the bright idea of one member that we ought to consider some information about which we know nothing. On that score, unless Mr De Domenico can come up with something a little better than he has thus far, we will oppose the suspension of standing orders.

**MR HUMPHRIES** (3.08): Madam Speaker, to borrow a phrase of Mr Berry's, the air reeks with hypocrisy. Mr Berry might throw his mind back to previous occasions in the Assembly where motions of censure - - -

**Mr Berry:** Censure is a different matter.

**MR HUMPHRIES:** No, not at all. On those occasions, Mr Berry never gave the Government, as it then was - - -

**Mr Berry:** Censure motions are a different matter, and you know they are.

**MR HUMPHRIES:** They are not at all different; it is exactly the same. Motions condemning members for misleading the house were constantly moved in the old Assembly, by Mr Berry without notice to the Government.

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

That the question be now put.

Question put:

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

The Assembly voted -

*AYES, 8*

*NOES, 7*

Mrs Carnell  
Mr De Domenico  
Mr Humphries  
Mr Kaine  
Mr Moore  
Mr Stevenson  
Ms Szuty  
Mr Westende

Mr Berry  
Mr Connolly  
Ms Ellis  
Ms Follett  
Mr Lamont  
Ms McRae  
Mr Wood

Question so resolved in the negative.

**MADAM SPEAKER:** Members may like to look at standing order 272. In this case, although the vote is eight ayes and seven Noes, the motion has to be carried by an absolute majority. We do not have an absolute majority in this case, so the motion is lost.

**Mr Kaine:** That is an absolute majority.



**MADAM SPEAKER:** I am sorry; it has to be nine ayes. In deference to your concern, Mr Kaine: I asked exactly the same question and noted the same number. Unfortunately, our current standing orders do not recognise pairs, so you have to have nine ayes.

**Mr De Domenico:** Shame!

**Mr Humphries:** That is shameful.

**Mr Connolly:** I raise a point of order, Madam Speaker. These members are interjecting "shame" against a ruling you have just given. That is quite out of order.

**Mr Humphries:** It is shame against you.

**MADAM SPEAKER:** I hope that is the implication of that "shame". You may all care to read standing orders for yourselves.

### **TOURISM COMMISSION - AUDIT ACT Papers and Ministerial Statement**

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, I present, for the information of members, the following papers:

Audit Act -

Tourism Commission - Financial statements, including the Auditor-General's report, for the period 20 February 1991 to 30 June 1991.

Statement and Schedules, which detail the increase of annual appropriation and the transfer of funds for the financial year 1991-92, pursuant to section 49A and presented pursuant to section 49B.

I ask for leave to make a very short statement.

Leave granted.

**MS FOLLETT:** Madam Speaker, the Audit Act 1989 provides for the effective financial management of the ACT Government Service. Pursuant to section 49A of this Act, the Executive has approved the onpassing of increases in specific purpose payments from the Commonwealth, where these increases are additional to the amounts provided for in the preparation of the 1991-92 budget. In addition, the Executive has also approved a number of transfers of funds within and between programs, in accordance with section 49(1) of the Act, to enable surplus funds that have arisen during the course of the year to be available for use within other areas of the Government. Both these measures have been taken by the Executive to facilitate the additional funding needs of the programs arising from government-endorsed changes in priorities and to provide additional levels of service in accordance with arrangements with the Commonwealth.

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**LAND (PLANNING AND ENVIRONMENT) ACT LEASES  
Papers**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members I present the following papers, together with explanatory statements:

Land (Planning and Environment) Act - Leases granted pursuant to section 161, together with explanatory statements -

Ngunawal, section 1, block 1.

Nicholls, section 1, block 3.

**BUDGET STRATEGY 1992-93  
Ministerial Statement**

Debate resumed from 18 June 1992, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

**MRS CARNELL** (3.16): I would like to make some comments on some parts of the budget strategy statement. Ms Follett has announced an acceleration of the planned capital works program. This will generate employment for about 300 people in the ACT. It would be interesting to know how many of these people will be women and how many will be people aged between 15 and 19 - the areas of great concern in unemployment in the ACT. The result of the recent Premiers Conference was a 6.5 per cent decrease in Commonwealth general purpose funding for the ACT. The strategy statement put forward by Ms Follett did not, by any stretch of the imagination, address how the Government will balance this 6.5 per cent cut against the apparent commitment to maintain services. A couple of nights ago we began to see the Government's real budget strategy emerge. Hikes in taxes and charges amounting to \$19m were announced. This still leaves a huge shortfall of over \$50m to cover.

Health spending represents about 25 per cent of the ACT budget. I can only assume that, in contrast to the hollow statement of the budget strategy that services will be maintained, there will in fact be a cut to the health budget. Such a cut would have to be doubly severe. A cut of 5 per cent in real terms was announced last time around, yet we are actually spending more than in the previous year - 2 per cent the last time we looked. If this is the best we can manage, then any cut in the health budget will have to be even more draconian in order to make it stick this time. Ms Follett says that the way the Commonwealth treated the ACT this year is "probably no worse than we will face in the next few years". Such a statement highlights the real need for long-term planning in the health environment. The 6.5 per cent cut in Commonwealth funding is compounded by the sorts of developments which Ms Follett noted - rather too obliquely, I might add - in her speech.

Firstly, the national health funding arrangements are placing enormous strains on State and Territory budgets, and certainly the ACT is no exception. As Ms Follett said, the Commonwealth is still leaving us in the dark about what they propose to do to correct this situation. They seem to be as bereft of ideas as the ACT Labor Government. Secondly, Ms Follett also noted the continued shift from private insurance to public patient status in hospitals. This causes decreasing revenue and is necessitating rapidly increasing so-called agreed supplementation in the health budget. Again, some of this supplementation may not even be agreed to, if recent reports of a disagreement between Treasury and Health are anything to go by.

I have raised these concerns previously, and Mr Berry has been inclined to regard them as some sort of Liberal plot. However, he is now getting the same message from his Chief Minister. It is not good enough merely to note the difficulties in our current system. What are we going to do about them? There is very little in the budget strategy to explain that. Ms Follett stated that she would not cut services. Unfortunately, in the health environment at least, this is already happening. Hospital bed numbers are being reduced to satisfy budget imperatives, waiting lists are being lengthened and community-based domiciliary services are running out of funds and are regularly unable to take new clients. Even services such as dentistry have lengthening waiting lists and reductions in the services available.

Ms Follett said that instead of cutting services the Government would provide services more efficiently and at a lower cost. That is all very well, but how? Few specific examples are mentioned. In the area of health, I believe that we must look at the huge cost imposed by wage levels, especially in the area of administrative staffing. As it is, the ACT has no capacity to achieve some of the economies of scale of the larger health systems in Australia. We have a full bureaucracy to run what is, in effect, one and a bit hospitals and a few health centres.

One of the great deficiencies in the budget strategy statement is that it fails to mention the possibility of involving the private sector in the provision of health and community services in the ACT. This is a topic we should be able to broach without the fear of distortion from the Government side, and it is certainly a distortion to say, as Ms Follett did, that 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. If the Government wants to retard genuine debate and the exchange of ideas, they are taking the right approach to achieve that. It is commonsense.

The recent Premiers Conference clearly showed that the ACT must be looking at ways to maintain and improve the health system, but without extra money coming from the Commonwealth. At a time like this, therefore, it would be sensible to look at involving the private sector. There are a number of services currently being provided by the ACT Government which, due to the inability to achieve economies of scale and, in some cases, restrictive work practices, are extremely expensive to run. If these services were outsourced, they would be both more accessible to the public and more economical to the Government.

I should mention one area relevant to the decrease in hospital revenue we are experiencing, and that is private health insurance. The Liberal Party supports Medicare. It is an integral part of the Fightback health policy. We are not interested in keeping just bits and pieces, as Mr Berry is recorded in *Hansard* as

saying. We do not want Medicare just for the disadvantaged. We want universal health cover - Medicare in its entirety. We are therefore very conscious of the financial burden the current system is imposing upon the ACT, as Ms Follett mentioned in her speech. The Liberal Party supports measures which would inject private capital into the system and thus help alleviate this burden. It is no exaggeration to say that the Labor Party does not. In fact, all the Labor Party here seems to be able to come up with is a call to the Commonwealth for more money. That sort of bleating will not get us far. I think it would be very much better for the ACT Minister to push a more sophisticated position at Health Ministers conferences, a position that would involve encouraging the injection of revenue by encouraging private health insurance.

Health spending represents some 25 per cent of our budget. Therefore, in any overall health strategy the health portfolio must be closely scrutinised. Health is a difficult area to manage, and there is currently an absence of long-term planning. Mr Berry and Ms Follett must together rectify this. We must not rule out of order particular ways to get around these budget problems. We should not dismiss contracting out or the possibility of increased private provision. The private sector is a resource ready and waiting to be used. Let us use it.

**MS SZUTY (3.24):** Madam Speaker, in considering the budget strategy I feel that it is important to look ahead at the Canberra we want to see in the next three years, and then to look at the resources available to meet those expectations. One of the most important goals for the ACT is to create an egalitarian community where all residents have the equal rights and equal access to services that they need to maintain a high-quality standard of living. We have the advantage in Canberra of being a relatively small and geographically well-defined population where there is the opportunity to extend to all citizens an equal level of services.

As a starting point, my approach to a budget strategy would be to look at planning processes, determining likely growth and the capacity of future land development and community infrastructure to meet that growth. This means an assessment of the structural assets we possess, such as community services, educational facilities, government-owned buildings, and transport and utilities infrastructure, and their capacity to meet the expected increases. Only then can we judge the need for expansion in these areas. In this process it is important to make sure that the main strength of the ACT - its planning procedures - is retained. There is no substitute for the strategic planning that has been the hallmark of the national capital to date. Without this strategic planning it would be easy for Canberra to become lopsided in its infrastructure, with growth occurring without a proper framework.

This brings me to a matter of some importance in the future development of an egalitarian society. As Tuggeranong nears capacity, the Government needs to commit itself to the future greenfields development of Gungahlin and to accept as a matter of importance the community infrastructure provision that will be necessary to sustain the growing population. The Government's claims in relation to what has been provided for the population of Tuggeranong in the way of community services and infrastructure would lead the public to expect a similar level of commitment to Gungahlin. There also needs to be a commitment to strategic planning, proper community consultation and a recognition of Canberra's best assets and qualities, which will ensure that our city continues to grow and develop in a planned and sustainable manner.

Turning to the Government's strategy for the budget, the approach to public consultation on the issues raised is impressive. As an advocate for community consultation, I cannot speak highly enough of the need for participation by those directly affected by the budget. It was appropriate for the Government to start this consultation process by contacting the following peak organisations: The Business Council, the ACT Council of Social Service, the Trades and Labour Council, and the Economic Priorities Advisory Committee of the ACT. The additional step - that is, the approach by Ministers to umbrella groups within the community about their views - is an important part of the consultative process, as is the opportunity for the input of the public and community sectors.

I congratulate the Government on its approach to the budget process and feel that the appropriate targets have been identified. They are: Firstly, to balance the recurrent budget; secondly, to limit the borrowings for capital works; and, thirdly, to examine all areas for future efficiency gains. I am pleased to see tourism targeted as one area in which the Government sees a growth industry for the national capital. Canberra is well placed to take advantage of the need for accommodation in this region, and the focus of our development in this area should be as broad as possible. The casino will have an impact on the Territory's revenue base, with a predicted \$19m premium. I consider it important that the community has an input into how these funds are used, even given the Government's commitment to their use for cultural and heritage facilities.

The ACT Assembly is assessing the best location for its activities, and I see this as a beginning to a process where the Government moves away from rented accommodation to underoccupied but government-owned and therefore rent-free accommodation. I agree with the strategy announced by the Chief Minister to identify land that is genuinely surplus to government's requirements and then to develop or sell those properties to increase the return to government. Included in this will need to be an examination of the network of depots used by the various utilities, and I understand from comments made by the Chief Minister that this is part of the Government's overall strategy of property asset rationalisation. I also endorse the Government's commitment to full cost recovery on municipal services and those which have an environmental cost, its emphasis on service delivery over administration, and its commitment to minimising tax avoidance. All these factors contribute to the notion of a fair and equitable society where all sectors of the society share the costs and benefits of the provision of services.

I would also like to add my thoughts on areas which could be emphasised in budget deliberations. I feel that a close examination of demographic trends would help maximise the location of future community infrastructure. This is important, particularly in the case of Gungahlin, where the experience of Tuggeranong and projected land sales and development approvals could be used to help with the planning and timing of the provision of infrastructure, particularly with regard to capital works commitments. There is also room for a more innovative use of existing infrastructure, starting with greater coordination, promotion and cooperation of services.

In conclusion, I feel that the vision we as a community have for the future of Canberra should shape the budget strategy. I am at the same time concerned that the plan be a government strategy, not a Treasury strategy or a public service strategy, although all these people as individual community members have a stake in the outcome. The relationship between the Commonwealth Government and the ACT Government has lost its rosy glow and has become, if anything,

more hard-nosed than the relationship between the Federal Government and the States. This being the case, the importance of informing the ACT community of the implications of this in budgetary terms cannot be emphasised too strongly. Hand in hand with this goes a need to listen to the advice proffered by the community, accepting the community's priorities and concerns as guidance for budgetary emphasis. The centrepiece of the budget strategy is community consultation. However, the emphasis needs to be moved from one of what we can do with our resources to an initial question of what we want and, then, how we fund it. Finally, the Government is to be encouraged to put continuing emphasis on micro-economic reform, along with a commitment to new innovative programs, services and initiatives.

**MR DE DOMENICO (3.31):** Madam Speaker, I rise briefly to talk about the budget strategy statement. As Ms Follett said, the budget strategy statement was the Labor Party's agenda for the next three years. Obviously, the strategy was designed to enable the Government to implement its agenda. It is a pity that a lot of things set out in that agenda were not brought up before the election. In particular, I refer to the situation where Ms Follett now realises, quite correctly, that any areas that are not being actively used for the benefit of the ACT ought to be looked at for further redevelopment. We applaud Ms Follett for finally coming to that realisation. The statement said very little about the long-term creation of employment in the private sector, save that it made a lot of those motherhood statements that everyone in this community makes from time to time.

We note that the deficit is now somewhere around \$73m, and in fact my question this afternoon to Ms Follett commented on the reaction of the Canberra Business Council. Might I say once again that the policy realities of both Commonwealth funding and appropriate State-like expenditures do require the Government to seek a reduction of at least 10 per cent in its overall budget expenditure, and a saving of at least \$100m must be achieved within the next two years. In fact, if that does not happen, we believe that the budget gap might get to \$200m. The Opposition found the budget strategy to be generally disappointing in this regard, as it failed to make many of the difficult decisions which will be needed to ensure that Canberra's future economic prosperity is achieved. The other thing I need to say is that the statement did not mention the commitment the Labor Party has given from time to time to bringing the development of land back into government hands. One might now ask whether the Government has changed its mind. Where would it find the \$60m or \$70m it would require for that to happen?

Perhaps my greatest criticism of the budget strategy is that, in my opinion, it lacks vision. We did not hear anything about the possibility of a private hospital on Lake Ginninderra. We did not hear anything about the redevelopment of Acton Peninsula. We did not hear anything about the development of West Belconnen, which I think is very important. We heard this morning that there had been negotiations about the Kingston foreshore land. The budget strategy lacked any news about whether the industrial relations system would be overhauled. What will happen now that we are allowed to have our own public service? There was no mention of things that are perhaps too visionary, such as the Commonwealth Games, light rail, the urban village, high technology in education, and even a high altitude training establishment in Corin Forest.

The budget strategy contained a lot of motherhood statements, but its substance was very little. We do know, though, what the real budget strategy is. We have seen taxation by stealth. We have seen charges and rates go up. We have seen taxation by press release. We have seen situations where rates and charges have gone up by more than the inflation rate. We have seen TAFE charges go up by 20 per cent, buses by 4 per cent, tobacco by 25 per cent and parking by 8 per cent. The CPI increase, we are told, is presently 3 per cent, although others tell us that it is 1.7 per cent and others still tell us that it is 0 per cent. We have not seen the other side of the ledger. What about the 250 redundancy packages in the Public Service that Ms Follett talked about, and she mentioned it again the other day? What about modifying our industrial relations system? What about savings in ACTION? What about corporatising ACTEW? Where is the micro-economic reform? What about sound economic management? And the budget is yet to come! I and the Liberal Party are very disappointed with that strategy.

Question resolved in the affirmative.

### **YOUTH EMPLOYMENT Ministerial Statement and Paper**

Debate resumed from 18 June 1992, on motion by **Mr Berry**:

That the Assembly takes note of the papers.

**MR DE DOMENICO** (3.36): Madam Speaker, I rise very briefly to talk on this report and paper. I believe that in the main the paper is very good. Once again, it talks about the most important thing we need to discuss in this Assembly - the rate of youth unemployment in Canberra. One point I should like to make is that Dr Colin Adrian, the secretary of the committee that looked into this issue, said on a radio program that in his opinion the youth unemployment figure for the ACT was 3,000. That flies in the face of the ABS figures, which attempted to tell us last time that it was something like 11.7 per cent. What I am saying is that perhaps 11.7 per cent is an unrealistic guess at the rate of youth unemployment. There is no reinvention of the wheel approach to achieving a better rate of employment, whether youth or adult. We have to make sure that the cost of labour is less than it is now. We also have to make sure that the private sector is given the incentive to employ labour.

The report made some very interesting recommendations. It referred, for instance, to the deregulation of the labour market as far as youth wages are concerned. It is not alone in recommending that. Such a luminary as Mr Carmichael from time to time tends to speak the truth, and he speaks very well. He agrees that we ought to be looking at youth wages; that we ought to be looking at deregulating trading hours. We should deregulate trading hours at the same time as we deregulate the labour market, because things like that are very important. The report says a lot of the things that the Liberal Party has been saying for a long time. Recommendation 14 states:

The ACT Government investigate the deregulation of trading hours, to bring them at least into line with those in NSW (and Queanbeyan in particular).

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It is very perceptive when it recommends that. On many long weekends in the ACT literally thousands of Canberra cars go across the border to Queanbeyan and people shop there. That is something the Government ought to be looking at.

Recommendation 15 talks about the issue of penalty rates and associated award conditions within the retail, hospitality and associated service industries, and suggests that the Government should refer the issue to its Industrial Relations Advisory Committee. I think the Liberal Party would go a step further and say that the time for referring matters to committees is long past, and that we need some action. I look forward to Mr Berry's reaction to things such as deregulation of trading hours and the labour market at the same time, because we all know that to do one without the other is virtually useless. For all those reasons, the report is to be commended. A lot of what it says is very good. It is an excellent report. What is lacking now is government action to make sure that most of the recommendations come into being.

**MS SZUTY (3.39):** Madam Speaker, I do not intend to take up members' time by addressing at length the EPACT report on youth unemployment. I have raised the issue of youth unemployment as a matter of public importance in this Assembly; I have moved a motion for this Assembly to establish a select committee to inquire into youth unemployment; and the Standing Committee on Social Policy has further discussed whether to establish a select committee of this Assembly on youth unemployment. I believe that my views on youth unemployment and what can be done to address the issue are well known, and I do not propose to take up members' time by speaking further on the issue at this time.

Question resolved in the affirmative.

### **STATUS OF WOMEN Ministerial Statement**

Debate resumed from 17 June 1992, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

**MRS CARNELL (3.40):** It is with great pleasure that I respond to Ms Follett's status of women statement. In the Chief Minister's statement she covers a large range of areas which are very important to women and to the wider community. In fact, at first glance it would seem that her speech could have been written from Liberal Party policy. Rather than attempt, though, to make political points on this issue, I believe that it is important to note the large areas of overlap between the major parties in the area of women's policy. This should mean that great gains can be made in our joint goal of fostering the principle of equal opportunity for women.

During the time of the Alliance Government much progress was made in improving the lot of ACT women. In March 1990 the Alliance Government's policy on the status of women was released. This document provided a practical, manageable and comprehensive program for reform in many of the areas that interest women, particularly employment, education, health, accommodation and safety. The ACT Women's Consultative Council became fully functional, and the publication *Women ACT* was initiated. The Alliance Government also



inaugurated the award of ACT Woman of the Year. These initiatives were tangible ways of fostering the cause of women. Mr Kaine also established a consultative committee on domestic violence. From the recommendations of this committee came several amendments to the Domestic Violence Act, the preparation of educational brochures, and the provision of additional funds for accommodation for survivors of domestic violence. The pressing need for improved child-care was recognised by the provision of funds for child-care facilities at Woden Valley and Calvary hospitals.

I have given this very brief summary of some of the achievements of the Alliance Government with regard to women to make an important point. Ms Follett's statement was heavy on the rhetoric but a little sparse on achievement. She says that she is pleased with the participation rate for ACT women in the work force. I must say that I am surprised by this, because the participation of women in the work force in the ACT is falling at a faster rate than in any other State. Sure, the ACT had a higher rate to start with, but this in no way lessens the stress of joblessness on personal and family life. The great tragedy of this situation is that many of these women are despairing at the hopelessness of job search and are simply giving up. The Australian Bureau of Statistics labour force statistics show that the number of women in the full-time work force has decreased by 1,900 since March. At the same time, the number of women not in the work force at all increased from 39 per cent in March to 43 per cent in May. This, of course, would not be a problem if all these women had chosen to leave the work force; but we all know that this is not the case.

In the Chief Minister's budget strategy statement she mentioned the severe imposition on the budget of the Federal Labor Government's superannuation levy. A similar imposition will be placed on Canberra's small businesses. Many businesses have already indicated that they will shed staff. If history is anything to go by, most of these retrenched staff will be women. Unfortunately, this will further reduce the participation rate. Furthermore, I do not believe that it is good enough to look only at the raw participation rate figures. It is necessary to look at the levels of participation in different occupational categories. When the participation and employment rates for women are high, it is usually because the demand for secretarial staff is high.

The two biggest sources of female employment in the ACT are clerical work and the retail sector. This is partly due to the relatively small private sector in the ACT and to the lack of a diverse economy. Encouraging the development of a more diverse economy and moving the city away from its perceived status as a one-industry town will help the growth of employment options for women. To look at the participation rate alone is misleading. The important point is that we want to see a high participation rate across all sectors of the economy, not just in the retail and clerical trades. Ms Follett waxes lyrical about providing skills training for women. This is a laudable project; but it is absolutely useless, and actually positively counterproductive, if there are no jobs available at the end of training.

I applaud the Chief Minister's commitment to more flexible working arrangements to account for family responsibilities. Commitment is one thing, Ms Follett, but let us see some real action in this area. I get regular reports from women in part-time or job-share arrangements saying that they have been overlooked for promotion or that the system seems to doubt their dedication to their work. We must do something to improve the status of these women. If the

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Chief Minister is really interested in making some real gains in this area, she should consult with the private sector. As she said, it is the private sector that will provide most of the job growth in the future. So there is not much point in making all these grandiose statements about women in the work force until initiatives are taken in cooperation with the private sector.

Ms Follett speaks glowingly about her initiative for women in small business, an area with which I am very familiar. I wonder whether Ms Follett's business breakfasts have encouraged many women actually to enter the small business environment or given any of them the backup they need to take that large plunge. I also wonder whether the breakfasts have stopped any small businesses becoming one of the ever-growing bankruptcy statistics. There are many real problems out there for small business, and I am confident that we could do better in this area. We must address the real problems, and I do not know that having breakfast achieves that.

The area of child-care is one near and dear to my heart, as I am sure it is for all working mothers. Ms Follett talks about two new employer-supported child-care centres for ACT Government employees. She claims that these new centres will free up places in private day-care centres. That might be true, but will the new centres overcome the lack of facilities in Tuggeranong? Possibly Ms Follett thinks that the private sector will bail her out in Tuggeranong, or maybe she is waiting to get some of the extra \$90m available under Fightback for child-care. I wonder whether the private sector will be willing to invest money in child-care after the debacle of leasing part of North Curtin Primary School for child-care when Peter Pan day-care centre is right next door. Part-time and occasional child-care are becoming increasingly important as more and more women are working non-traditional hours, and it is on this area that I believe the Government must concentrate very heavily. In the ACT at this moment there is very little child-care outside the hours from nine to six, and there are more and more women working those outside-normal-hours times.

Ms Follett refers to some of the problems experienced by women in the unpaid work force and by carers. She did not even mention the greatest problem carers face, and that is the chronic lack of respite services in the ACT. Again, perhaps the \$10m that will be available under the Fightback package for these purposes will help solve these very real problems. I was pleased yesterday to support the Domestic Violence (Amendment) Bill and associated legislation. The Liberal Party totally supports the priority given to this area by the Labor Government. I sincerely hope that this sort of consensus in the status of women arena will pave the way to real progress, marked not by rhetoric but by action.

**MS SZUTY (3.49):** The Chief Minister has spoken in praise of the position in our community of ACT women and of the government programs which have assisted them to reach these levels. In fact, some of the initiatives outlined in her speech have been passed by this Assembly only this week, namely, the protection orders legislation and the amendments to the Domestic Violence Act and the Crimes Act. These are all positive moves for women and a part of what I see as the necessary measures to redress what society has condoned for far too long in this area, that is, domestic violence.

There have been many milestones for women to celebrate in the past 100 years, marking their progress to equality. The first, of course, was gaining the right to vote, where South Australia took the lead in 1894. The landmark we all looked to in recent times was the passing into law of the Commonwealth Sex

Discrimination Act 1984 - an Act relating to discrimination on the grounds of sex, marital status or pregnancy, or matters involving sexual harassment. That was a laudable achievement. But, going further into the objectives, there is an alarming trend emerging - for example, terms such as "to give effect to" certain provisions of the convention to eliminate all forms of sexual discrimination against women; to eliminate "as far as possible" discrimination on the grounds mentioned above; to eliminate "as far as possible" sexual harassment in the workplace.

This last objective aims to promote the recognition and acceptability in the community of the principle of equality of men and women. It has been eight years since this Act was passed. How far have we come in that time? The Chief Minister quotes labour force participation as a measure of how well we are doing. In 1991 that figure was 65 per cent, but the unemployment rate was higher for females; of those in the work force, 65 per cent worked full time, 30 per cent worked part time and five per cent were unemployed. These figures are now 12 months old at least and, if the reduction in participation is a rough guide - down from almost 65 per cent in last year's report to 62.2 per cent on figures this year - there will have been a similar shift in the unemployment and part-time versus full-time figures. The old report also shows large losses in the predominantly female part-time sector. With the worsening of the economic scene, we have seen evidence that this situation has only become worse.

In wages, the differential still exists between males and females, despite the fact that the equal pay case goes back to 1969. The differences have been quantified in the past few years and given a rationale. Firstly, women tend to work fewer hours than men in jobs outside the home. There are still in the wider Australian community differences in educational attainment and differences in experience because at the present time the female work force is, on average, three years younger than the male work force. There is discrimination by employers, which, although illegal, still goes on, and discrimination on the basis of marital status, where it is recognised that both married men and married women earn more than their single counterparts. However, women have more time out of the work force in their role as child-bearers. This impacts on more than just earnings. It has serious ramifications for women's participation in national strategies, such as the consideration of the superannuation levy. It has been pointed out during this debate that the trend is still for women to leave work when their children are very young, with a staged re-entry that takes place over a number of years and at varying levels of participation, as mentioned by Mrs Carnell.

These are issues that need to be addressed to take into account what has been expressed by women and reflected in these trends. Women want support to take on these roles at their discretion, and flexibility and support for their decisions on what proportion of their lives they want to spend in their differing roles. We have legislation that recognises that women want and need time off, with some security that they will have a job when they come back from maternity leave. We have also granted men time to experience the role of the nurturing parent. This goes some way towards the type of program I am speaking of and acknowledges that sometimes there needs to be a recognition of family commitments and access by partners to this flexibility to allow women to make choices in their and their family's best interests, without having to make a decision between the work force and the home.

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I note that the Chief Minister has outlined other initiatives which will address some of the issues involved, and I welcome these. I am also pleased that further consideration will be given to child-care. We in the ACT are blessed with very good facilities and programs, even if they are not always able to meet the needs of all their would-be clients. More child-care places need to be made available, but it is important that these do not duplicate existing services while leaving some areas without adequate child-care.

I note that the Chief Minister has had the issue surveyed and will watch with keen interest the revelation of the findings. But I submit that this is one of the key areas of the proposed survey of women in the work force who have family responsibilities. The two surveys could have been better conducted in concert, to cover all aspects of child-care and parenting, including after-school care programs and activity programs for young teenagers.

I turn at last to a disturbing trend being described by feminist writers and those involved in women's affairs. It has been tagged as the feminist backlash, and Canberra itself has played host to one of the examples used to substantiate the phenomenon. Sarah Dowse, a former head of the Commonwealth Office of Women's Affairs, in a recent article cited the case of three men who took to the courts the issue of funding for women's health programs. The Human Rights and Equal Opportunity Commission had not thought that the issues, as they were first raised, constituted discrimination under the Act; but eventually the Federal Court ordered the commission to hear the case. The argument was that because men died earlier they deserved special health services, and that it was discriminatory to fund women's health units.

The commission eventually ruled that the absence of a special program for men did not make the existence of the women's program discriminatory, but it was the way the case was reported that Dowse used to support her argument that there has been a backlash. Some have quoted what she sees as another backlash by academics and commentators, who use as their catchphrase that these sorts of decisions are the result of politically correct thinking, that they are a threat to free speech and civil liberties. The women's movement has also identified trends in recent popular movies as cause for concern.

It is true that the progressive policies of the past have been developed in relative affluence, and it will be a test of the will of this Government to press ahead with its reform agenda under adverse economic conditions. I congratulate the Chief Minister and, like Mrs Carnell, look forward to seeing more positive and innovative programs come before this Assembly in the interests of women. I close with a plea for a commitment to the final objective of the 1984 Sex Discrimination Act, that is, the promotion of recognition and acceptance in the community of the principle of the equality of women and men. We achieve this through more education and the promotion of a positive image of women and their contributions to both the social and the economic spheres of our society.

Question resolved in the affirmative.

**MR DAVID LAMONT**  
**Motion of Censure**

**MR DE DOMENICO** (3.58): Madam Speaker, I seek leave to move a motion of censure in relation to a member's failure to present a document to the Assembly.

Leave granted.

**MR DE DOMENICO**: I move:

That this Assembly censures Mr Lamont for failing to comply with the order of the Assembly to present the relevant document from which he was quoting during the agreement in principle debate on the Animal Welfare Bill 1992 on Tuesday, 16 June 1992.

Madam Speaker, I preface my comments by saying that this situation does not give me any pleasure whatsoever.

**Mr Berry**: Well, why didn't you sort it out out the back?

**MR DE DOMENICO**: I mean that sincerely, Madam Speaker.

**Mr Berry**: We believe that, too.

**MR DE DOMENICO**: Good. Well, I hope you do, because it is the truth. Madam Speaker, on 16 June at 9.46 pm Mr David Lamont foreshadowed an amendment to the Animal Welfare Bill. He then went on to raise a range of matters which had been brought up by Mr Westende. During the course of that debate Mr Lamont read a quote from a document he had in his possession, and I asked him to table that document. Madam Speaker, I refer you to the proof copy of *Hansard* of the Legislative Assembly for 16 June 1992, pages 96 and 97. There was confusion, Madam Speaker, as you may recall, about the timing of my request; but Mr Lamont, in fact, did table a document. Following the debate I obtained a copy of the document tabled, and I seek leave, Madam Speaker, to incorporate it in *Hansard*.

Leave granted.

*Document incorporated at Appendix 2.*

**MR DE DOMENICO**: Thank you.

**Mr Berry**: What is the document?

**MR DE DOMENICO**: It is the document that Mr Lamont tabled that night. On receiving the *Hansard* proof the other day, Madam Speaker, there was no doubt in my mind that the document tabled by Mr Lamont was not, in fact, the one from which he read the quote. That is irrefutable, Madam Speaker. For the sake of the record I will read what Mr Lamont said and quoted. Mr Lamont said:

There is an interesting one that I will start off with in relation to some advice which I understand - and this did not come with the ACIL with compliments slip on it - some interesting matters which in fact these people have been advised to use, the tactics they have been advised to use in detailing any response to this Bill. It talks about -

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Then he quoted from this document.

**Mr Berry:** How do you know he quoted from the document?

**MR DE DOMENICO:** Because it appears so in the proof *Hansard*, Mr Berry. He then quoted this:

The Government is perhaps pushing the controversy on circuses to focus attention away from the more powerful consequences ...

et cetera, et cetera. On noting this anomaly, Madam Speaker, I yesterday approached the Clerk and sought his advice as to how best to correct it. Acting on advice from the Clerk as to how to remedy the matter, I approached Mr Lamont and suggested that, on reading the *Hansard* proof, it appeared that he had inadvertently tabled the wrong document. So I did go and approach Mr Lamont, on advice. Mr Lamont then suggested that this was not the case and that the whole episode was simply a debating tactic. I think that was the phrase that you used, Mr Lamont. Madam Speaker, I do not accept that explanation. I believe that it was a deliberate failure by Mr Lamont to table a document which the Assembly ordered him to table. This is unacceptable and deserves more than condemnation now, Madam Speaker; it deserves censure.

**MR MOORE (4.01):** Madam Speaker, it seems to me that we have before us a very serious matter indeed. It is a matter of thumbing your nose at a parliament, and that is totally unacceptable in any member of any party. The evidence that Mr De Domenico has presented is evidence of a very serious matter indeed. I remember a discussion with a friend of mine who was involved in assisting Commissioner Fitzgerald, and he said to me that corruption begins with the small things. In fact, he often wondered whether corruption in Queensland began with the notion that police officers could ride for free on public transport, in that it builds up in somebody's mind the idea that they are beyond what normal people can and cannot do. In dealing with this situation I think we all have a very sober warning following events in New South Wales over the last few weeks. Clearly, Mr Greiner and Mr Tim Moore thought that they were just looking after one of their mates and fixing Dr Metherell up with a job. That situation probably seemed to them to be fairly minor.

When Mr Lamont was talking at that time - I have a copy of the draft *Hansard* - he had a couple of papers in front of him, and he was playing with one and holding up the other. I will quote a little from that *Hansard*. Mr De Domenico raised a point of order and said:

Could he please table that document, or can I seek leave to have him table that document that he was reading from?

Mr Lamont replied:

... I have ... no difficulty in tabling this document.

At the time he held up a document and Mr Kaine said:

They are just some scrubby old notes.

My reading of that is that it means, "No; that is not the document we are looking for". Mr Lamont then said:

Not at all. Do you want this document tabled?

Mr De Domenico said:

The one that you were reading from.

Mr Lamont said:

You want this one?

Here is a game being played. The document that Mr Lamont was reading from is identified even by the *Hansard* typist. We have only the draft *Hansard*. Even the draft *Hansard* typist clearly understood that Mr Lamont was quoting from a document. *Hansard* has it inset as a quote from a document.

It is interesting that that document matches word for word a document that I have been given today and that I understand was an internal Liberal Party working document. I can understand why it was that the Liberal Party wanted to have that particular document tabled. The document itself is of no particular relevance to me. What is of relevance is that - - -

**Mr Lamont:** You have a copy there, do you not?

**MR MOORE:** I have a copy here which you are welcome to look at and which I was given today. What is of relevance to me is that there was a clear instruction from the parliament to table a document that was being read from. There was a clear intention about what this was about. I am waiting to hear Mr Lamont's answer, but it appears to me that we have a very clear-cut case of what was wanted and something else was given. If we allow this sort of situation to go on, it means that parliament is not important; give them what you want to give them and it is neither here nor there. That is all there is to it. It is simply a matter of thumbing your nose at a parliament. It is totally unacceptable for any member to treat the parliament with such disrespect. If we allow that to happen, we would have the lowest standards of parliament in the - - -

**Mr Connolly:** Shredding machines.

**Mr Berry:** Do you remember the shredder?

**MR MOORE:** We would indeed, and that would be entirely inappropriate. Mr Connolly interjects, "Remember the shredding machine?". Had Mr Lamont thought of the matter, perhaps he would not have quoted from the document or perhaps he would have shredded it. Mr Connolly may remember that I wore the result of the parliament's decision on that occasion. It may be that he wants to modify the motion. Perhaps he wants to move an amendment to the motion to make it exactly the same as the motion on the business with a shredded document. The point is that it is unacceptable to have any member thumb his or her nose at the parliament. That is why it seems to me at this stage - but I am waiting to hear from Mr Lamont - that this motion should be carried.

**Mr Humphries:** Are you going to defend yourself?

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**MR LAMONT** (4.07): I heard an interjection from across the floor, "Do you want to defend yourself?". I had not realised that you were pontificating again today, Gary. As was explained to your Whip, you need to have a look at the chronology of events before you start pointing the finger at anybody, Mr Humphries - something that you do not normally do, but something that you should be doing. On the afternoon in question, following Mr Westende's fairly lengthy dissertation on the Animal Welfare Bill, I indicated that I would speak next, and I did so. I went on to say, basically as a debating point, that I was aware that a document had been prepared, not unlike the one that lies on Mr Moore's table today.

**Mr De Domenico:** From which you quoted verbatim.

**MR LAMONT:** Not unlike the one that Mr Moore quotes from today - - -

**Mr De Domenico:** Verbatim.

**MR LAMONT:** Excuse me. That is one of the two pages of the document that I had in my possession in my office. As I understand, it was two pages, from memory - - -

**Mr De Domenico:** Three.

**MR LAMONT:** Three, was it? Thank you for that. Maybe you would like to table the other two pages as well. I had a document which I quite clearly quoted from. I quoted from a particular part - it is recorded in *Hansard* - suggesting that it was an ACIL document. If you recall, the only time that the Liberals have had any advice of any substance it has come from a document which was leaked and which was tabled - I think Mr Moore had it in his possession at the time - with a "With compliments" slip from ACIL. It told the Liberal Party that it should take an opposing view on every single issue that the Labor Party raises and how to do so, irrespective of the merits of the case - a bit like the Animal Welfare Bill. So, to draw that same comparison I used that quote and went on.

We then went on with some toing-and-froing in relation to what the document was. I had a comprehensive speech note prepared off the document which I had in my possession but not in this house, part of which is similar to this.

**Mr De Domenico:** Similar?

**MR LAMONT:** Similar to this.

**Mr De Domenico:** Exactly the same.

**MR LAMONT:** Well, I am sorry; this document is not the entire document, so I am saying that it is similar to this document.

**Mr Kaine:** How come the words that you used are not in that document that you tabled?

**MADAM SPEAKER:** Order! Mr Lamont has the floor. Let Mr Lamont speak.

**MR LAMONT:** The extract I used came off this page, and the quote - - -

**Mr De Domenico:** Which page?

**MR LAMONT:** This one.



**Mr De Domenico:** Why did you not table it?

**MR LAMONT:** I am sorry; you wanted the documents I quoted from. Let me go onto one other matter.

**Mr De Domenico:** No, no, no; we wanted the document you read from.

**MR LAMONT:** Let me go onto one other matter and I will tell you why it was put the way it was. Mr De Domenico, your usual exuberance overtook you again.

**Mr De Domenico:** No, it has not, Mr Lamont.

**MR LAMONT:** Yes, it did. In the middle of my speech, as I started to address my notes further, you said, "Make him table it; make him table it", jumping across the floor; and you were told that it was inappropriate to do so; that the time to do it was at the end.

**Mr De Domenico:** That is right.

**MR LAMONT:** I finished my speech. I returned, as I normally do - - -

**Mr De Domenico:** You finished your speech.

**MR LAMONT:** I finished my speech. As I normally do, I returned my papers.

**Mr De Domenico:** To whom?

**MR LAMONT:** To my office.

**Mr Berry:** I take a point of order, Madam Speaker. I apologise to my colleague for interrupting, but these rude people over here have to be taken in hand and prevented from interjecting while this speech is made. It is a purely trivial matter anyway.

**Mr Humphries:** What is your point of order, Wayne?

**Mr Berry:** The point of order is - - -

**MADAM SPEAKER:** I think Mr Berry is referring to standing order 39. I have mentioned it before. Please let Mr Lamont proceed.

**MR LAMONT:** Thank you, Madam Speaker. Some considerable time later - this is what I was asked to do - I was asked to table the notes that I was speaking from. I did so. I simply did so. Now, if you want the document in relation to the quote, I table the quote. If you want the entire document, my office staff at the moment are looking for it, and I will table that entire document. It is not a problem. I was asked to table the notes that I was speaking from. If you will recall, it was a contribution in this house of some importance and considerable substance in refuting the issues that were put by Mr Westende. It refuted those arguments in considerable detail. That is what I tabled. If you want the quote, you have the quote. If you want the entire document that I took that from, I am happy to table the entire document.

**Mr De Domenico:** Why did you not table it when you were asked to?

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**MR LAMONT:** Because I understood, when you moved your motion, that you wanted the notes, the comprehensive notes, that I was quoting from; and you got them.

**Mr De Domenico:** Let us throw logic into the wind, Mr Lamont.

**MR LAMONT:** You got them, Mr De Domenico. Now, if there is a problem with that, Madam Speaker, as I have said, I will table the document which I said my staff currently are looking for. One of my staff members is currently looking for it. I thought there were only two pages in the document that I received. If there are three, I will be interested to see what is on the third page, Mr De Domenico.

**Mr De Domenico:** Where did you get it from?

**MR LAMONT:** It was shoved under my door.

**Mr De Domenico:** From whom?

**MR LAMONT:** I have absolutely no idea.

**Mr De Domenico:** Right. Why did you not table it on that night, then? Why did you not table it on the night that you were asked to?

**MR LAMONT:** Because my understanding was that you wanted the notes that I was speaking from.

**Mr De Domenico:** No. Read the *Hansard* proof.

**MR LAMONT:** Well, I am sorry, Mr De Domenico. If in fact you want your own document tabled, for your own embarrassment - - -

**Mr De Domenico:** No; I have it here.

**MR LAMONT:** Well, okay; how about you table that?

**Mr De Domenico:** No; because you were asked to table it.

**MR LAMONT:** Okay; it is not a problem. If you give me a copy of that now before my staff member finds it, I am happy to table it for you.

**Mr De Domenico:** No; we want to find out where you got yours from.

**MR LAMONT:** I have absolutely no difficulty in tabling either the quote, which was read into *Hansard*, or the full document.

**Mr De Domenico:** Why did you not table it yesterday?

**MR LAMONT:** Because it was my understanding, Mr De Domenico, that you were misinformed as to what you were saying, which is not unusual.

**Mr De Domenico:** No.

**MR LAMONT:** It is not unusual.

**Mr Kaine:** Deliberate deception, I am afraid.

**MR LAMONT:** I would not expect you to say anything else, Mr Kaine.

**MADAM SPEAKER:** Mr Lamont, if you are going to table that document I have to seek leave of the Assembly to permit you to do that. Is leave granted for Mr Lamont to table - - -

**Mr Kaine:** That is not the document we are after.

**MR LAMONT:** Madam Speaker, I am asking for my staff member - - -

**Mr Kaine:** That is a copy that you just got from Michael Moore.

**MR LAMONT:** No, not this one.

**MADAM SPEAKER:** Excuse me, members! Mr Lamont said that he would table the document that his staff member was searching for. If you want that tabled, Mr Lamont has to seek leave to do so and he is now seeking leave. Is leave granted? Mr Lamont, is that the document that you are seeking leave to table?

**MR LAMONT:** Yes, Madam Speaker, it is. The handwriting on that document is not mine. The words "water and sewerage" and "water usage" on the back are not in my handwriting. The word "licence" has been written in and that is not in my handwriting. I do apologise, Mr De Domenico; there are three pages. Madam Speaker, I seek leave to table this document.

Leave granted.

**MR HUMPHRIES (4.16):** Mr Moore has rightly placed this debate in the context in which it should be placed, and that is that it is a matter of extreme concern and extreme seriousness to this Assembly. A standard was formulated and tested by practice several times during the life of the First Assembly. Mr Berry, in particular, would know about that because, through the motions that he moved and to which he responded on occasions, he was part of the process of determining what standard was expected of members of this Assembly. For example, I well recall one occasion where I, as Minister for Health, misled the Assembly about the nature of communications that I had had with members of the trade union movement. Mr Berry, as I recall, rose to censure me and I, as I recall, promptly apologised to the Assembly for having done so. That was a high standard. I think we all accepted that high standard when it occurred and I hope that in this Assembly we accept that same high standard.

Madam Speaker, I simply do not believe that Mr Lamont has been entirely sincere about the way in which he has approached this matter and I believe that the motion that Mr De Domenico has moved is entirely warranted. Mr Lamont said, "I tabled the document I thought I was being asked to table". He said, "I tabled the document that I had been speaking from. I was asked to table the document I had been speaking from and I tabled the document I had been speaking from". That is not what the *Hansard* record says. I quote, Madam Speaker:

Mr De Domenico: Madam Speaker ... Mr Lamont was reading at length from a document that he had there. Could he please table that document, or can I seek leave to have him table that document that he was reading from?

**MR LAMONT:** Madam Speaker, I have absolutely no difficulty in tabling this document.

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Further on the record states:

MR LAMONT: You want this one?

Mr De Domenico: I do not know. Which one were you reading?

It is perfectly clear that Mr Lamont had a number of documents before him and that Mr De Domenico was asking for the document from which he read; not the document which he referred to to get ideas for his speech from, not his speaking notes, but the document from which he was reading. It was perfectly plain, on reading that *Hansard* account, what document Mr De Domenico was referring to.

Let us be frank about something. You knew that that document was a leaked document. You knew that the document was a sensitive document and you were reluctant to table it in this Assembly. That is why you did not want to table that document in this Assembly. It was a document that you did not want us in this Assembly to see and that you wanted to hide. That is why, Madam Speaker, I cannot accept that the ordinary meaning of the words Mr De Domenico used in his question - "that document that he was reading from" - could possibly have been misinterpreted by Mr Lamont to mean the document that he was using for his speech notes.

Mr De Domenico went to see Mr Lamont to make clear to him what he was saying and what he felt Mr Lamont should have done when this issue was raised in the Assembly. It was a chance, which I think every member of this Assembly should enjoy, to correct the record; to put things straight when one strays from the standard that we accept, I hope, in this Assembly as the standard which we should all live up to. Mr Lamont did not take up that opportunity. He said, "No, you are making a debating point. I am not conceding to you. I will not do what you ask".

Regrettably, Madam Speaker, that has left us in the position of having to move this motion. It is not moved lightly. It is in accordance with a standard which this Assembly, I believe, has thoroughly ingrained on its practices and which we should not put aside. It is undoubtedly true to say that a New South Wales Premier only recently met his political demise because of having to live up to a standard which perhaps he might have come to regret. Madam Speaker, regret that standard or not, we have to live up to that standard. I would submit, Madam Speaker, that we should support and pass this motion.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.21): Madam Speaker, Mr Berry will be providing the substantial Government response on this absurd motion. In brief remarks beforehand Mr Berry said that there is not a shred of evidence to support this. The word "shred" jiggled something in my mind. Mr Moore was very sanctimonious in his remarks about Fitzgerald and corruption, high principles and high standards. This is the man who avoided tabling a document in the Assembly by putting it through the shredder in 1990.

**Mr Humphries:** And he apologised for it in the end. He apologised to the Assembly for it. He acknowledged his mistake.

**MR CONNOLLY:** I can accept Mr Humphries putting on his air of moral indignation over this; but I find Mr Moore's act of moral indignation, as he joined in eagerly with this little Liberal stunt, really a bit hard to stomach. Mr Moore then thought it was a great stunt; he thought it was terribly clever. I was partly involved, in that Mr Moore asked me to sight the document.

**Mr Humphries:** Oh, you were part of the stunt, were you?

**MR CONNOLLY:** No. I am saying that there were allegations made that Mr Moore had never had such a document and I in fact defended Mr Moore. I said, yes, he did have a document. I saw a document. I did not see all the details of it, but there was such a document. He indicated that he had shredded it. I find his attack, with this nonsense about Fitzgerald and corruption and high standards, really hard to stomach, given the gimmick that he was involved in.

As for the substance of this motion, for heaven's sake, there is confusion over what the document is. Mr Lamont is now saying that he is making inquiries to find the document. This is an absurd issue to be dealing with by way of a motion of censure. If this is the best that you lot can come up with at the end of the first session of this Legislative Assembly, the end of this first six-month period, it means that we on this side of the house are going to be here for years and years to come.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.23): This issue arose first of all today when leave was sought by Mr De Domenico to do something, but obviously at that time it was not felt to be of sufficient gravity to move a censure motion.

**Mr Humphries:** You forced it to that stage.

**MR BERRY:** Mr Humphries responds by saying, "You forced it to that stage", which confirms my earlier comments. So it was not of sufficient gravity to move a censure motion; but, given that there was no option to have an immediate debate, the Liberals decided that they would go for a censure motion rather than do nothing at all. So the Liberals themselves do not believe - - -

**Mr Humphries:** I raise a point of order, Madam Speaker. I think Mr Berry is reflecting on a vote of the Assembly earlier this afternoon. He is talking of and reflecting on a vote of the Assembly that was passed earlier this afternoon. I suggest that that is not in accordance with standing orders.

**MR BERRY:** I am not reflecting on the vote. The vote was perfectly okay.

**MADAM SPEAKER:** Mr Berry has withdrawn any reflection on a vote. Please continue, Mr Berry.

**MR BERRY:** The vote was perfectly okay. I am not reflecting on the vote. It was fine; a good result. It was a worthy one, and that is a proper reflection. So the Liberals themselves believed that this was a trivial matter and not sufficiently serious to warrant a censure motion, yet they proceeded with it.

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Let us have a little look at the evidence. There was some reference to ACIL in the lead-up to remarks that were typed as if they were a quote in the proof copy. ACIL, you will all recall, was an organisation which advised the Liberal Party in relation to matters which were before the - - -

**Mr Kaine:** I raise a point of order, Madam Speaker. ACIL has never advised the Liberal Party. This assertion has been refuted before in this house. I made it quite clear, in a personal explanation, that the document that was being referred to was a document that was given to me personally by an individual. There was no advice or consultancy of any kind from ACIL. I think it is quite improper for that assertion to continue to be made in the Assembly when it is not true.

**MADAM SPEAKER:** Thank you, Mr Kaine. Mr Berry, I take it that you heard Mr Kaine's comments. Please proceed.

**MR BERRY:** Yes. Of course, the advice that was given to the Liberals was provided by Mr Trebeck from ACIL.

**Mr De Domenico:** What advice?

**MR BERRY:** It was advice in relation to matters which were before the Racing Ministers in Australia. It seems to me that again the Liberals have become sensitive about this issue of ACIL reporting matters to the Liberals.

**Mr De Domenico:** ACIL had nothing at all to do with the Animal Welfare Bill, Mr Berry.

**MR BERRY:** Well, let us have a look at this.

**Mr De Domenico:** Nothing in the document that Mr Lamont failed to present to this Assembly had anything to do with ACIL; so get your facts straight.

**MR BERRY:** We are getting very defensive about ACIL. ACIL, of course, did provide information to the Liberal Party; it was provided from ACIL's records. I have written to various Ministers around the country about this issue and I have received a few responses. I will just quote from one of them.

**Mr Humphries:** Madam Speaker, this is completely immaterial.

Members interjected.

**Mr Humphries:** Madam Speaker, do I have the floor?

**MADAM SPEAKER:** Are you raising a point of order, Mr Humphries?

**Mr Humphries:** I take a point of order, Madam Speaker. Mr Berry is speaking to a motion moved by Mr De Domenico concerning the censure of Mr Lamont. Letters from Racing Ministers on a so-called ACIL document which is not even part of this debate cannot be material or relevant and, because it is not relevant, Mr Berry should not be talking about it.

**MR BERRY:** Madam Speaker, I am sort of indicating that they could probably move that I table the document from which I am reading, if they really wanted to. I will not proceed with it because it seems to be making the Liberals rather nervous and jittery. It will be raised again in due course.

**MADAM SPEAKER:** Thank you, Mr Berry. Thank you, Mr Humphries.

**MR BERRY:** Madam Speaker, what we really have to do is look at the evidence which is in front of us. Looking at pages 96 and 97 of the proof *Hansard*, the Liberals argue that the information contained in what looks like a quote is sufficient evidence upon which somebody could be hanged. If Mr Moore was a judge who had access to the black handkerchief he would hang him too. This is on the basis that there is something that looks like a quote from a document appearing on pages 96 and 97.

When we read the debate, Madam Speaker, we see that Mr De Domenico really hoped that Mr Lamont had that document in his hand so that he could have him table it and then, after he had found out that the document that he hoped that Mr Lamont had was in fact the document that he hoped it was, he would be able to claim that Mr Lamont had done something wrong. Well, Mr Lamont told this Assembly that he had a quote from the document on a piece of paper.

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.

### MR DAVID LAMONT Motion of Censure

Debate resumed.

**MR BERRY:** The documents that were tabled in due course were not the documents that Mr De Domenico had hoped that they would be and therefore he was not able to claim that there was something wrong. Now, this is all very thin. At no point in the proof *Hansard* is there any evidence to suggest that anything wrong was done. The Liberals themselves do not believe that it is an issue worthy of a motion of censure, but they have been forced, they say, to move one.

**Mr Connolly:** Look at their original motion. It says "condemns". They had to cross that out in pencil.

**MR BERRY:** Here we are; this is the motion that was circulated. Mr De Domenico - - -

**Mr De Domenico:** That is not my handwriting, by the way. That is because you upped the ante. You gagged us.

**MR BERRY:** We did not up the ante. What it boils down to is that the Liberals were going to move a motion that condemns, but crossed it out and put in "censures" because they could not get leave to move it in any other way. We would grant leave for a censure motion and of course we would debate the issues, and at the end of the day we would make our decision on the basis of those issues. This motion before the Assembly was never intended to be a censure motion and it therefore could not expect to gain the same sort of passage in this place.

This is an issue about Mr De Domenico wanting to take a swipe at Mr Lamont. I suggest to him that the best place to take a swipe at him is out in the back room. Have a little bit of a shot at Mr Lamont. Mr Lamont, I am sure, can defend himself. This is a silly matter to bring before the Assembly. You want to condemn him; but, because you cannot get priority in this place, you change it to censure. What a silly motion. It is thin. There is no evidence, and it is just trivial. Why on earth should this Assembly take time to sit down and consider trivial matters like this when there are a couple of important matters waiting to be considered, like issues that affect workers; but, of course, Mr De Domenico would not be that concerned about issues where workers might benefit.

**MR DE DOMENICO** (4:33), in reply: Madam Speaker, I have said what I had to say at length, but let me say a couple of things. If, as Mr Connolly said, this is the substantive government response, thank God they are not treating it lightly. Madam Speaker, the facts, as far as I am concerned, are quite clear. Mr Lamont, all of a sudden today, after a motion of censure, gets back his memory. He could not remember on the night itself which document we were referring to. All of a sudden, in this Assembly this afternoon, under a motion of censure, and only after Mr Berry and the Government would not let us clear it up in another way, the memory comes back. He has had the fish food; all of a sudden, back comes the memory. It is a three-page document, he now concedes, and here it is.

**Mr Berry:** You said that it was a three-page document.

**MR DE DOMENICO:** Yes, and he agreed, because he tabled it today. All of a sudden he is aware, this afternoon, which document he was reading from; but he did not remember on the night that he was actually reading from it, for heaven's sake. Do you expect us to believe that, Mr Berry? Do you expect any sane, logical person to believe that? I do not believe that even you believe what you had to say. There you go.

Let me tell you where this document came from, by the way. Let us now get into the interesting part. This document, and here is one of the originals, Mr Berry, has on it "For party room consideration - Prepared by Mr Westende". That does not appear on Mr Lamont's document. It is Mr Westende's document, not Mr Lamont's.

**Mr Berry:** Somebody is leaking in the Liberals.

**MR DE DOMENICO:** True; somebody is leaking, Mr Berry. That is not the point of contention, though. Mr Lamont knew, because he has tabled it today. It has "Libs" on the top of it. Mr Lamont's document that he quoted from, verbatim what appears in this document, is what appeared in the *Hansard*. So the only way Mr Lamont could have put those words into *Hansard*, Mr Berry, was if he had this document. True?



**Mr Connolly:** Or an extract from it that he was reading from.

**MR DE DOMENICO:** Or an extract, Mr Connolly. Correct. Why did Mr Lamont not table either the document that he was allegedly reading from and was asked to table or the extract?

**Mr Connolly:** He did not know which document you wanted.

**MR DE DOMENICO:** He did know, because he tabled it this afternoon. All of a sudden he found it. His staff went to it this afternoon. All of a sudden this document that he had never heard of before in his life was found and tabled. Our question is, "Why did Mr Lamont not table it when not I but this Assembly asked him to table it?". Why did he not table it then, Mr Berry?

**Mr Kaine:** Because he thumbed his nose at the Assembly.

**MR DE DOMENICO:** As Mr Kaine correctly says, because he thumbed his nose at this Assembly. That is the issue, Madam Speaker. You might smile, across the other side; but, as I said to you in that back room, it does not give me any pleasure whatsoever to have to do this today, because, Mr Berry - - -

**Mr Connolly:** Not half!

**MR DE DOMENICO:** You be quiet, Crusher. Mr Berry, I went to see Mr Lamont yesterday, privately, and I said, "David, mate, I reckon you have tabled the wrong document. Why don't you fix it now?". He said, "No; go away. It is the correct document that I tabled and I was only using that as a debating tactic". That is what Mr Lamont said to me yesterday. If you check your facts even further, Mr Berry, before I went to Mr Lamont I sought advice from a great number of people, some of whom you know very well, and I will not mention them. If you are going to start getting sanctimonious, I also will get sanctimonious.

Madam Speaker, the issue at hand today is that in my opinion Mr Lamont did not table the document that he was asked to table by this Assembly. Mr Lamont obviously knew which document we were referring to because, all of a sudden, under censure because you gagged us, under censure this afternoon - - -

**Ms Follett:** Madam Speaker, I raise a point of order. Mr De Domenico has made the statement that the Government gagged the Opposition. The result of that vote, Madam Speaker, was on your ruling, and I believe that Mr Domenico is casting aspersions on the Chair's ruling.

**MR DE DOMENICO:** Madam Speaker, if there is any indication of me casting aspersions on your ruling, that is not the case. If you find that I have, I apologise. I would withdraw any indication of aspersion on your ruling.

Madam Speaker, as I was saying, after we were prevented from clearing the air by people on the other side of the house, and we had to go to censure to do it, all of a sudden Mr Lamont found the document that he could not find on the night that he was asked to by this Assembly. As I said before, he was asked not by me but by the whole of the Assembly. Madam Speaker, I suggest that Mr Lamont deserves to be censured, as this Government deserves to be censured, and it is about time we got in this Assembly the standards that are expected of it by the people of Canberra.

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**Mr Berry:** Madam Speaker, can I have tabled all of those documents that Mr De Domenico is - - -

**MADAM SPEAKER:** Are you moving a motion to that effect?

**Mr De Domenico:** I have already tabled them, Mr Berry.

**Mr Berry:** Which ones were they?

**Mr De Domenico:** That is the one that Mr Lamont tabled.

**Mr Berry:** Or was it that other one over there?

**Mr De Domenico:** That was Mr Lamont's document.

**Mr Berry:** What about this one over here?

**Mr De Domenico:** That is the same document, Mr Berry. Which ones do you want? How many copies do you want, Mr Berry? I have the one that Mr Lamont should have tabled, and the one that he did table. Would you like a copy of each?

**Mr Berry:** Go away, go away!

Question put:

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

The Assembly voted -

*AYES, 8*

*NOES, 7*

Mrs Carnell

Mr Berry

Mr De Domenico

Mr Connolly

Mr Humphries

Ms Ellis

Mr Kaine

Ms Follett

Mr Moore

Mr Lamont

Mr Stevenson

Ms McRae

Ms Szuty

Mr Wood

Mr Westende

Question so resolved in the affirmative.

### **STAMP DUTIES AND TAXES (AMENDMENT) BILL 1992**

Debate resumed from 18 June 1992, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**MR DE DOMENICO (4.41):** Madam Speaker, the Liberal Party will not be opposing this Bill. As Ms Follett said in the introductory speech, the Bill is virtually being re-presented because of concerns expressed by the Motor Trades Association. It brings the ACT motor dealers into line, so that they are not at a disadvantage compared to interstate dealers. The stamp duty exemptions are for veteran, vintage and historic vehicles seeking concessionary registration on first

registration after restoration. I recall, and I am sure Mr Connolly can also, that at the Canberra Yacht Club prior to the election both he and I, on behalf of the Liberal Party, thought that that was a very good idea because of all the labour of love that goes into those vintage cars.

The Bill also makes sure that stamp duty is now liable to be paid on buildings leased to Commonwealth and Territory governments. It intends to shift the liability for payment of duty from the lessee to the lessor. Of course, we all know that it will not do that; but, still, that is what it intends to do, and it gives, in fact, more certainty of collection. For all those reasons, Madam Speaker, the Liberal Party will be supporting this piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **HOLIDAYS (AMENDMENT) BILL 1992**

Debate resumed from 18 June 1992, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

**MR DE DOMENICO** (4.43): Madam Speaker, once again, the Liberal Party will not be opposing this Bill. Once again I will say that we have not had much time to have a look at these Bills thoroughly. It appears that this Bill is putting the ACT into line with the other States and the Northern Territory in that when Christmas, New Year or Boxing Day falls on the Saturday there is an appropriate holiday allocated in the following week, on the Monday. We are told that it affects dental nurses, typewriter mechanics and pastoral workers. We would have liked, perhaps, to consult with the Australian Dental Association and whoever represents the typewriter mechanics. We are told that a tripartite committee has approved it. I have sought the advice and, perhaps, the input of CONFACT and other organisations; but they have not got back to me yet because, like me, they have not had enough time to read it properly. For all those reasons, once again, Madam Speaker, the Liberal Party is not going to be opposing it.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.45), in reply: I thank members for their support for this legislation. It will, indeed, improve conditions for a small group of workers in the Australian Capital Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### **Deaths of Bishop Gordon Arthur and Mrs Pat Wardle**

**MS FOLLETT** (Chief Minister and Treasurer) (4.45): Madam Speaker, I would like to use the opportunity of the adjournment debate to note the deaths of two eminent Canberrans. The first person whom I would like to commemorate is Bishop Arthur, the Right Reverend Gordon Robert Arthur, who died earlier this month at the age of 82. Bishop Arthur, as many members here will know, was the Assistant Anglican Bishop of Canberra and Goulburn many years ago, from 1956 to 1961. He also served the church in England for a quite lengthy period. In fact, he served for five years in the diocese of Salisbury and in the diocese of Sheffield.

It really was not until after Bishop Arthur had retired to Canberra in 1980 that I came to know him and became aware of his work. He was very active in both church and community matters throughout his retirement. One of the positions that he held was that of chaplain to the obstetric ward at Royal Canberra Hospital during the early 1980s. Bishop Arthur is also given a lot of the credit for the acceptance of an Australian prayer book. He was a member of the community who gave a great deal of his time and work to improving our community. Madam Speaker, he was an extremely charming and humanitarian person and I believe that our community is the poorer for having lost him.

I would also like to pay a very brief tribute to Mrs Pat Wardle, who died in April of this year. She was just a couple of months short of 82 years of age. Mrs Wardle was another very well-known Canberran. She was involved in all sorts of aspects of Canberra life, including issues like the Canberra and District Historical Society. She was a great gardener. She was involved in her church. She was involved in the women's movement. She assisted in the setting up of Blundell's Cottage and she was, indeed, a very keen natural historian. Mrs Wardle's death is also a great loss to our community. She died as a result of an accident. Even though she was a good age, it was probably an untimely death.

Both Bishop Arthur and Mrs Wardle were buried from St John's Church, which I think both would have appreciated as they both had a great deal of connection with it. Mrs Wardle had been awarded the medal of the Order of Australia in 1989 in the Queen's Birthday list for her service to the community in the area of local history. Madam Speaker, I would simply like this Assembly to note the deaths of those two eminent Canberrans, both people who made a very real contribution to our community over a long period. They are a great loss to our community.

### **Tuggeranong Community Arts**

**MS ELLIS** (4.48): As the members of this Assembly know, I am frequently espousing the virtues of the Tuggeranong Valley, and I have great pleasure in doing so again this afternoon. I want to announce, if Assembly members will indulge me, that God arrived in the Tuggeranong Valley as of last night. Madam Speaker, last night I had the pleasure of attending the Tuggeranong Community Arts Play Group Theatre production of the Woody Allen play, "God, 'A Play'" directed by Domenic Mico. The Play Group Theatre chose as its first major production a rather difficult comedy to perform but one which used to the full advantage the talent which abounds in the valley. In fact, over 40 people were involved in the production, which demonstrates the success of this regional arts program and also the enthusiasm with which the Tuggeranong community launches itself into community projects. The play is being performed in the workshop theatre space at the new Tuggeranong Community Centre. It is the first play to be performed at the Community Centre since it was opened last year, and I am pleased to report that the theatre space is an excellent venue for productions of this kind.

Tuggeranong Community Arts has been operating in the valley for some years now and, thanks to the dedicated people on the board of management and those members of the Tuggeranong community who have become involved with the productions, it has gone from strength to strength. As well as major productions such as, "God, 'A Play'", Tuggeranong Community Arts continues with community programs on a permanent basis. The Tuggeranong Community Arts current projects include painting and drawing, working with clay, doing children's drama, video production groups, puppetry, and the singing group for anybody in the valley who is interested in developing or, for that matter, creating their artistic skills. Tuggeranong Community Arts has also developed a continuing involvement in and promotion of multicultural arts in the ACT.

For members' information, "God, 'A Play'" is being performed every night at 8 pm until Saturday, 4 July, at the Tuggeranong Community Centre. For those people who are foreigners to the valley, that is in Cowlshaw Street, Tuggeranong Town Centre. I highly recommend this professional and very funny production, and I trust that members of this Assembly consider a visit to Tuggeranong Valley to both support and enjoy this production.

### **Pornographic Material**

**MR HUMPHRIES** (4.50): Madam Speaker, on 14 May I asked Mr Connolly a question about a meeting between him and some representatives of a group called the Independent Women's Rights Group. Mr Connolly answered that question quite extensively and, as a result of that answer, members of that group have approached me to read into the *Hansard* record a different version of events that occurred at that meeting, and I do so. I quote:

We thank you for the opportunity to respond to Mr Connolly's answer of Thursday, 14 May 1992, to the question asked by Mr Gary Humphries on that day. Our sole intention and purpose in this response is to have the record reflect our view.

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We did not attempt to mislead Mr Connolly on this issue. At Mr Connolly's request we stated our case, which is that we wanted the ACT Legislative Assembly to enact Legislation restricting the display of soft-core magazines in Newsagents and other places so as to make these sexist images of women visually inaccessible to children.

Mr Connolly indicated in very strong terms that he would not support our call for such legislation.

We asked him if we could show him some of the covers of the magazines in question.

One member of our group brought out a plastic bag with material in it. Amongst the material was, in our opinion, a hard-core pornographic 6 page article contained in a magazine called Hustler, to which Mr Connolly referred.

Mr Connolly took the Hustler material without being invited to do so and proceeded to make an issue out of the material.

We assured Mr Connolly that this was not the subject of our lobby, and that we had not intended him to consider that material. We believe that we did not misrepresent the subject of our lobby to Mr Connolly.

If Mr Connolly formed the view that we were concerned with any material contained in those magazines, he obviously had not grasped the subject of our lobby. We explained to Mr Connolly that we had collected the material from another group with whom we are not affiliated, because we, quite frankly, refuse to buy any of this material as a matter of principle.

As many members of the Assembly are aware we are concerned with what children see on the front covers of magazines when they enter newsagencies and other retail premises.

We agree that we said "This is what we are talking about". At the time, we had extracted from the material a front cover of a soft-core magazine and had put it in front of Mr Connolly.

As to the rest of Mr Connolly's answer, it was not pertinent to the question asked. Our lobbying has been in respect of this very narrow issue. We are not affiliated with or involved with any anti-pornography group. Mr Connolly's comments in respect of the wider issue and the goings on in Canberra and/or Fyshwick are not our business or the subject of our lobby.

The rest of the meeting with Mr Connolly was directly on the subject of our lobby. We understood him to agree that these images of women are sexist and that sexism is not acceptable.

However, when challenged as to what he was prepared to do in respect of this particular matter, he had no answer.

There is more we could recite about the meeting and about our disappointment with the way in which the meeting was conducted. However, the subject of our lobby, the issue itself, is far more important - our children and not Mr Connolly.

The right of parents to approach the members of the Legislative Assembly to voice their concerns is important, and in this respect we thank all other members whom we have approached on this subject. We believe they will feel that we had reasonable and rational discussion and debate.

Thank you.

I thank members for letting me read that matter into the *Hansard* record.

### **Pornographic Material**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.54): Madam Speaker, I must immediately respond. That statement which Mr Humphries has read into the record is simply untrue. I fortunately had a staff member with me throughout that meeting and could, if need be, verify it. I repeat my statement that I was shown two covers and they said, "This is the sort of thing we are talking about". I was then shown a large colour photocopy blow-up of a group of naked people engaging in sexual acts and they said, "This is the sort of thing we are talking about". I said, "No, that is a hard-core category 1 publication".

I note that in the statement that Mr Humphries read - they are not Mr Humphries's words, and I must make that clear - they now are acknowledging that that was a hard-core pornographic magazine, which is exactly the point that I made to them. I felt that I was being misled. I said to them, "Where did this material come from?". I was originally told, "From a Canberra newsagent". It later transpired that the best they could come up with was that someone had told them that it had come from a Dubbo newsagent, which is hardly pertinent.

Madam Speaker, I take a very dim view of people coming into my office and lobbying me and giving me material which is patently misleading. I do not know what they showed other people, but I believe that these people discredited their cause - lobbying me in relation to the issue of demeaning images in *Pix* or *People* - by showing hard-core category 1 pornography and pretending that it was the same thing. It was simply not the same thing. I strongly refute the version of events they have given, which would suggest that I went rummaging around in their box of tricks and extracted this particular image. This image was shown to me. I think I did at one stage pick the image up because I sort of flicked it off my table and said, "This garbage I do not want to see". Then I did indicate that it was not the material that they were talking about, and they discredited themselves in so attempting to suggest that that was the type of material under discussion.

Question resolved in the affirmative.

**Assembly adjourned at 4.56 pm until Tuesday, 11 August 1992, at 2.30 pm**

*25 June 1992*

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**ANSWERS TO QUESTIONS**

**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 35**

**Methadone Program**

Mr Cornwell - asked the Minister for Health:

1. What was/is the annual financial contribution to the methadone program by:
  - a) The Commonwealth Government; and
  - b) The ACT Governmentin 1989/90, 1990/91 and 1991/92 to the program?
2. How many people were/are in the program in 1989/90, 1990/91 and 1991/92?
3. How many staff, by position, were/are in the program in each of the years listed above?
4. What was/is the annual salary component for each of the years listed above?
5. Is there a waiting list for the program and, if so, how many are currently seeking admittance and what is being done to admit them to the program?

Mr Berry - the answer to Mr Cornwells question is:

1. The ACT Methadone Program receives part funding from the Commonwealth on a cost-shared basis as well as general purpose funding from the ACT Government. It is part of an integrated program providing hospital based detoxification, outpatient, medical and counselling services as well as methadone. The financial contribution is based on estimates of staff time devoted to methadone services and the average cost per client for urine testing.

The funding from the Commonwealth for this program for 1989/90, 1990/91 and 1991/92 was part of the National Campaign Against Drug Abuse (NACRE) CostShared Program.

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The following table illustrates the contribution from the Commonwealth Government and the ACT Government over this period.

Funding	1989/90	1990/91	1991/92
Commonwealth Government	72 837 699	74 66 893	
ACT Government (Includes matched funding component)	401 467 316	524 342 000*	

\* The ACT Government contribution for 1991/92 is estimated on the assumption that staffing allocations will remain constant until the end of the financial year.

2. The number of clients on the methadone program has increased from 88 in 1989/91 to 90 in 1990/91. As of 4 May 1992, for the year to date, there were 119 clients on the methadone program.

3. The number of staff, by position, in the methadone funding for this period is:

Staff - Full Time Equivalent	1989/90	1990/91	1991/92
Level 4 Registered Nurse (RN)	.5		
Level 3 RN	1 1 1		
Level 2 RN	1 .7		
Level 1 RN	2.8 3.8 3.1		
Senior Specialist	Half time	Half time	Half time
until April 1992			
Career Medical Officer	Half time	Half time	Recruitment
- 3 months in progress			

For this period, 3 counsellors have been available to clients on request and for periodic reviews as a condition of the program.

Sessional Medical Officers have been employed for 1990/91 and 1991/92.

The Hospital Unit, of which the Methadone Clinic is a part, is now administered by a Senior Officer Grade C.

4. In 1989/90 the annual salary component for the methadone program is estimated at

72% of the total funding contribution of \$474 304, that is \$341 499.

In 1990/91 the salary component is estimated at 75.96% of the total funding contribution of \$386 498, that is \$289 873.

In 1991/92 the salary component is estimated at 76.6% of the total funding contribution of \$408 897, that is \$310 761.

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5. There are currently 25 people seeking admittance to the ACT Methadone Maintenance Program, as at 28 April 1992.

The Government is strongly committed to meeting the needs of clients requiring methadone treatment and is currently considering options to improve accessibility to the program.

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**Attorney General**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 39**

**Search and Rescue Mission Costs**

MR CORNWELL - asked the Attorney General

(1) What was the cost of search and rescue missions in the ACT in:

(a) 1989-90; and

(b) 1990-91

(2) Has consideration been given to seek financial restitution from people who require rescue from ACT wilderness areas due to their own foolishness or lack of preparation.

(3) If no consideration has been given to financial restitution, why not?

MR CONNOLLY - The answer to Mr Cornwells question is as follows

(1) I am advised by the Australian Federal Police (AFP) that in order to provide exact details of costs incurred by the AFP for search and rescue, including salaries/overtime, equipment hire and purchase, and consumable, information would need to be manually extracted from archived records. Whilst I am not prepared to direct the AFP to carry out such a costly, time consuming and labour intensive exercise, I am able to provide approximate AFP costs representing the number of hours spent on search and rescue activities. These are as follows:

(a) 1989-90 \_ \$31,600

(b) 1990-91 - \$14,000

I am also advised by the AFP that the RAAF has provided helicopter assistance on occasions in search and rescue missions. This assistance is provided at no direct cost to the ACT.

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(2) and (3)

The Government does not consider it appropriate at this time to seek financial restitution as a matter of course, from people requiring rescue from ACT wilderness areas. Such incidents happen comparatively rarely and the costs involved are small in relation to the overall costs of the AFP.

Also, the AFP, as the principal agency involved in search and rescue missions, has a clear legislative responsibility to provide police services in the ACT. The rescue of persons from ACT wilderness areas, even if their predicament is the result of foolishness or lack of preparation, clearly comes within the scope of police services and it does not believe it can charge individuals for the police costs incurred during the search.

When such incidents occur the AFP does emphasise, through the various media outlets, the necessary safety aspects that should have been observed. These warnings will hopefully reach the broader community to reduce the likelihood of a similar incident occurring in the future.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No 47**

**Government Service - Salary Expenditure**

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

- (1) What is the pro rata salary bill expenditure gross across the ACT Public Service to 31 March 1992.
- (2) Is this expenditure greater or less than projections in the 1991-92 budget.
- (3) If less, are those projections on target, in terms of the reduction of the ACT Public Service by 520, as indicated in the Governments Budget Paper No. 5.
- (4) If so, how much of the reduction is due to the 250 redundancies that the Chief Minister mentioned specifically in her budget speech last year.

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

- (1) Salary expenditure across the ACT Public Service from 1 July 1991 to 31 March 1992 was \$410.1m. The ACT Public Service is defined for this propose as being Consolidated Fund programs and budget-dependent trust accounts and statutory authorities.
- (2) The total salary expenditure for the year, using the same definition as above and including approved wage and salary increases, is expected to be \$539.0m. The end of March expenditure represented 76% of the total estimate, or \$3.8m more than the prow However, once a number of timing considerations are taken into account, including the expectation that staff reductions would impact in the latter part of the financial year, the salary expenditure to the end of March was broadly in line with expectations.
- (3) As I stated in my address when handing down the 1991-92 Budget, my Government recognised the need for a reduction in administrative support expenditure and therefore specifically targeted that area so as not to impact on the delivery of services to the public. As a result, 1991-92 salaries budgets were reduced by \$6m (\$Tom in a full year). Salaries savings were also included as part of overall savings within the Health budget from the Hospitals redevelopment program.

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- (4) You will note that the emphasis in my Budget speech last year was not on achieving 250 redundancies but, rather, on achieving a targeted \$6m reduction in salary expenditure. Voluntary redundancies represent only one of a number of means available to agencies in 1991-92 to assist them in meeting salary savings factored into their 1991-92 budgets. Other measures have included reviewing recruitment policies and examining overtime requirements. The composition of measures undertaken by agencies has been a matter for management discretion.

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 79**

**Health Budget - Business Rules**

Mrs Carnell - asked the Minister for Health

1. In relation to the Business Rules could the Minister give a breakdown of items under the category "Other Operating Expenditure" for which supplementation has been provided?
2. How do the Business Rules govern supplementation under the category "Other Operating Expenditure"?

Mr Berry - the answer to Mrs Carnells question is

1. In the category of "Other Operating Expenditure" ACT Health have claimed supplementation in accordance with the Business Rules in respect of

Increased payments to Visiting Medical Officers due to the indexation of their contracts of engagement.

The increased payments to Visiting Medical Officers due to the decline in the proportion of private patients being admitted to hospital.

The cost of the settlement of a number of significant legal claims which are expected to be settled this financial year. These settlements relate to events that occurred in previous financial years.

2. The above illustrate how the Business Rules govern expenditure under the "Other Operating Expenditure" category.

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**MINISTER FOR HEALTH**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION 80**

**Hospital Amalgamation  
Staff Reductions**

Mrs Carnell - asked the Minister for Health:

1. How many staff reductions did in fact occur as a result of Royal Canberra Hospital closing.
2. In what particular categories did staff reductions from Royal Canberra Hospital fall (eg nursing, maintenance, support staff, etc.).

Mr Berry - the answer to Mrs Carnells question is:

1. The total number of staff reductions due to the amalgamation of Royal Canberra and Woden Valley Hospitals is 132.
2. Staff reductions occurred in the following categories

Health Professionals/Support Staff Nursing Maintenance Hospital Assistants Wardsmen Patients  
Office Supply \_ Residences

It should be noted that these categories include all Royal Canberra Hospital and Woden Valley Hospital staff reductions from the amalgamation process.

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25 June 1992

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No 102**

**Social Policy Committee - Reports Public Behaviour**

MR CORNWELL - Asked the Chief Minister - In relation to the Public Behaviour Inquiry Report of February 1990 by the Standing Committee on Social Policy -upon notice on 12 May 1992:

- (1) How many of the Committees 23 recommendations have been implemented.
- (2) What is the status of each of those recommendations by name which have not yet been implemented.
- (3) Will the Government be making a response to the Assembly in respect to action or inaction upon each of the 23 recommendations and; if so, approximately when.
- (4) If the Government will not be responding as requested in (3); why not.

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

- (1) 16 of the Committees 23 recommendations have been implemented.
- (2) See (3) below.
- (3) The Government will formally respond to each of the recommendations of the Public Behaviour Inquiry Report in the near future and I will make a statement to the Assembly at that time.
- (4) N/A.

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**MINISTER FOR HEALTH**

**LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 105**

**School Dental Service**

Mr Cornwell - asked the minister for Health:

1. How many people are employed in the ACT School Dental Service.
2. What was the Services budget in (a) 1990-91 and (b) 1991-92.
3. What facilities exist at school dental clinics.
4. How many clinics are there.
5. How much in total do they cost per annum to operate.
6. Can all children use school dental clinics and; if not, what criteria is applied for use.

Mr Berry - the answer to Mr Cornwells question is:

1. The ACT School Dental Service employs 47.1 full time equivalent staff.
2. The School Dental Services Budget for 1990-91 was \$1.59m  
1991-92 is \$1.71m
3. Facilities in school dental clinics include the necessary equipment to provide basic preventative and conservative dentistry. Where x-rays or more complex treatments are required, children are referred to dentists at the major Health Centres.
4. There are 14 permanently based regional clinics.
5. The total budget for School Dental Service for 1991-1992 is \$1.71m comprising labour costs of \$1.49m and operating costs of \$0.22m.
6. All children attending primary schools in the ACT are eligible to attend the School Dental Service. Also entitled are high school students under the age of 16 years, who are beneficiaries of Pensioner Benefit or Health Care Cards. Children under school age are eligible, by parent request.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 113**

**Housing Trust - Sales to Tenants**

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

In relation to the ACT Housing Trust Sales to Tenants program -

- (1) What percentage of houses does the Trust seek to own in various areas of the ACT.
- (2) In what areas of the ACT are there now low concentrations of public housing as a result of previous sales of government housing.

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

- (1) The Housing Trust seeks to disperse its housing stock throughout the city in order to avoid social stigma through the concentration of public housing. The percentage of stock in particular suburbs varies widely.
- (2) The Housing Trust owns less than 5% of houses in the following suburbs as the result of previous sales of government housing:

Aranda, Braddon, Barton, Campbell, Curtin, Farrer, Fisher, Forrest, Holder, Pearce and Reid.

Some suburbs like Turner, Griffith, Braddon, and Reid have a very low ownership of houses, but have a high ownership of flats along arterial roads bordering these suburbs.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No 119**

**Directory of Tradeswomen**

MR CORNWELL - Asked the Chief Minister upon notice on 12 May 1992:

- (1) What was the purpose of the Governments involvement in the publication "Directory of Tradesmen in the Australian Capital Territory".
- (2) What was the governments financial involvement in the publication.
- (3) If the Government is not involved in any way, why is the v publication being distributed under cover of a minute

"Distribution of Government Publications" dated 10 April 1992. \_ .

- (4) What consultation occurred between officers of your Department and the Attorney-Generals Department concerning the application of the Discrimination Act 1991 to this publication.
- (5) Will the Government provide similar assistance to the publication of a Directory of Tradesmen in the Australian Capital Territory.

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

- (1) This publication is a small component of the Tradesmen on the Move Program. This program aims to encourage young women to consider a broad range of career options, including those where women have traditionally been under-represented.
- (2) \$210.00.
- (3) The Governments involvement was limited to the printing of the publication, which was prepared by the Tradesmens Association of the ACT and the National Foundation for Australian Women.
- (4) The Attorney-Generals Department advises that the publication is covered under Section 27(a) of the Act which states that:

"Nothing in Part 111 renders it unlawful to do an act a purpose which is

- (a) to ensure that members of a revenant class of persons have equal opportunities with other persons".

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(5) The Government does not intend to provide similar assistance to a corresponding mens publication on the basis that this is a group that does not face substantial discrimination in our society.

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 143**

**Health Budget - Supplementation**

Mrs Carnell - asked the Minister for Health

In relation to the amount of \$713,400 indicated in the March Financial Performance Report as being supplementation under the "Grants" category -

1. Was or will all of this amount be provided to Calvary Hospital?
2. Please provide a breakdown of supplementation under the "Grants" category (ie who are the recipients).

Mr Berry - the answer to Ms Carnell's question is

The \$713,000 indicated in the March Financial Report as being required supplementation in the Grants category related to Calvary and a small amount for the Nurse Education Program conducted by the University of Canberra

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**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION 146**

**Special Education**

MR CORNWELL - asked the Minister for Education and Training on notice on 19 May 1992:

- (1) Of the additional 850 extra spaces provided for Special classes, how many were for (a) Introductory English Centres (IEC); (b) Junior Assessment Centres (JAC); and (c) Learning Centres (LC).
- (2) Where are these extra spaces located, in each case.
- (3) What were the enrolments, on 1 May 1992, at each of the above centres.
- (4) What caused the increase in such Special program spaces from 630 in 1990 to 1480 in 1992.

MR WOOD - the answer to Mr Cornwell's question is:

- (4) The first review in the ACT of classroom spaces for children with special needs was made in 1990 and an assessment of 630 spaces was made. Over the last two years there has been increasing educational support for the role of special classes in the educational system. Part of this development is the need to formally acknowledge the rooming requirements of these classes, especially in the newer schools where space is at a premium. In 1992 a capacity review recognised that additional spaces were needed for children in special learning classes and an allowance of 1480 spaces was made.

- (1) The following table lists the additional space allocation made for special classes in 1992 including the new categories of Hearing Impaired Unit (Hill) and

Communication Disorder Class (CDC).

Primary spaces

(a) IBC 2

(b) & (c) JAC/LC 19

HIV 2

CDC 2

Total 25

Secondary Spaces

LC 4

HIM 1

Total 5

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A list of the schools where programs are located is included on the attachment.

(2) The extra spaces are located at schools marked with an asterisk (\*) on the attachment.

(3) Student enrolments as at 1 May 1992 were 174 at the Primary Introductory English Centres and 599 for the other classes which are shown on the attachment.

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NUMBERS OF STUDENTS IN SPECIAL CLASSES IN MAINSTREAM  
SCHOOLS ON 1 MAY 1992

WODEN-WESTON

SCHOOL CLASS NUMBERS

Duffy PS JAC/LC 14

Mawson PS HIV 6

:4 Rivett PS JAC/LC 14

Stromlo HS LCI 16

LCD 12

TOTAL. 62

BELCONNEN

SCHOOL CLASS NUMBERS

Giralang PS JAC 8

" JAC/LC 11

" to Is LC 14

Macgregor PS JAC 10 .

Southern Cross PS JAC 9

LC 16

Weetangera PS HIV 5

Charnwood HS LC 15

Ginninderra RSLC 17.

Melba HS LC 19

TOTAL - 140

CENTRAL

SCHOOL CLASS NUM33ERS

Ainslie PS JAC/LC 14

Autistic Unit ACU 6

Curtin PS JAC 9

Curtin PS LC 13

Lyneham PS CDC 6

Narrow PS JAC 10

LC 14

\* Telopea Park HIV 5

Turner PS IPA 10

Lyneham HS J/S LC 32

TOTAL 119

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TUGGERANONG

SCHOOL CLASS NUMBERS

\*cChisholm PS JAC/LC 14  
#-Gilmore PS JAC/LC 14  
41,Gowrie PS JAC/LC 14  
\* Monash PS JAC/LC 14  
Vs-Richardson PS JAC 10  
JAC/LC 14  
LC 14  
Taylor PS JAC 10  
LC 16  
Theodore PS JAC/LC 14  
Village Creek PS CDC 6  
JAC 10  
JAC/LC 14  
LC 15  
CALWELL HS LC 20  
Caroline Chisholm HS LC 32  
Kambah HS LC 31  
Wanniassa HS LC 16  
TOTAL 278  
GRAND TOTAL 599

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 150**

**ACTION Bus Drivers - Smoking**

Mr Westende - asked the Minister for Health:

1. Does the Government ban smoking in an enclosed space?
2. If so, is an omnibus an enclosed place?
3. What is the difference between a passenger on an omnibus (who is not permitted to smoke) and the driver who is allowed to smoke?
4. Why the exception?
5. Has the Government instituted any action to prevent drivers from smoking on buses; if so, what are the details of action taken?

Mr Berry - the answer to Mr Westende's question is:

1. The Government does not ban smoking in an enclosed public place.

However, the Government did make a commitment in its 1992 election campaign to legislate to ban smoking in all enclosed public places. My Department is currently examining the various options for giving effect to this commitment and appropriate legislation will be introduced into the Assembly during this Government's term of office.

2. It is unlikely that the proposed legislation will include omnibuses as the smoking of tobacco on omnibuses is governed by the Motor Omnibus Regulations.

The following information has been supplied by the Department of Urban Services.

3. Regulation 25A(1) of the Motor Omnibus Services Act 1955 states that "A person, other than the driver, shall not take into an omnibus a cigarette, cigar, pipe or other article that is alight".
4. This regulation is in place to recognise that bus drivers do not have the ability to leave their place of work in order to smoke.
5. ACTION has adopted a policy of actively encouraging and supporting its staff in their efforts to give up smoking through an on-going program of "Quit Smoking" courses through its workplaces.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No 152  
Ratepayer Questionnaires**

MR KAINÉ - Asked the Chief Minister upon notice on 19.5.1992:

Last year the Government sent out a questionnaire with each rates notice, seeking ratepayers views on a number of services provided by the ACT Government:

- (1) How many questionnaires were sent out.
- (2) What was the cost of this questionnaire.
- (3) How many people responded to the questionnaire.
- (4) What were the results of the questionnaire.
- (5) What outcomes did the questionnaire identify.
- (6) What initiatives has the Government undertaken as a result of the findings.
- (7) When will the Chief Minister report to the Assembly on this matter.

CHIEF MINISTER - The answer to the members question is as follows:

- (1) 86 400 questionnaires were sent out to ratepayers through the raft notices and approximately 12 000 questionnaires to ACT Housing Trust dwellings.
- (2) The survey cost covering the printing of questionnaires and reports, data processing and mail-back postage, was \$20 000.
- (3) 19 210 questionnaires were returned by ratepayers and 1508 by Housing Trust tenants.
- (4) and (5) The main findings of the questionnaire were:

Awareness of the location of government services

9690 of respondents were aware of the existence of community health centres, 92% of Government shorefronts, 99% of public libraries and 97% of recycling centres.

2296 of respondents did not know the location of their nearest community health centre or the location of the Government shorefronts.

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nearly all respondents knew the location of their nearest public library. The level of awareness was lowest in Tuggeranong at 86%.

17% of respondents were unaware of the location of their nearest recycling depot.

### Recycling

overall, 8196 of households responding recycle newspapers, 6896 glass bottles, 4496 aluminium cans, 37% plastic soft drink bottles and 70% garden waste.

recycling rates were highest in central Canberra and lowest in Tuggeranong and Belconnen.

the main reason given for not recycling was not knowing where to take material for recycling (1896 of respondents). However lack of transport to take material to recycling locations is also a significant problem for 996 of respondents, with this problem highest in North Canberra (1396 of respondents).

the strongest preference for dropping off material for recycling was the householders nature strip, followed by the local shopping centre. However 40% to 50% of respondents also supported use of regional recycling centres.

### Journey to work by car

overall, 7990 of households responding had occupants who mainly travel to and from work by car.

lowest rates of journey to work by car were in North and South Canberra (67% of respondents) while the highest rates were 8796 for Tuggeranong, 84% for Weston Creek and 8396 for Belconnen.

### Reasons for not using ACTION buses

overall almost 60% of respondents not using ACTION said that this was because of the need to catch two or more buses and because of the travel time involved. This was significantly higher in Tuggeranong, Weston Creek and Belconnen, where the cost of bus fares was also regarded as a significant disincentive by one quarter of households.

2396 indicated that work location away from the major bus routes was a further reason for using a car perceived safety in walking to and from bus stops in the dark was reported as a problem for 1396 of respondents.

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11% of households not using ACTION reported that they had cars provided by employers. A significant proportion of respondents reported that they need to use their own car for work reasons.

#### Willingness to pay higher rates and charges

5296 of respondents indicated a willingness to pay more for community policing

3496 of respondents indicated a willingness to pay more for government schools.

45% indicated a willingness to pay more to support health services.

47% indicated a willingness to pay more for maintenance of parks and reserves.

40% indicated a willingness to pay more to maintain high standards of road maintenance.

296-396 of respondents indicated a willingness to pay \$250 or more per year, in each category.

However most indicating a willingness to pay more regarded an amount up to \$50 as appropriate for the service.

#### Continuing the survey in future years

769n of respondents were in favour of continuing the survey in future years and 1796 were against.

Strongest support came from Tuggeranong (81 %) and least from South Canberra (6996).

(6) As a result of the findings, the Government has undertaken the following initiatives:

To improve the mess of government services and their location:

specific "easy-to-read" information regarding location and phone numbers of the selected ACT government services indicated in Question 1 of the survey to be placed in the ACT Government sponsored pages of the 1992 Canberra Telecom directory.

. the encouragement of the inclusion of ACT government services in those privately sponsored publications which are delivered to all households eg. The Canberra Book and the Community Diary.

the inclusion of specific ACT government services in the ACT Government Functional Directory - this publication is available for purchase by the public.

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To increase recycling

The Department of Urban Services is currently developing a long term waste management strategy for the ACT and the results of the survey, including comments on the Big Bin and a Regional Recycling Centre for Weston Creek, are an important input to this process. The Department will continue promotional activities to advertise the location of recycling centres and promote recycling. These activities have included the recent recycling brochure distributed to all households in Canberra and an article in the Canberra Book.

. The community support for recycling has offered further encouragement to the kerbside recycling trial which will commence later this year. During the twelve months trial, recycling materials will be collected from households in conjunction with the garbage collection service. Following evaluation of the trial, the Government will consider the introduction of kerbside recycling throughout Canberra.

To improve ACTION bus service and the number of bus changes

. The implementation of direct express services, the "7 Series" Commuter Express, from suburbs to the City, thereby eliminating a change of buses and considerable travel time. The first of these express services from Kambah and Coleman Court in Weston were introduced on November 4, 1991.

It is not proposed to make a separate report to the Assembly on the matter. Preliminary results of the Survey and other community consultation input, were incorporated in the 1991-92 Budget. This was documented in the 1991-92 Budget Paper No. A summary of the results of the survey has been published in the "1991 Survey of Ratepayers and ACT Housing Trust Tenants". Copies of this publication are on sale at the Civic Shopfront, at \$10.00 per copy.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No 153**

**Government Service - Workplace Bargaining**

Mr Kaine: To ask the Chief Minister -

- (1) Is the ACT Government considering a proposal which is currently before the Commonwealth Public Service to allow Government Departments and Agencies to negotiate their own wage levels and other employee conditions; if so, what mechanisms have been put in place to consider the proposal.
- (2) What consultations have taken place or are taking place to accommodate this proposal.
- (3) Has the Public Sector Union put any submission before the Government on this matter.
- (4) Have any negotiations commenced with employees on this proposal.

Ms Follett: The answer to the members question is as follows:

- (1) The ACT Government has been advised that recommendations are likely to go before the Federal Government in late June on the application of workplace bargaining in the Australian Public Service. ACT Government Service transitional staff continue to be employed under the Commonwealth Public Service Act and therefore a Federal Government decision on this matter would have implications for ACT Government employees.

The recent proposal by the Commonwealth for the establishment of a separate ACT public service adds a wider dimension to the consideration of workplace bargaining in the ACT public sector.

In developing its position on enterprise bargaining the Government will be undertaking the appropriate consultations with the public sector unions.

- (2) and (4) In accordance with arrangements agreed upon at the ACT Joint Council on 12 May 1992, agency heads and union representatives met on 16 June 1992 to discuss a range of general issues that will be addressed if workplace bargaining is to be introduced in the ACT public sector. An issues paper is now being prepared as the basis of further discussion.

- (3) NO

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION 154**

**Health Portfolio - Consultants**

Mr Kaine - asked the Minister for Health on notice on 19 May 1992:

In relation to your response to question on notice No. 52 on the cost of consultants what was the specific brief related to the staff selection performed by (a) TASA/ERC Pty Ltd Melbourne,- Victoria and (b) Harris Van Meegan, Canberra (ACT) (4 transactions).

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

1(a) The specific brief for the staff selection performed by TASA/ERC Pty Ltd was to identify suitable candidates and assist with shortlisting of applicants for the position of General Manager, Woden Valley Hospital. The cost of the consultancy was \$7,143.

1(b) The specific briefs for the four staff selection transactions performed by Harris Van Meegan (ACT) were:

(i) Principal Dentist  
Dental Services Section  
Community Health Branch

Harris Van Meegan was required to be present at the interviews, take notes, contact referees and write the interview report. The cost of the consultancy was \$1287.

(ii) Senior Executive Service Level 1  
Executive Director  
Health Services Development Branch

Harris Van Meegan was required to sit on the interview panel, take notes and to write the interview report. The cost of the consultancy was \$525.

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Senior Officer Grade B  
Director, Client and Community Policy  
Health Services Development Branch

Harris Van Meegan was required to sit on the interview panel, take notes and to write the interview report. The cost of the consultancy was \$975.

(iv) Director  
ACT Ambulance Service

Harris Van Meegan was required to write the interview report. The cost of the consultancy was \$312.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION No 155**

**Chief Minister - Interstate Visits**

MR KAINÉ - Asked the Chief Minister upon notice on 19 May 1992:

In relation to your response to question on notice No 56 that you made seven interstate trips in the period 7 August 1991 to 31 March 1992 -

- (1) How many public servants accompanied you on each of these trips, by name, position and function.
- (2) What was the cost of each accompanying officer.

MS FOLLETT - the answer to Mr Kainé's question is as follows:

In the period 7 August 1991 to 31 March 1992, the public servants which accompanied me on interstate trips are as follows:

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CITY VISITED: Melbourne

Commonwealth and State Ministers Conference on the Status of Women and the Womens Advisers Meeting.

NAME POSITION DATE and FUNCTION COST

Lisa Paul Assistant Secretary, 25-27 September 1991 - To attend \$ 1022-50  
Social Policy Branch the Womens Advisers Meeting, and to  
support and advise the Chief Minister  
at the Ministerial conference

Patti Kendall Director, Womens Unit 25-27 September 1991 - To attend the \$ 867-50  
Womens Advisers Meeting, and to  
support and advise the Chief Minister  
at the Ministerial conference

CITY VISITED: Brisbane

The Australian Tourism General Meeting and  
the National Tourism Awards

NAME POSITION DATE and FUNCTION - COST

David Lawrance Acting Chief Executive 10-13 October 1991 - to represent \$ 1019-00  
Officer, ACT Tourism the ACT at the Australian Tourism  
Industry General Meeting, to attend  
the 1991 Australian National Tourism  
Awards, and to have discussions with  
the tourism industry in relation to  
the October 1992 Australian Tourism  
Awards in Canberra.

Jo Spencer ASO 4 9-13 October 1991 - to support the S 66-53  
ACT Tourism Commission ACT representative at the  
1991 Australian Tourism Industry  
Meeting and the Australian  
National Tourism Awards.

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CITY VISITED: Adelaide

Heads of Government Meeting

NAME POSITION DATE and FUNCTION COST

Richard Madden Under Treasurer 27 October 1991 - Treasury advisor to \$ 620-00  
the Chief Minister.

CITY VISITED: Adelaide

Premiers and Chief Ministers Meeting

NAME POSITION DATE and FUNCTION COST

Hill Harris Secretary of the 19 - 22 November 1991 - Principal \$ 1616-00  
Chief Ministers Departmental advisor to the  
Department the Chief Minister

Richard Madden Under Treasurer 19 - 22 November 1991 - Acted as S 1275-00  
Treasury Advisor to the Chief Minister.  
Participated in working groups of  
officials, which undertook detailed work  
on agenda items and drafted sections of  
the communique released by Premiers and  
Chief Ministers.

Stephen Hunter Head of the 20 - 22 November 1991 - Provided advice \$ 1228-00  
Chief Ministers Division to the Chief Minister.

Participated in working groups of  
officials, which undertook detailed  
work on agenda items and drafted  
sections of the communique released by  
Premiers and Chief Ministers.

Harriet Elvin Director, 19 - 22 November 1991 - Assisted in \$ 1293-00  
Intergovernmental Relations advising the Chief Minister.

and Special Projects Section Participated in working groups of  
officials, which undertook detailed  
work on agenda items and drafted  
sections of the communique released by  
Premiers and Chief Ministers.

CITY VISITED: Goulburn w  
NSW - ACT Consultative Forum

NAME POSITION DATE and FUNCTION COST

Bill Harris Secretary of the 13 December 1991 - Acted as principal Nil  
Chief Ministers Department Departmental advisor to Chief Minister.

Stephen Hunter Head of the 13 December 1991 - Provided advice to  
Chief Ministers Division Chief Minister. Nil

Chris Eccles Assistant Secretary 13 December 1991 - Assisted in Nil  
Cabinet and Policy providing advice to the Chief Minister,  
Coordination Branch and in determining necessary follow-up  
action for the ACT

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Harriet Elvin Director, 13 December 1991 - Assisted in Nil , Intergovernmental Relations providing advice to Chief Minister, and Special. Projects Section and in determining necessary follow-up action for the ACT.

Simon Woollier ASO 6 13 December 1991 - ACT notetaker for Nil the meeting; to contribute to minutes which were jointly finalised by NSW and the ACT.

Christine Harris ASO 5 13 December 1991 - Provided Nil administrative assistance for the meeting.

CITY VISITED: Kiama.

To open and address a seminar of the Licensed Clubs Association of the Australian Capital Territory.

28 February - 1 March 1992

There were no public servants at this seminar

CITY VISITED: Melbourne

The Small Business Ministers Conference

NAME POSITION DATE and FUNCTION COST

Glenn Bellchambers First Assistant Secretary, 12 - 13 March 1992 - to attend the S 725-00

Economic Development Small Business Officials Meeting  
Division and to advise the Chief Minister at  
the Small Business Ministers Meeting



**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 165**

**Cook Primary School - Commercial Tenants**

MR KAINÉ - asked the Minister for Education and Training on notice on 19 May 1992:

- (1) Has your Department sent out letters soliciting tenants for vacant space at the Cook Primary School.
- (2) If yes, how many letters were sent out and to whom were they sent.
- (3) How much space is vacant at the school.
- (4) Currently, how many commercial tenants are there.
- (5) What is the rent for this leased space (per square metre).
- (6) Does the rent fall in line with current. commercial rents in the ACT.

MR WOOD - the answer to Mr Kainés question is:

- (1) No
- (2) N/A
- (3) In the operating school area managed by the Department of Education and Training there is one classroom surplus to enrolment needs.
- (4) Nil in the area managed by the Department of Education and Training. Details of commercial tenants in the area managed by the Department of Urban Services are shown in the response to Question No 162.
- (5) N/A
- (6) N/A

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 173**

**Stammerer Drainage - Calwell**

Mr Westende - asked the Minister for Urban Services:

Following the Ministers recent visit to Calwell to inspect the quite serious stormwater drainage problems in Wettenhall Circuit and his undertaking to the residents to rectify the matter

- (1) What action does the Minister propose to take.
- (2) When will this action be taken.
- (3) Will the action include restoration of damaged front lawns due to the inadequate drainage at no cost to the residents.
- (4) Will the proposed tree planting in Wettenhall Circuit proceed immediately following the rectification works on drainage.
- (5) Are there any other drainage problems of this nature elsewhere in these newer suburbs.

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

- (1) The swats drains and driveway crossings have been surveyed and areas where the original design levels have been altered identified. It will be proposed, in consultation with the residents, that the swats drains be restored to the original design shape and level and resurfaced with turf. I am presently looking at the need to provide a concrete invert to prevent possible pending at driveways with grass build up.
- (2) The work is expected to commence in July/August 1992.
- (3) The entire verge area containing the swats drain will be restored at no cost to the residents.
- (4) The proposed tree planting will need to be reviewed to ensure that it is sympathetic with the swats drain and will not cause any future problems with the drainage system. The review will be done immediately and it is proposed to commence tree planting immediately following the completion of drainage works.
- (5) There are no other drainage problems of this nature elsewhere. Another existing swats drainage system is located in Mimosa Close, Isabella Plains. This was a housing display village and the swats drains were entirely grassed and maintained to provide positive drainage. These swats drains are apparently operating satisfactorily with no erosion or pending.

**MINISTER FOR URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 174**

**City Services Corporate Plan**

Mr Westende - asked the Minister for Urban services:

- (1) Is the Minister satisfied with the progress being made in achieving the deadlines outlined in the booklet ACT City services corporate Plan 1991-1995; in particular were the following tasks achieved in accordance with the set target dates; (a) vehicle inspection service waiting time target of 15 minutes for 80% of clients; (b) increase Multi occupancy vehicle carport use in Civic to 70% and Woden to 25%; (c) implementation of regulations in particular the graduated licensing and points demerit system which bring the ACT into line with a majority of jurisdictions and/or NSW; and (d) reduced delays as a result of traffic improvements.
- (2) Is the Minister satisfied that future target dates will be achieved; in particular, (a) evaluation of random vehicle inspections and (b) steps to reduce the operating costs of ACT Building Control.
- (3) The booklet indicates that the .Waste Management Section had 159 employees in June 1991; (a) what is the current number of employees and (b) how many of these employees are actually involved in collecting waste.
- (4) The booklet indicates that ACT Forests employs 82 people; (.a) how does this number of employees compare with the number of employees managing the commercial softwood forests in NSW and (b) what is the status of the major review of ACT Forests.
- (5) The booklet indicates that the ACT Library Service has 130 employees; (a) are all of these full time employees and (b) how many are fully qualified librarians.

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

At the outset, I should make the point that the ACT City Services Corporate Plan 1991-1995 is a planning document representing some of ACT City Services goals and aims for achievement over a five-year period. It is subject to ongoing review, including modification because of changing resource levels and adjustment of priorities to reflect Government commitments. My comments in relation to the specific items raised in the Members question are:

- (1) Yes, when all factors are taken into consideration.
- (a) The verifiable outcome for vehicle inspection service levels in the Corporate Plan is to "achieve waiting

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time targets of 15 minutes for 80% of our clients after the implementation of SEP (the Structural Efficiency Principle)".

SEP is not yet finalised, since GS06, GS07 and GS08 work standards have not yet been completed by the Federal Department of Industrial Relations.

The 15 minute waiting time target for vehicle inspection was met during May 1992 for approximately 55% of clients. The average waiting time for all vehicles during May 1992 was 20 minutes.

However, the Registrar of Motor Vehicles is confident that, with the policy of exempting some vehicles under 10 years of age after a preliminary inspection, this target will be attainable for 80% of clients three months after the implementation of SEP and other workplace changes currently being discussed with the relevant Union and staff.

(b) Following a publicity campaign in September 1991, use of the Multi Occupancy Vehicle carparks rose to 80% in Civic and 30% in Woden by the end of 1991. Occupancy rates in both carparks are continuing to rise slowly but steadily.

(c) The graduated licensing and points demerit system form part of the former Prime Ministers 10 Point Package of Road Safety and were to be introduced by 1 January 1992. However, due to the considerable amount of business before the Assembly and the complexity of these initiatives, these measures were unable to be considered by Government last year and were therefore passed over until 1992. The drafting of the legislation has now begun and the Amendment Act is expected to be introduced into the Legislative Assembly later this year for implementation early in 1993, when it is anticipated that essential computer programming and staff training will have been completed. Considering the complexity of this initiative, I am satisfied with its progress.

(d) There are no set target dates to achieve reduced delays as a result of traffic improvements. However, the following are examples of locations where traffic improvements undertaken in 1991/92 have resulted in reduced delays:

the off-peak linking of traffic signals on Dartford Drive  
the linking of traffic signals on Northbourne Avenue; and  
the linking of traffic signals at the intersection of Hindmarsh Drive and Massaro Highway.

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In addition, the decision to use roundabouts instead of traffic signals for several projects along Dartford Drive and in Gungahlin was taken on the basis that roundabouts will provide lower overall delays for traffic at these specific locations.

(2) (a) Transport Regulation has not been involved in any formal review of random vehicle inspection. However, information gained through Transport Regulations involvement in joint on-road operations with the Australian Federal Police indicates that random inspection is a very effective method of maintaining a worthwhile vehicle safety audit function, provided that it is combined with effective onroad enforcement activity.

Primary responsibility for vehicle safety rests with the vehicle owner or operator, not with a Government agency.

(b) ACT Building Control monitors its overall financial delivery on the basis of two major cost divisions Salaries and Other Operating Costs.

The Section has taken emphatic steps to minimize the cost of operations and this is manifested in the expected financial results for 1991/92. The number of persons employed within the Section has declined, through a policy of non-replacement of staff who have voluntarily left the Section, from 90 persons at 1 July 1991 to a current level of 80 persons in June 1992.

In addition, "Other Operating Costs" have diminished by approximately 30\$ when comparing 1991/92 with the preceding financial year. The Section is continuing to examine opportunities for additional reductions in the costs of operation while attempting to maintain accepted service standards.

(3) (a) There are currently 135 employees with Waste Management.

(b) 78 employees are directly involved with the collection of waste. An additional 8 staff are responsible for the management and operation of the two Landfill sites and are involved in the disposal of collected waste.

The remaining employees in the Waste Management Section are involved in specialist cleaning (eg shopping centres and public toilets, graffiti removal), maintenance of fountains and memorials, dangerous goods inspectorate, operation of public weighbridges, recycling, and negotiation and supervision of domestic garbage contracts and the use of public space (eg outdoor cafes, Trash In Treasure).

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(4)(a) Current employees of ACT Forests:

Salary Wages TOTAL

22 46 68

Employees of NSW Forestry Commission:

Salary Wages TOTAL

724 1005 1729

5 5 10 Queanbeyan district

13 68 81 Tumult district

15 20 35 Albury Regional Office

Direct comparisons are difficult as each district varies with the size of plantation estate and with the native forest area under management. District staff are not divided into softwood or hardwood staff and can work across the whole area. ACT Forests also have a range of functions not normally carried out at a district level.

(b) The review by Delete Ross Topmast in association with

Margules Groome Poyry was completed in November 1991 and accepted by the Minister in January 1992. The recommendations of the Review are being progressively implemented by the new management of ACT Forests.

(5)(a) At June 1991 the ACT Library Service had the equivalent of

133 full-time staff, comprising 99 full-time and 51 part time staff. As at May 1992, the ACT Library Service had 127 staff (full-time equivalent) comprising 97 full-time and 45 part-time staff.

(b) At May 1992 40 qualified librarians.were employed by the

ACT Library Service.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION 175**

**Home and Community Care Advisory Committee**

Mrs Carnell asked the Minister for Housing and Community Services -

- (1) Has the Ministers attention been drawn to a potential conflict of interest in the Chairman of the HACC funded service (namely Home Help Service) being appointed by the Minister to the Home and Community Care (HACC Advisory Committee)

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

- (1) There is no conflict of interest. The Home and Community Care (HACC) Advisory Committees role is to provide advice to both the Commonwealth Minister and the Territory Minister on planning strategies and identification of program priorities.

The Committee does not determine the allocation of funds between regions or service types or segments of the target group, nor does it make specific recommendations on funding proposals. The Committee does not make specific decisions affecting individual projects or negotiate directly with sponsoring organisations regarding their project proposal development, approval or funding. Advice on these matters is provided by Territory and Commonwealth officials.

All members of the HACC Advisory Committee are appointed on the basis of their expertise and capacity for involvement in issues relating to HACC policy and program planning. The ongoing involvement of committee members in community services brings practical and first hand experience to the Committees deliberations.

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 176**

**Health Services Complaints Unit**

Mrs Carnell - asked the Minister for Health:

In relation to the proposed Independent Complaints Unit what will be (a) the capital and recurrent costs; (b) the organisational form; (c) powers; (d) investigative scope; and (e) time frame, of the proposed unit.

Mr Berry - the answer to Mrs Carnells question is:

I am committed to the Governments policy to establish an independent complaints unit. The proposal for such a unit is still being developed; I will soon be issuing a discussion paper for community comment.

(a) Capital and recurrent costs are not known at this stage. The Government estimated in its election commitments that the recurrent costs might be around \$150,000.

(b) The proposal is for an independent Unit reporting to me, as in other States. The emphasis will be on conciliation, and on dealing with complaints at the provider level wherever possible.

(c) Current practice is for such Units to have a range of powers to compel the production of documents and the appearance of witnesses. I expect that the Registration Boards will remain the sole body responsible for disciplining registered professionals.

(d) Apart from Registered providers of health care services, it is likely the Unit would also receive complaints relating to alternative health care providers, and most health related services and institutions.

(e) The discussion paper on the Unit is expected to be released in July 1992 with around 2 months for public comment.

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**MINISTER FOR SPORT**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 182,**

**Office of Sport and Recreation  
Acting Assistant Secretary**

Mr Kaine - asked the Minister for Sport - .

- (1) Is. it .a fact that a request from a workplace delegate seeking information concerning Mr Conways status in. the ACT Office of. Sport, Recreation:and Racing;; was refused. on the grounds that -his position is "informal", (a) if so,. how was this advice .givenarid. by whom;-; (b) .what is meant by the word "informal" as .it relates to -people on the ACT Government payroll; and (c).was..this matter reported to the Chief Minister. as the. responsible .Minister on Public Service matters . .
- (2) What are the arrangements currently applying to the employment by the ACTG. of Mr Peter Conway, specifically (a) substantive status inthe ACTG.;. (b) current status; (c) details of current line duties and his title; (d) details of his remuneration package; (e) dates,of commencement of present duties--;,and anticipated completion; (f) details of the process by which Mr Conway was appointed to hispresent position;and.(g)details of any representational functions for which he is responsible.
- (3) Did Mr Conway attend theRacing Ministers. Conference in Alice Springs between 30 April 1992 and 1 May 1992; (a) if so, in what capacity; (b) what was the cost and which departmental or program budget bore those costs;-- (c) which.officers from the Office of .Sport, Recreation. and Racing attended, by position and title;. (it) the cost; (e) what follow-up action has taken place since this Racing. Ministers Conference and by whom; .(f) how many departmental officers have participated in preliminary discussions with the ACT Law Office concerning the drafting ofACT Legislation covering SP Bookmaking;. (g)..has Mr Conway attended these meetings; and Thu. has he attended these meetings. .

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(4) Did Mr Conway represent the ACT Government at the recent sports administrators conference at the Gold Coast, if so, (a) what was the nature of this representation; (b) did he present a paper at this conference; (c) what was the cost of his attending this conference and which departmental or program budget bore the costs; (d) how many officers from the Office of Sport, Recreation and Racing attended this conference, by position and title; and (e) if he did not officially represent the ACT Government in what capacity did he attend this conference.

Mr Berry - the answer to the Members' Questions are follows:

(1) (a), (b), (c) The delegate was informed by the Secretary of the Office of Sport and Recreation that Mr Conway's position was not part of the formal structure of the Office in that he reported direct to the Secretary rather than through the normal Divisional structure. His position was not described at any time as 'informal'.

(2) (a) Mr Conway is a substantive Senior Officer Grade B.

(b) He is currently acting as a Senior Executive Service Officer Band 1.

(c) The principal tasks of the position are to develop and facilitate liaison arrangements with sport and recreation organisations in the ACT; including consultation concerning the ACT Sports Council; promote and market places and recreation activities; and ensure maintenance of close links between the Government and the racing industry;

Mr Conway's title is Acting Assistant Secretary

(d) Mr Conway has the normal salary and benefits of a SES Band 1 Officer. His annual salary is \$59,121.

(e) Mr Conway commenced acting in the position on 2 September 1991 and the position will be reviewed in the context of consideration of the recent review of the Office of Sport and Recreation. :1372.

(f) Having regard to the functions of the position,

-staff with the relevant background and experience within the Department of Environment, Land and Planning were canvassed. in August 1991. As no one indicated, an interest in the position, Mr Conway was approached to act in the position.

(g) Referee (c) .

(3) Yes

(a) ,To provide advice to the Secretary of the Office of Sport. and Recreation .and me in my capacity as Minister for Sport.

(b) The cost of. Mr Convoys attendance was \$1707:50 and was met by the Department of Environment,

Land and Planning

Act The Secretary of the Office of Sport and Recreation and Mr Convey attended

(d) The cost of the Secretarys attendance was \$1707.50

(e) I made a statement in the Assembly on 21 May on the Racing Ministers Conference which details the importance of the Conference to the ACT and listed follow up actions which are currently being undertaken by the Offices Sport and Recreation including: . investigation of the suitability of the ACT TAB introducing a multi choice betting game. discussions with the ACT Law Office on legislation regarding SP bookmaking. discussions with the ACT Racing Industry with. regard to the percentage of TAB turnover paid, to the ACT Government.

( f) One

(.g) Yes. .

.(h) Consistent with his duties outlined. in 2(c)

(4) Yes

(a) Mr Conway.represented the ACT consistent with his duties as outlined in 2(c)

(b) . No . .

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(c) The costs were \$1094.80 and were paid by the  
Department of Environment, Land and Planning.

(d)- One.. Senior.Executive Service Band I

(e.) Refer too (a)

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**ATTORNEY GENERAL  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 187**

**Weapons Control Advisory Committee**

Mr Cornwell - asked the Attorney General -

- 1) Does the ACT Have a Firearms Consultative Committee; if so  
(a) what is its membership and (b) what are its terms of reference.

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

The ACT does have a Weapons Control Advisory Committee, which has met several times since its formation in August 1991.

- (a) The committees membership is as follows:

Magistrate Michael Somas (Chair) Dr Peter Grabosky (Australian Institute of Criminology) Mr Jim McGregor (Sporting Shooters Association) Ms Heather McGregor (Domestic violence nominee) Superintendent Chris Lathbury (Weapons Registrar) Professor Phillip Alston (ACT Discrimination Commissioner).

Secretariat support is provided by the Attorney Generals Department.

- (b) A copy of the committees terms of reference is at attachment A.

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## WEAPONS CONTROL ADVISORY COMMITTEE

### TERMS OF REFERENCE

The role of the Committee is to provide advice to the Government with regard to the issue of weapons control.

The functions of the Committee are to:

- a) monitor the administration and the effectiveness of the Weapons Act 1991 and any related legislation;
- b) consider developments in weapons control in other jurisdictions within Australia and, where appropriate, elsewhere;
- c) see to the extent it thinks necessary, and consider the views of individuals and organisations on weapons control; and
- d) make recommendations to the Government concerning weapons control including the need for new or amending legislation.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 189**

**Eddison Park, Woden**

Mr Cornwell - asked the Minister for the Environment, Land and Planning -

In relation to your reply to question on notice No. 34 that Eddison Park Woden has an on-going maintenance cost of approximately \$12,600 per hectare per year, ie \$175,000

- (1) What is the breakdown per hectare of this cost.
- (2) What area of the park is covered by "the pond, containing islands, boardwalks and a gazebo".
- (3) What area of the park is covered by "the entry arbour and major avenue of trees".
- (4) What is the annual cost of maintenance in the areas described at (2) and (3).

Mr Wood - the answer to the members question is as follows:

- (1) The figure of \$12,600 per hectare per year for on-going maintenance costs is based on the average cost of maintaining all town parks in Canberra. Other town parks include, Glebe Park in central Canberra, John Knight Memorial Park in Belconnen and Tuggeranong Town Park. The cost of maintaining any particular park varies considerably year to year depending on the maturity of the landscape and seasonal factors.

The \$12,600 average on-going maintenance cost contains components for both the soft and hard surface landscape. This includes the costs associated with the maintenance of irrigated and dry grass, play equipment, barbecue facilities, and landscape items such as the ponds and gazebo in Eddison Park and the similar features found in the other town parks.

- (2) The area of the park covered by the pond is 0.55 hectares.
- (3) The area of the entry arbour and avenue of trees is 0.133 hectares.
- (4) Maintenance costs for these specific areas within parks are not kept separately but normally are relatively minor.

1377

25 June 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 190**

**Housing Trust - Monash Supported Accommodation Property**

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

In relation to the operation of a house in Monash, by the Open Family Foundation (Hansard, 12 December 1991) -

- (1) How many people occupy the house.
- (2) What procedures have been adopted to monitor operations of the house.
- ( 3 ) How frequently has monitoring taken place.
- (4) What was the result of the monitoring.

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

- (1) Four plus a live-in supervisor.
- (2) This service is subject to the same accountability requirements as any organisation operating a supported accommodation service from a Housing Trust property and receiving Government funds. They are required to provide both quarterly and annual financial information and monthly data reports. In addition to these requirements, the organisation provides a detailed monthly report on the operation of the house.
- (3) As detailed in (2) above.
- (4) This monitoring shows that the service is operating appropriately at this stage of its development.

1378



**MINISTER FOR THE ARTS  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NQ 192**

**Government Publications -  
Distribution to Assembly Members**

Mr Cornwell asked the Minister for the Arts - Why were. copies of the new ACT Cultural Council bulletin and issues of the Arts and Special Events bulletin not made available to Assembly members, following an undertaking of 10 April T992.by Public Affairs Branch that copies of all public documents produced by Government agencies would be so provided.

Mr Wood -the answer loathe Members question is as follows:

By the Arts and Special Events bulletin I assume youre referring. to the monthly mailout undertaken by-that Section as a client service to assist with the distribution of information, provided by ACT cultural groups to other client organisations and, individuals.

Included in the mailout address list are some members of the Legislative Assembly who have had a particular interest in the activities of clients in the past. This list. is due for updating.

The new ACT Cultural Council bulletin,. enigmas., was distributed via the Bailout in late May 1992. It was also made available at a small number of appropriate venues and was distributed to senior.officers of the ACT. Government Service.

In retrospect, distribution to all members of. the . Legislative Assembly would appear appropriate and in fact their interest in the Cultural. Council and its clients is welcome.

The Arts and Special Events Section was not aware that Public Affairs had made an undertaking of this nature and I - th:a,nk you for drawing it toothier attention.

The Section has taken steps to ensure that all members of the Legislative Assembly are on the mahout address list ensuring that they will receive the publicity material produced by their clients and public information. produced by the ACT Cultural Council.

1379

**MINISTER FOR THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 193**

**Floriade and Canberra Festival - Visitors**

Mr Cornwell asked the Minister i Arts - What was the approximate number of people visiting the ACT for (a) Floriade; and (b) the Canberra Festival in (i) 1989, (ii) 1990 and (iii) 1991.

Mr Wood - the answer to the Members.question is as.follows:

The approximate number of people visiting the ACT for:

(a) Floriade.

The Floriade organisers employed a reputable marketing and applied. economic survey group for 1989 and.1990, and in 1991 used the services of the Economic Development. Research Division of the Chief Ministers Department. The results of the surveys are:

(i) in 1989 of 138,000 visitors 48,300 were interstate tourists.

(if) of 140,000 visitors 63,000 were interstate tourists;

(iii) in.3991 of 406,0.00 visitors 151,000 were interstate tourists..

(b) Canberra Festival.

The Canberra Festival has-no mechanism to accurately estimate attendances at Festival events because events are outdoors and free to the public, nor does it have suffici6nt\*funds to employ a research company to conduct a statistically valid survey. .

Estimates are usually those provided by the-Police, Emergency Services, the media etc., and Canberra Festivallscomparisons with previous years.

For each of the .past four years, it is estimated that the number of people attending Festival events was greater than the population of Canberra.

Page 2/

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2.

In 1991, students studying towards a BA(Tourism) at the University of Canberra undertook a marketing survey at three-Canberra Festival events. The events chosen were held over the second (long) weekend of the Festival, and were selected because of the varying- visitor ties the events were expected to attract.

The figures indicate that on average 15% of estimated attendance were visitors, that is, those three events alone attracted approximately 11,500 visitors from outside the Canberra region.

Extrapolating those figures across the entire Festival provides an estimated .visitor attendance of approximately 30,000.

1381

25 June 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 194**

**Housing Trust - Waiting List**

MR CORNWELL - asked the Minister for Housing and Community Services  
In relation to your response to Question on Notice No. that at 29 February 1992 there were 5 391 applicants seeking allocation of Housing Trust accommodation and the Canberra Times 4 May 1992 (page 2) report that "March figures for this year showed 5 775 waiting"

- (1) Did the waiting list increase by 384 applicants in the-space of one, month between February and March 1992.
- (2) What has been the average monthly increase in Housing Trust applicants from July 1991 to March 1992.
- (3) Have all the 5 775 applicants fulfilled the 6 months residency requirement for waitlisting for Housing Trust properties.
- (4) How many people are represented by these 5 775 applicants.

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

- (1) Yes.
- (2) 225.
- (3) There is no 6 month ACT residency requirement to join the waiting list.
- (4) 13 514 people (approximately).

1382

**MINISTER FOR THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 198**

**Canberra World Festival.**

Mr Cornwell asked the Minister for the Arts

- (1) Was \$10,000 provided in 1991 by the Government for a feasibility study for a World Festival in the ACT.
- (2) Was some \$120,000 initially provided in 1992 for this World Festival.
- (3) Has some of this money provided in (2) been returned to Government; and if so, how much:
- (4) If money has been returned, why . .

Mr Wood - the answer to the Members question is as follows.:

- (1) A grant from the 1990/91 Special Events and Festivals Grant Program of \$8,000 was provided to the ACT Arts Council for a feasibility study for a winter event in the ACT.
- (2) A grant from the 1991/92 Program of \$142,340 was provided to Canberra World Festival Incorporated for the inaugural Canberra World Festival which was to have been held in the winter of 1992.
- (3) Canberra World Festival Incorporated have returned an amount of \$88,100. to the Government.
- (4) The funds were returned as the organising Committee, after expenditure in excess of \$50,000., were still unable to secure the level of corporate support required to partner the Government's grant funds by the deadline for the event to proceed in 1992. All other aspects of the arrangements were on schedule, however. . .

The Government shares the organizers view that only a winter event; of national significance should proceed. It is now a matter for the Canberra World Festival to decide the future of their event.. The Special Events and Festivals Committee which includes Tourism representation is also addressing the issue of a winter event for the ACT. .

25 June 1992

**MINISTER FOR THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 203**

**Canberra Theatre Trust - Complimentary Attendances**

Mr Cornwell asked the Minister for the Arts - In relation to the Canberra Theatre Trust 1990-91 Annual Report, . Appendix B, Summary of Attendances. - Are records .kept of ..unpaid (Complimentary) attendance numbers at live performing arts and; if so, ;..what .were they for each of the ,venues listed. , .

Mr Wood --the. answer to the Members question is as follows:

The system of inviting selected guests to performing arts events, usually on opening night,. is along standing theatre tradition. .Those invited include media representatives and reviewers, sponsors and supporters, community leaders,government representatives, key arts workers and theatre staff. This,; however, .is not revenue foregone. The system is designed to encourage greater patronage over time and more community awareness of productions.

The number of complimentary attendances at the Canberra Theatre, the Playhouse and the Rehearsal Room are as follows:

To . To .  
. 31/5/91 31/5/92

Table included.

1384

These figures differentiate between invitees for productions directly presented by the Canberra Theatre Trust and invitees for productions presented by outside hirers of the venues. "Sponsored" tickets are those provided to a commercial sponsor as part of the sponsorship agreement.

1385

25 June 1992

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 206**

**Floriade - Bulb Hire and Purchase**

Mr Cornwell. - asked the Minister for the Environment, Land and Planning

(1) Does the Government hire or buy bulbs.-for Floriade.

(2) If so;

(a) how many in years (i) 1989, (ii) 1990 and (iii) 1991;

(b) from where were the bulbs hired or bought and

(c) what was the overall cost for .the three years.

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

(1) For the 1988 and 1989 Floriades, some tulips were bought at a lower rate on the condition they were returned to the supplier at the conclusion of the event. Other tulips and all other bulbs were purchased. Since 1990, all bulbs have been purchased.

(2.)

(a)(i) For the 1989 Floriade 268,000 bulbs were purchased.

(ii) purchased. For the- 1990 Floriade 325,200 bulbs were .

(iii) purchased. For the 1991 Floriade 490,100 bulbs were

(b) (i) Bulbs for the 1989 Floriade were purchased rom the following suppliers:

TA & NL Bakkers - Dysons Bulb Farm

Coulson Rd 179 Coppards Rd

Monbulk Vic Moolap Vic

Fairy Dell Nursery - Blue Dandenong

Fairy Dell Rd Bulb Farm

Monbulk Vic PO Box 8

Monbulk Vic

Tesselaars Nursery

Monbulk Rd

Silvan Vic

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(ii) Bulbs for the 1990 Floriade were purchased from the following suppliers:

TA & NL Bakkers - J N Hancock & Co  
Coulson Rd Jackson Hill Rd  
Monbulk Vic Menzies Ck Vic  
- Fairy Dell Nursery - Vogelvrys Bulbs &  
Fairy Dell Rd Flowers  
Monbulk Vic PO Box 369  
New Norfolk Tas  
- Blue Dandenong - Dysons Bulb Farm  
Bulb Farm 179 Coppards Rd  
PO Box ,8 Moolap Vic  
Monbulk Vic  
- Tesselaars Nursery  
Monbulk Rd  
Silvan Vic

(.iii) Bulbs for the 1991 Floriade were purchased from the following suppliers:

- TA & NL Bakkers - Tesselaars  
Coulson Rd Nursery Flowers  
Monbulk 357 Monbulk Rd  
Silvan  
- Vogelvrys Bulbs & - Dysons Bulb Farm  
Flowers. 179 Coppards Rd  
- PO Box 369 Moolap Vic  
New Norfolk Tas  
- Van Eden Tulip Farm  
Westplains  
Invercargill NZ

(c) The overall cost for hire and purchase of bulbs for the Floriades held in 1989, 1990\_ and 1991 was \$380,937.18:

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25 June 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 211**

**Housing Trust - Tenant Newsletter and Seminars**

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

In relation to the Housing Trusts Newsletter to Tenants -

- (1) Why are copies not provided to Assembly Members following an undertaking of 10 April 1992 by the Public Affairs Branch that copies of all public documents produced by Government agencies would be provided.
- (2) Why did the April 1992 edition state a Tenant Participation Information Seminar was successful when it was attended by 100 staff members but only 50 tenants and members of community groups.
- (3) Where was the Seminar held and what was its cost.

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

- (1) The Public Affairs Branch of Chief Ministers Department has investigated this matter and found that due to an oversight, copies of the Newsletter were not distributed to Assembly Members. The necessary administrative arrangements have been made to ensure that Assembly Members receive copies of public documents in future.
- (2) The purpose of the Tenant Participation Information Seminars were to provide ACT Housing Trust staff, public tenants and members of community organisations the opportunity to hear how the Tenant Participation Program operates and what benefits can be expected from the Program.

While the Newsletter states that 50 tenants and members of community groups attended, these people were in the main representatives of interest groups who have since reported back to wider networks.

1388

As a means of demonstrating the success of this type of Program, keynote speakers gave details of how the process operates in South Australia and New South Wales, and their comments were well received by all in attendance.

The Housing Trust has received extensive feedback on the Program, in particular from the Seminar attended by public tenants and members of community organisations, and since that date several new tenant groups have been established, as well as considerable interest being shown in the formation of further groups. Similarly, the Program has been well accepted by Housing Trust staff.

(3) The Seminars were held at the Country Comfort Motor Inn, at a total cost of \$5 019.57.

1389

25 June 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 212**

**Government Aged Persons units - Means Test**

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

In relation to eligibility for occupancy of Government aged persons units -

- (1) Are potential residents of Government aged persons units subject to a \$20 000 upper limit means test.
- (2) If so, what procedures are followed to establish an applicants asset limit of \$20 000 and how is it calculated.
- (3) Does this limit include the value of a motor vehicle.
- (4) Is this limit per person or per couple.
- (5) What constitutes "assets".
- (6) What process exists to check the accuracy of this limit among potential residents, given the restrictions placed by privacy provisions into investigation of a persons financial affairs.

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

- (1) Yes.
- (2) Applicants are required to declare the value of assets in writing as part of their application for housing.

The application process requires that an applicant declare the details provided to be true and correct.

- ( 3 ) No.
- (4) The limit applies per application to the assets of a single applicant or the combined assets of joint applicants as the case may be.

1390

(5) "Assets" is the value of all assets owned by the person including those in which the person has a contingent or beneficial interest but does not include the value of:

- clothing; - ordinary household effects; - ordinary household equipment; - tools of trade; - plant and equipment necessary for earning income; and, - one motor vehicle.

(6) Given the applicants declaration, the value placed on assets by applicants is generally accepted as sufficiently accurate. In the cases of former property owners following marriage breakdown, solicitors statements outlining dispersal of sale proceeds are usually sought to confirm cash holdings.

1391

25 June 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 215**

**Housing Trust - Fraser Supported Accommodation Property**

MR CORNWELL - asked the Minister for Housing and Community Services  
In relation to the "supported accommodation" property in Fraser, purchased for \$190 000 by the  
ACT Housing Trust

(1) Will the Housing Trust be responsible for the maintenance  
of the following items purchased as part of the property:

(a) ten metre swimming pool; (b) reverse cycle air  
conditioner; (c) separate air conditioner in master  
bedroom; and inground sprinkler system.

(2) If so, what is the estimated annual maintenance Cost of  
these items and, if the Housing Trust is not responsible for  
the maintenance then who is responsible.

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

(1) No.

(2) The tenant organisation.

1392

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 218**

**Housing Trust - Fraser Supported  
Accommodation Property**

Mr Cornwell - asked the Minister for the Environment, Land and Planning -

What is intended to be done about breaches of the ACT Planning Authoritys Criteria for Siting Supported Accommodation in Residential Areas (outlined in question on notice No. 217) in relation to the supported accommodation property at 129 Shakespeare Crescent, Fraser, purchased for \$190,000 by the ACr Housing Trust.

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

There have been no breaches of the ACT Planning Authoritys Criteria for Siting Supported Accommodation in Residential Areas in relation to the purchase of 129 Shakespeare Crescent, Fraser by the ACT Housing Trust.

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25 June 1992

**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 219**

**Housing Trust - Fraser Supported Accommodation Property**

MR CORNWELL - asked the Minister for Urban Services

In relation to the "supported accommodation" property in Fraser, purchased for \$190 000 by the  
ACT Housing Trust

(1) Are ACTEW concessions allowed to "supported  
accommodation" properties.

(2) If so, will these concessions apply to (a) the reverse cycle  
air conditioner; (b) the separate air conditioner in the  
master bedroom; (c) the inground sprinkler system (d) the  
security lighting system; and (e) the pool filtration system.

(3) What would be the estimated annual concessions on (2) for  
the organisation.

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

(1) ACTEW concessions are not currently available to  
supported accommodation properties.

(2) Not applicable.

(3) Not applicable.

1394



**MINISTER FOR HOUSING AND COMMUNITY SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 220**

**Toora Single Wimmins Shelter**

MR CORNWELL - asked the Minister for Housing and Community Services  
In relation to the Toora Single Wimmins Shelter which provides crisis accommodation for women  
unaccompanied by children

- (1) What government funds are provided.
- (2) What services are performed for "women unaccompanied  
by children".
- ( 3 ) What services are performed for this category of women  
that could not be performed by other public or private  
welfare organisations or agencies.

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

- (1) Under the Supported Accommodation Assistance Program  
(SAAP), Toora Single Wimmins Shelter Inc. has been  
allocated the following recurrent grants in 1991-92:

\$383 960 for the operation of Toora Single Wimmins Shelter, and

\$315 846 for the operation of Heira House.

Toora also receives government funding from ACT Health.

- (2) Toora provides supported accommodation and related  
support services, such as advocacy and referral, to their  
target group of women unaccompanied by children.

The services they provide are the only services catering exclusively for the complex and unique  
needs of chronically homeless single women and single women escaping domestic violence.

- (3) While there are a number of welfare organisations that  
could and do provide services to women unaccompanied  
by children, the services are generic in nature and they  
can not be expected to meet the specific needs of each  
particular target groups. In addition the demand from  
other target groups for these general services is so high  
that the requests for assistance from women  
unaccompanied by children are often not able to be met.

*25 June 1992*

This is particularly the case with the womens domestic violence refuges funded under SAAP. These services face such a high level of demand for their services that they are forced to turn even women with children away. Women unaccompanied by children are therefore not often able to be accommodated in these services.

1396

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION -**

**QUESTION NO. 222**

**Government Buildings - Energy Expenditure**

Mr Moore - asked the Minister for Urban Services:

- (1) How much does the ACT Government spend on electricity (and other energy) each year
- (2) Has the Government considered the installation of control systems on equipment (such as all ACT public schools have) on all Government buildings to save 1096 energy in the future

Mr Connolly, the answer to the Members question is as follows .:

(1) The approximate total cost of all energy used by the ACT Government in owned and Tented buildings, excluding Government houses and flats is \$12 million per annum, of which approximately \$4 million is the cost for schools, \$4 million the cost for Health facilities. -

(2)Over the two financial years 1990L1 and 1.9912 approximately \$2 million has, been committed to energy management projects.

To determine where the maximum benefits could be obtained for this program, the cost of energy in individual buildings (excluding Health facilities) was surveyed and projects undertaken which would achieve maximum savings. The buildings identified as offering maximum savings were schools and, initial. expenditure was directed to schools, the Erindale Leisure Centre and a small mount to the Belconnen ACTION Depot.

Based on the initial expenditure of \$1 million in 1990-1, estimated savings of between \$0.45 and \$0.65 per million per annum are being achieved. The savings should be ongoing.

1397

25 June 1992

During 1991/2 further projects were undertaken or commenced at schools plus a number of other premises including Fyshwick Offices and Workshops, Manuka and Civic Pools, TAFF. Colleges, Bennett House on Acton Peninsula, and the Homeworld offices of DELP. The approximate cost of these projects is \$1 million and savings of approximately \$0.5 million per annum are anticipated from these projects.

The Government plans to continue this program in coming years as it achieves worthwhile cost savings, provides a useful reduction in greenhouse gases and demonstrates leadership in energy and cost saving.

As already noted projects are being selected to be undertaken so that priority is given to those which achieve maximum savings.

A range of equipment is being installed to achieve these savings, ranging from sophisticated computerised building management systems; to automatic lighting control systems, improved controls on building heating, ventilation and airconditioning systems, controls on hot water systems, provision of power factor correction equipment simple 50 minute lighting timers and changing to more economic energy tariffs.

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APPENDIX 1:

23 June 1992 at page 1100

St Peter and Pauls Presbytery

Telephone 062 815372

RECEIVED  
13 APR 1992

Ms Rosemary Follett, M.L.A.  
Chief Minister  
1 Constitution Avenue  
CANBERRA CITY A.C.T. 2601 44

Dear Ms Follett,

Firstly, I would like to point out that I have tried to extend to you the courtesy of addressing you properly. This is in marked contrast with the discourtesy with which you addressed me in your letter containing your pre-election propaganda.

Secondly, much more importantly and the purpose of my writing, I wish to address the issue of the proposed abortion clinic for the A.C.T. On the personal level, I wish to express my concern for yourself, that your conscience will not be burdened with a decision that would result in the killing of even one additional unborn child and for this I will pray.

I wish to express my utter contempt for those elements in your party who so carefully concealed from the public, in the lead-up to the recent elections, their intention of bringing forward this proposal. They then showed their complete disregard for voters by announcing it post-haste after the elections. Nor is it any defence to claim "it is in the platform"; there are many things in the platform and the gullible public is not to know which of them is to be suddenly sprung on it, unless they are openly canvassed during an election campaign.

I am not assuming that you were party to that deceit, even though such an assumption could be justified, unless there were evidence to the contrary, when you are such an important member, as understand it, of the Left faction which put it forward; you yourself will know whether you are deserving of contempt or not. I would hope that you were not so completely captive to your faction that it can compel you to violate your conscience. You might say, rightly, that if it comes to a vote in the Assembly you will have a conscience vote, that is not sufficient. Because of your position you can, and should, kill the proposal.

/2  
1399

25 June 1992

I say "should" because you make so much of Your" openness" to public consultation, and here we have the very opposite - deliberate concealment until after an election. If you are not to stand condemned a arch hypocrite, guilty of colossal humbug about consultation, you will make a public statement that this, matter should not proceed during this terra, but may be canvassed in the lead-uto the next electi Such a course would command respect for yourself and restore some respect or your party. Incidentally, the matter was not mentioned in the list of policies which you addressed to me in your pre-election letter.

Were we a true democracy, which we are not, the constitution would require that any legislation on matters or policy, which were not canvassed prior to an election, but raised surreptitiously after that election, would require .^5% or more of members to approve it. Perhaps you could demonstrate the genuineness of your openness to consultation by so amending our constitution and give a lead in democracy to all other governments .in Australia. .

In discussions on the pro-osed abortion clinic, I hope you will not lend yourself to the dishonesty of using the pro-abortion terminology such as "pro choice". -his ploy of using sweet-sounding euphemisms is meant to conceal the fact, itself quite undeniable, that every abortion involves at least two humans; the pro-abortionists are "pro choice" for the potential killer, but not for the defenceless one who is killed:.

I suggest that you move your government in the same direction as that of the pro-life :movement, including the Right to Life Association and the thousands who have already petitioned your government not to legalise an abortion clinic. Their opposition to abortion and is facilities for abortion only one side, the negative side, of the coin and, viewed in isolation from the positive side, is regularly parodied as lacking compassion for ;:regnant women who are under pressure to end the lives of the children they are carrying. The positive side of the coin . is the positive help given to such women by pro-lifers, through such bodies as Pregnancy Support Service. Many or these people spend their own money, their time and their loving care in this admirable endeavour which I commend to your government. They, the women they help and the babies whose lives they save, deserve all the encouragement and helpthat you and your government can give them.

I have canvassed these issues at some length. As what I have written is relevant for all MLAs, and I am without the services of a secretariate, I am sending a copy of. this letter to each of the other  
16. Yours sincerely,

Rev. John P. Kelly, P.P.

1400

APPENDIX 2:

Incorporated in Hansard on 25 June 1992 a

Map

Nc:.

IN RESPONSE TO LIBERAL POINTS ON THE ANIMAL WELFARE BILL

The Bill is based on the Policy Statement, which consultation with many community groups and individuals with an interest in animal welfare in the ACT. The Policy Statement received endorsement from the Alliance Government in October 1990; and was subsequently endorsed by the Labor Government in October 1991.

-Penalties. . .

Offences committed under the Animal Welfare Bill are essentially by a person who mistreats defenceless animals, often calculated and premeditated. Offences under the Dog Control Act are typically unpremeditated and instinctive. The level of penalty has been determined by the Law Office and is consistent with other relevant ACT legislation. .

Any anomalies will be addressed by the parity of penalties initiative being adopted by the ACT Government.

Appointment of Inspectors

The Government is aware of potential problems associated with overzealous inspectors. Each inspector, appointed by the Authority, will be required to undergo formal training in both the interpretation of the legislation and the appropriate conduct of his or her duties. .

The Authority is responsible for the appointment and regulation of Inspectors.

It is anticipated that the inspectors will initially be the Government Vets and the RSPCA inspector, who have proven capabilities in the field of animal welfare inspections. -If the powers of an inspector are misused, the appointment of an inspector may be revoked. Authorisation as an Inspector is unlikely to be conferred upon anyone holding extremist views.

Powers of entry without a warrant. This is a standard power of entry, embodied in several other pieces of regulating Legislation: It is impossible to predict the circumstances in which it may be needed but its use will be limited to the most urgent and serious matters. The use of this power will be strictly regulated by the Authority.

Any entry without a Warrant -may be subject to an examination -in a court. It must be strictly based on a reasonable cause. Any entry that can not be justified may be subject to civil action. . .

1401

25 June 1992

Police as inspectors -

This was proposed in the Policy Statement which received bipartisan support.

This Bill does not confer powers to the police that they do not already have. They can enter premises under the Crimes Act 1900 where they believe that a crime is being committed. .

Composition of the Animal Welfare. Advisory. Committee

The Bill is not prescriptive in the composition of the Committee; which allows for a change of circumstances. The proposed composition, as detailed in the Policy Statement, is likely to be followed. initially to ensure the Committee is representative of the major interests in animals and animal welfare in the ACT. .

The AWAC will be the mechanism for community consultation in the development of the codes of practice. It is an advisory committee with -. no intrinsic powers. .

Any code of practice or regulation formulated with the advise of the AWAC is subject to disallowance by the ACT Assembly.

Interpretation, of terminology in the Bill

The expert knowledge of the Government Vets, the RSPCA and trained inspectors will be used to determine what constitutes "cruelty" to animals in particular circumstances. Codes of Practice will also deal with issues such as transporting animals and proper shelter. . .

The meaning of terms such as "cruelty" are ultimately determined. in a court of law- based on prevailing community standards and accepted codes of practice. -

Animals in Research

The John Curtin School of Medical Research currently operates in line with the National Health and Medical Research Council .Code of Practice for the Use of Animals in Research and Teaching.. They have an already established Animal Experimentation Ethics Committee for approval of all scientific projects. The Bill will therefore have little practical effect on , that institution.

The ACT Government has been dealing directly with the John Curtin School during he development of the Bill. .They have not expressed any continuing concerns about the matters addressed by the Bill.

1402



## Rodeos

There is potential for cruelty in some events traditionally included in a rodeo, such as devices to induce bucking by rodeo animals. The potential for cruelty was recognised in the Senate Select Committee on Animal Welfare Report on Equine Welfare in Competitive Events other than Racing.

A ban on rodeos is seen to be appropriate in the ACT due to the potential for cruelty and the fact that there has not been a rodeo in the Territory for over ten years. This would indicate that rodeos are not a traditional part of the ACT's heritage and culture.

## Parkwood Eggs

The Bill does not outlaw the battery hen system nor does it prescribe that hens for egg production be free-ranging. The Bill will require battery hens to be kept in a way that protects their welfare. The battery farm system of egg production will be dealt with by a code of practice. In developing codes, consultation with relevant interested parties will be undertaken. Codes that are already developed at a national level will be reviewed by the ACT, and may well be adopted without modification.

A national code of practice for the keeping of battery hens is being developed by an Animal Health Subcommittee on Animal Welfare which reports to the Council of Agricultural Ministers.

## Mugga Lane Zoo

Neither Mugga Lane Zoo nor the National Aquarium have a permit to keep koalas. The keeping of koalas or any other native animal is regulated by the Nature Conservation Act 1990. The issue of permits under that Act is governed by concerns for the health of the animals and the ability of individual operators to be able to care for the animals.

## Pet Shops

In development of the Policy Statement on which the Bill is based, a pet shop owner representing commercial interests in the trade and transport of companion animals was involved in the working group.

The confinement provisions simply state that an animal is not to be confined in a way that causes injury or pain, and that confined animals are to be adequately exercised. This is consistent with the Policy Statement.

It is anticipated that a code of practice will be developed relating to Pet Shops, and that extensive consultation will be undertaken with relevant organisations and individuals.

25 June 1992

Consultation .

The Bill is based on the Animal Welfare in the ACT Policy Statement which was developed with extensive community consultation over a period of at least five years. A Working Group was established which met throughout the review process. This group included representatives of the Australian Veterinary Association and the use of animals in research, the RSPCA, the Rural Lessees Association, Animal Liberation, and a pet shop owner. .

A draft policy statement prepared by the Working group was released for public comment in 1989. The Working Group reviewed public comment and the Alliance government released the policy statement in . October 1990. Subsequently in October 1991, the Follett government agreed to a policy statement, which in respect of all the major issues was identical to the 1990 policy statement. On any test, one could not say that there had been inadequate public consultation. Not only were all the relevant interest groups involved in the process but the general public has had ample opportunity to comment.

Copies of the Bill

Copies of the Bill were sent to the parties represented on the working party. which developed the Policy Statement, including the RSPCA.- Many copies were forwarded free of charge in response to phone calls to the Animal Welfare Officer, and further copies ;were available from the Government Bookshop.

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