



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

20 August 1992

## Thursday, 20 August 1992

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

**PARENTAL LEAVE (PRIVATE SECTOR EMPLOYEES) BILL 1992**

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.31):  
I present the Parental Leave (Private Sector Employees) Bill 1992.

Title read by Clerk.

**MR BERRY:** I move:

That this Bill be agreed to in principle.

Madam Speaker, it is the policy of the Labor Government that there should be comprehensive parental leave coverage for all workers, applying equally to natural and adoptive parents. There should be a right for workers to take maternity and paternity leave and obligations on employers to grant such leave.

In July 1990 the Full Bench of the Australian Industrial Relations Commission brought down a decision in a test case establishing a national standard for parental leave to be included in awards. In that very comprehensive case, extensive submissions by the parties presented the arguments for and against parental leave from the standpoint of both employers and several others, including the ACT Government, all of whom had sought leave to present submissions. The outcome of the case was a detailed decision which included draft parental leave provisions covering maternity leave, paternity leave and adoption leave. The published decision of the commission included a draft parental leave clause for insertion into awards. Madam Speaker, I now table a copy of the parental leave clause for the information of members.

Under section 28 of the Australian Capital Territory (Self-Government) Act 1988, an ACT enactment will have no effect to the extent that it is inconsistent and incapable of operating with Commonwealth legislation or an award made under Commonwealth legislation. This means that the ACT can legislate, in this instance, only for employees who have no award coverage, and for employees who have award coverage if the legislation can operate concurrently with the award. This Bill, therefore, applies the national standard for parental leave to those workers in our private sector who are not covered by awards, or who are covered by awards which make no provision for parental leave and do not preclude such an entitlement. The Bill does not extend to employees whose awards have an entitlement to parental leave, even where that entitlement is lagging behind the national standard set by the commission in 1990. In those cases, the relevant employees would need to initiate change to their award through their union.

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This Bill is an important step in Labor's social policy of assisting workers with family responsibilities to combine those responsibilities with their employment. This initiative also demonstrates the ACT's commitment to International Labour Convention 156, which requires policies to support workers with family responsibilities to combine the role of parenting with their employment. International Labour Organisation Convention 156 was ratified by Australia in 1990, with the agreement of the ACT. Article 3 of the convention provides in clause 1:

1. With a view to creating effective equality of opportunity and treatment for men and women workers, each member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

Articles 7 and 8 are even more specific. They state:

7. All measures compatible with national conditions and possibilities, including measures in the field of vocational guidance and training, shall be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.
8. Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

ILO recommendation 165, which is associated with the convention, refers directly to parental leave. Subclause 22(1) provides:

- 22(1). Either parent should have the possibility, with a period immediately following maternity leave, of obtaining leave of absence (parental leave) without relinquishing employment and with rights resulting from employment being safeguarded.

From these extracts members will see that the Bill is a major step for the Territory in meeting our and Australia's international obligations as a country which has ratified ILO Convention 156. Workers will be able to enforce their entitlement by obtaining a declaration from the court as to their entitlement.

Madam Speaker, there are those within our business community who will argue that a period of economic recession is not the time to introduce these measures. They will tell you that businesses are oppressed by the economic circumstances of these times and that measures such as this which involve potential for a small increase in cost should be deferred until times are better. This line of thinking is short-sighted and fails to recognise the very rationale behind this legislation. It is during times of recession that workers are most affected by the loss of their employment. Family responsibilities are not suspended during times of recession but continue on. It is during times of recession, when employment is scarce, that workers most need protection of this kind. The Government recognises that some

cost may be involved in holding positions open and providing relief staff, but this cost needs to be balanced against the benefits of retaining skilled employees and the enormous personal cost to employees if they lose their job or are unable to care for their families adequately. Now is the time to introduce this Bill and provide ACT private sector workers with this protection.

I therefore commend the Bill to the Assembly, and present the accompanying explanatory memorandum.

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

### **LISTENING DEVICES BILL 1992**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.38): I present the Listening Devices Bill 1992.

Title read by Clerk.

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

That this Bill be agreed to in principle.

This Bill is an important addition to privacy legislation in the ACT. The Listening Devices Bill is required for two reasons. Firstly, the legislation will rectify an anomaly created by an amendment to the Australian Federal Police Act 1970 which regulates the use of listening devices by police only. Flowing on from this, and more importantly, the Bill will achieve a wider social objective of enhancing rights to privacy in the ACT by imposing relevant controls on the use of listening devices by private citizens, bodies corporate and ACT Government agencies.

The clandestine use of listening devices should not be tolerated in any society, as it represents an interference with the ordinary citizen's right to privacy. The use of listening devices should be sanctioned only to protect the public interest, for example, in law enforcement contexts covered for ACT purposes under the Australian Federal Police Act 1979, as amended by the Law and Justice Legislation Amendment Act 1989, with appropriate judicial and other sanctions and safeguards to ensure that law enforcement agencies do not themselves abuse the use of clandestine listening devices. Similar to many of the other States, the intent of the legislation is not to discriminate as between the various types of devices but instead to ensure that listening devices, regardless of their type, are used by ACT citizens in legitimate circumstances. This regulatory approach overcomes any administrative difficulties which would be experienced by specifying certain listening devices as unlawful, thereby avoiding the need to keep changing the legislation to keep abreast of technological advances.

The Bill, therefore, prohibits a person not party to a private conversation or a person party to a private conversation from using a listening device to listen to or record a private conversation. There is provision, however, to use a listening device in certain legitimate circumstances, such as an authority granted by or under a law of the Commonwealth, the unintentional hearing of a private

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conversation, or where each principal party to the conversation, expressly or impliedly, consents to the use of a listening device. Other significant provisions prohibit the communication or publication of a record of a private conversation by a person or a person party to a private conversation obtained by the use of a listening device without the consent of the principal parties to that conversation.

The penalty provisions have been devised to prevent further damage, as far as practical, that would be caused by the publication or communication of a private conversation obtained through the unlawful use of a listening device. Part III of the Bill specifies that evidence obtained by the use of a listening device is inadmissible in civil or criminal proceedings unless consent is given by each principal party or in other certain specified circumstances. I consider the evidence provisions to be the crux of the legislation, as I recognise that such legislation will be difficult to enforce because of the sophisticated technological nature of many listening devices. In many cases it is impossible to detect whether such a device is being used. Hence, the inadmissibility of evidence obtained by the unlawful use of a listening device will be the most effective means of deterring and eliminating these covert activities.

This Bill is an important statement of principle. The Bill will establish safeguards against the unjustified invasion of privacy that can be occasioned by the use of listening devices. The physical limits that once guarded individual and group privacy have been broken down by sophisticated eavesdropping technology. The tolerance of such surveillance practices is incompatible with freedom of expression, freedom of thought, and the important principles to which a free society must adhere. I present the explanatory memorandum to the Bill.

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

### **LEGAL AFFAIRS - STANDING COMMITTEE** **Amendment to Reference**

**MR HUMPHRIES** (10.43): I move:

That the resolution of the Assembly of 25 June 1992, referring the accessibility of the legal system to the Standing Committee on Legal Affairs for inquiry and report, be amended by omitting paragraph 1(e).

Members will recall that on 25 June the Assembly adopted for the Legal Affairs Standing Committee an inquiry into a number of matters dealing with both the cost of justice in the ACT and the question of whether the legal profession should retain control over conveyancing of property or adopt a system similar to the land brokerage system used in South Australia and elsewhere. The motion I have moved today seeks the omission of paragraph (e) from that term of reference, namely, the reference dealing with land brokerage and conveyancing.

Madam Speaker, I spoke to you yesterday about conventions in this place, and I want to refer to another convention, namely, one that applies when this Assembly decides to refer matters to select and standing committees for inquiry. On a number of occasions when matters of contention have come before this house, it has been the view of the house that these matters should be referred to



committees for discussion, in the hope that resolution will be possible. On these occasions there is a sort of convention that the beliefs of members of the Assembly, be they on the committee itself or in the Assembly otherwise than on the committee, are suspended while that inquiry goes on. Examples from the First Assembly included things such as the casino inquiry, the fluoride inquiry, the inquiry into the needs of the ageing, the inquiry into hospital bed numbers, and the inquiry into the National Aquarium. On almost all of those occasions strong views were expressed by members of the Assembly that were put aside for the duration of the inquiry by the particular standing or select committee. That was to enable members at least to attempt to view these matters objectively, apart from their own party policies or positions.

The difficulty that has arisen for the Legal Affairs Standing Committee is that, although this inquiry has been commenced into the cost of justice and conveyancing, there has been a continuance of the debate outside that committee, on the political level, on the question of conveyancing. Specifically, the Attorney-General has released a discussion paper on the question of conveyancing property in the ACT and the licensing of conveyancers in the ACT. It is a very good paper, and I think the issues raised in it are quite proper and contribute to the debate. The question arises as to where that debate should be carried on. It seems to me to be both a waste of resources and a discourtesy to the Standing Committee on Legal Affairs that the inquiry should be conducted through the agency of the Attorney-General's Department at the same time as it is being conducted in a standing committee of the Assembly.

The Attorney has pointed out that he has a party position on conveyancing in the ACT, and that is well acknowledged. I remind the Attorney that other parties perhaps have positions on conveyancing - certainly my party does - and the raising of this issue to stimulate public debate in the community causes me, in particular, some difficulty. I am my party's spokesman on legal matters. My party members, both inside and outside this Assembly, would expect me to respond to issues of this kind when they are raised in the public arena for debate. But, if I were to enter into that debate and comment from a party position on matters that had been raised in the Attorney-General's discussion paper, members of this Assembly would quite rightly be outraged that I was abandoning my hat as chairman of the Legal Affairs Standing Committee and taking on the same issue at a political level as Liberal Party legal affairs spokesman.

I do not want to make too much of this point, Madam Speaker, but I will say that I think it is appropriate for us to discharge this particular reference. The committee will proceed with its inquiry into the cost of justice. Those are important issues, and will be handled by the committee as best it can. I indicate that the committee might see fit to come back and suggest some rewording of the issues that have been put on the plate of the committee. It is a very wide topic area, and we feel that there may be some need to better define the issues we pursue on the cost of justice matter. I hope to come back to the Assembly on behalf of the committee at the earliest opportunity, namely, in the September sitting, to do just that. I also indicate that, because of the nature of the committee, its members would still be interested in knowing what is going on with the Attorney's inquiry into conveyancing of property. We would very much welcome a summary of the submissions and other papers that emerge from that inquiry in due course. We hope that the Attorney might be able to forward those matters to us when they become available.

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**MR LAMONT** (10.48): As deputy chair of the Legal Affairs Committee, I indicate that the deliberations that took place in relation to the question of conveyancing and the position that the committee adopted occurred after discussions with representatives of the Bar Association, the Law Society, and so forth. Indeed, it was seen to be a far better use of resources. My own position, in arriving at the same conclusion as Mr Humphries on this matter, followed discussions with those groups representing the legal profession. Whether or not it is appropriate that there should be a discussion paper on this question - one that has been widely canvassed in the press, I might add - is something I do not intend to address. I think the Attorney has a right to issue such a paper, the industry, if you like, has a right to respond to it, and it would be a duplication to proceed with consultations through this committee.

I wish also to address the second part of Mr Humphries's proposal - that the committee will be reconsidering the terms of reference - particularly in the light of Senator Barney Cooney's inquiry into almost exactly the same thing as outlined in the reference this Assembly has made dealing with cost of justice questions, access and so on. We are attempting at the moment to arrange a briefing with Senator Cooney. Once we have been able to do that and gauge the full breadth of the deliberations of that committee, I believe, as does the chair of the committee, that it will be appropriate to come back to this Assembly, hoping to define more narrowly the terms of reference to give specific attention to the more physical access to justice questions encompassed in the original reference. Madam Speaker, I support the proposition that this motion by Mr Humphries be supported by the Assembly.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.51): Madam Speaker, I must say at the outset that the Government intended no slight or discourtesy to the committee by publishing its discussion paper. The reality is that the issue of deregulation of conveyancing, or opening it up to competition, was a policy we espoused during the campaign. It was in our policy statements. It was debated during the campaign. It copped a front-page story in the *Canberra Times*. We have always said that we would be proceeding down that path. We have had officials looking at the matter - Mr Humphries had the courtesy to commend them on the quality of their paper - and the paper was published as a discussion paper in due course.

I reject the view that there is a sort of convention - I think that was the highest it was put - that government activity ceases when an issue is before a committee. Taken to its extreme, as this committee is looking at the broad issue of the cost of justice - and it is a very worthwhile reference and I look forward to its report - that would mean that the Government ought not to move on cost of justice issues while the committee is looking at it. Of course, whenever we look at issues of law reform or reform of the courts, one of the centrepieces for our policy making would always be reducing costs and increasing access. I am sure that no member would think the Government should do nothing about reducing costs or improving access while this committee is deliberating.

I can give an undertaking that we would be happy to provide to the committee the outcome of our public consultation on the discussion paper. The Government's intended timeline for deregulation of conveyancing takes us into next year, or even the year after, before we actually have conveyancers operating

in the ACT in competition with the legal profession, because of the lead-in through training. We would expect a fairly long consultation period this year. If the committee feels that it is inappropriate to proceed with that as a part of its reference, that is fine by the Executive and the Government. As I indicated, we intended no discourtesy to the committee by proceeding with what has been a long published and long made clear Labor Party policy objective.

**MR MOORE (10.53):** Madam Speaker, as the person who originally moved this reference, it may be worth my making a couple of comments. If both members of this committee - there are only two - do not wish to pursue this issue further, then I would be prepared to back off and allow them to proceed in the way they think best. For that reason, I will be supporting the motion. It does seem to me, however, that there ought to be no difficulty - perhaps I am echoing in some ways what Mr Connolly said - with the Government pursuing an inquiry and an Assembly committee, in effect, taking an overview of that. The reality of the situation is that the Government will not decide whether there will be changes to conveyancing in this Territory. The decision will be made by this Assembly.

**Mr Humphries:** But they will push the issue. They will bring legislation forward.

**MR MOORE:** That may well be the case. If the Government did not want to bring the legislation forward, then any member of this Assembly can bring it forward, or for that matter, the chair of the committee, should he so choose.

**Mr Connolly:** Mr Moore might jump in and bring it in before us.

**MR MOORE:** That is always a possibility. I know from discussions between staff in Mr Connolly's office and staff in Ms Szuty's office during the break that there was what I would perceive as some misunderstanding about the role and the position of the Government compared with the Assembly. It is quite appropriate that the Government should do an investigation into this area, but the final say rests with this Assembly. Generally, I would have no difficulty, even when the Government is doing an inquiry, about an Assembly standing or select committee having an overview of what is happening in terms of that inquiry and also taking further evidence themselves, should they wish. However, we must be careful that we do not set a precedent that says that when the Government is carrying on an inquiry the Assembly does not look at it at all, or vice versa. That is important, but it is also important to identify just where the decisions are made. Decisions about such things are made in this parliament, and we must not lose sight of that.

I suppose the other difficulty that still lies with this issue is that we have a committee of two people. I mean no disrespect to the committee; my experience of committees in the last four years has been that, basically, when members move onto those committees they remove their party political hats and consider issues as issues. I feel very proud to have been a member of a whole series of committees where that has been the case, and I honour all members for their ability to do that. Nevertheless, I think there is a problem in having just two people on the committee. As I have said on a number of occasions, when I am staffed in such a way that I have the time to participate further in committees, I will be only too delighted to offer my services.

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**MR HUMPHRIES** (10.57), in reply: Madam Speaker, I thank members for their support of the motion. I understand that it will pass on that basis. I want to respond to a couple of things that have been said. I do not think the Attorney understands what it is that I am alleging is a convention in this place. I certainly do not begrudge the Government embarking on either discussion papers or research or policy development or anything of that kind. That is entirely appropriate, and in fact should go on contemporaneously with other things happening in the Assembly. The Government should not be left behind in that process, I agree.

However, for the debate to continue at a political level when it is going on in a committee is notprecedented. For example, during the time this Assembly had a standing committee looking at fluoride it did not conduct debates about fluoride on the floor of the Assembly or out in the community, for the most part. It kept it within the committee.

**Mr Berry:** Everybody else did.

**MR HUMPHRIES:** Maybe others did, but the Assembly's processes were to leave it to the committee to recommend to the Assembly, and we respected that. I think it would be inappropriate if in future we had two different levels of political activity going on in a public way. What would have happened if there had been public hearings into the Attorney's inquiry into conveyancing at the same time as the committee of the Assembly was conducting public inquiries into the matter? It would have been a shambles. It would have been a duplication of resources, and, for a small Territory, that is not particularly desirable. It would also have been confusing to the electorate to see that kind of thing going on.

I hope that we do not get into the business of having political discussion and debate about those things at the same time. To emphasise that point, I indicate that while this was happening the Attorney actually issued a release under his name - not under the department's name, not under the name of the head of the department, but under his name - restating Labor Party policy.

**Mr Connolly:** The department works to me.

**MR HUMPHRIES:** I know that it does, but it also issues things without the Minister actually putting out a press release. If he had done so in this case, even under his department's name rather than his own name, I would have been quite happy; but we cannot have this happening at two different levels. It has not happened before. If you can point out some occasion where it has happened before, I will retract these statements; but I cannot recall that it has happened before and I hope that it does not happen again.

In terms of the operation of the committee, I have to say, to my surprise perhaps, that Mr Lamont and I have operated with complete agreement on all matters that have come before the committee so far. I sincerely hope that that remains the case. I am sure that it will assist the community in due course to have a third member. Whether it is Mr Moore or maybe Mr Stevenson or somebody else I do not much mind; but I think that would be healthy and helpful. In the meantime, we have a very important and very large task ahead of us in considering the cost of justice, and I hope to be able to proceed with the meat of that inquiry in the very near future.

Question resolved in the affirmative.

**HOUSING ASSISTANCE ACT - DETERMINATION NO. 68 OF 1992**  
**Motion for Disallowance**

Debate resumed from 13 August, on motion by **Mr Cornwell**:

That the determination of the Supported Accommodation Assistance Program, as contained in Determination No. 68 of 1992 and made under the *Housing Assistance Act 1987*, be disallowed.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.00): Madam Speaker, in the MPI debate yesterday, when we were not graced with the Opposition's presence, Mr Moore made some comments, with which I vigorously disagreed, saying that there is not a lot of difference between the two major parties at the Federal level. The SAAP program demonstrates more than any other program what a difference a Labor government can make.

The supported accommodation assistance program has been one of the milestones of social reform in the last 10 years. Since it was introduced in the ACT it has grown from a program with a budget of \$2.4m, supporting some 16 outlets, to a program with a budget of \$5.73m for 25 outlets, supporting 441 beds for people who otherwise would have enormous difficulty finding accommodation. The Liberal Party are keen to talk about the market and the private sector and market choice, but for many in our society the market does not provide real choice. We believe that the community, through the Commonwealth Government and the State governments, should intervene to provide supported accommodation.

Mr Cornwell's proposal would strike down regulations which have been made, in effect, taking money away from Consolidated Revenue and putting it into the Housing Trust trust account in order to fund supported accommodation programs. If this motion were passed by this Assembly or, because of the automatic disallowance introduced by Labor in opposition, if this Assembly does not consciously reject Mr Cornwell's proposal, SAAP services in the ACT would shut down because the money to fund them would be taken away.

I am appalled that this is the only place in Australia where the Liberal Party has seen it appropriate to make a consolidated attack on supported accommodated programs. Mr De Domenico interjected with some glee yesterday to tell us that he thought the local Liberals were the most conservative they had ever been. That is absolutely right. It shows beyond a doubt that this local Liberal Party is taking for itself a position of an extraordinarily conservative nature and is attacking a program and a service which have worked well around Australia under Liberal and Labor governments alike and which provide funding for accommodation services for people who otherwise would not find housing.

Probably the Liberal Party in its rhetoric would tend to think that these SAAP programs are run by a bunch of radicals, a bunch of bolshies, and are therefore suspect. St Vincent de Paul and the Salvation Army are the sorts of organisations who benefit through SAAP. Every SAAP organisation is subject to stringent accountability requirements through SAAP and through the legal instruments of their incorporation. The job performed by the service is a difficult one, helping

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the homeless, young and old, men and women, and particularly women and children who have suffered domestic violence and are finding, often for the first time, some peace and tranquillity and a chance to start their lives again in SAAP-run services.

In times of recession additional pressure is placed on these services, and these services are under threat by the Opposition. They claim that their opposition is based on lack of consultation on finding appropriate accommodation. That argument is a nonsense. For SAAP programs to run effectively, by definition they require accommodation. That accommodation, for SAAP to be effective, must be integrated into the community.

We know the Liberals' philosophy on public housing because we have heard it from Mr Cornwell, we have heard it from Mr Westende, and we have even heard it from Mr De Domenico: Marginalise public housing out on the fringes of the community in the cheapest possible housing. Mr Cornwell has been ranting for ages about what he calls the Fraser Hilton - with his extraordinary performance in naming an accommodation service and providing an address, although fortunately we managed to ensure that the media, responsibly, did not publish that address. He wants SAAP recipients put in the cheapest possible accommodation. We reject that. We say that supported accommodation should be appropriate.

It is intriguing that when the Liberal Party had their hands on the tiller in this Territory, when Mr Kaine was Chief Minister and Treasurer, he was able to appropriate some quite significant sums of money for refuges and for these SAAP programs in some inner city suburbs. There was not a problem then. But now, this new, reformed, "we are more conservative" Liberal Party decides to attack SAAP.

**Mr De Domenico:** No, there is not a problem now. It is just that you are not telling the truth.

**MADAM SPEAKER:** Order!

**MR CONNOLLY:** I was just accused of not telling the truth, but I will not bother. It is only from Mr De Domenico.

The 25 SAAP accommodation services in Canberra are scattered around some 40 locations, the vast majority with the cooperation and acceptance of the neighbours. Procedures have been developed in the ACT, jointly by the Housing Trust and the Planning Authority, to guide the consultation process that occurs each and every time a new location is selected for a supported accommodation service. Madam Speaker, I have a copy of these procedures and I table them for the Assembly's information. I urge members opposite to read them and learn from them. These procedures have struck the delicate balance between affording the immediate neighbours the right to comment on those matters that are appropriate to the proposed use and respecting the rights of the service users to the same privacy and confidentiality in their home, however temporary that home may be, as any other Canberra citizen. That is an important point, because SAAP services provide a home, and people who live there have the same rights to privacy and confidentiality and the same obligations in relation to their property as any other members of the community.

I add at this point that Housing Trust officers have checked with their counterparts in Liberal New South Wales and other States to establish the nature of the procedures applying in other States, but the Liberal-administered New South Wales is a good example.

**Mr Moore:** They are not so conservative as this group.

**MR CONNOLLY:** They have found out that under the New South Wales not-so-conservative Liberal Government, as Mr Moore interjects, they operate in exactly the same way as we do, with identical procedures on privacy and confidentiality. They do so, however, without the set guidelines, and they consult with fewer neighbours than we are required to do. So our procedures are well ahead of those in New South Wales.

What this local rump of a Liberal Party complains about and tries to make some cheap political capital about in relation to a so-called lack of consultation is a more extensive process of consultation with neighbours than operates in New South Wales, or indeed any other State. We have also made inquiries in Queensland, South Australia and Victoria, which show that there are no set procedures involving all the relevant parties. Those practices which I have tabled provide the most comprehensive consultation process in Australia, a process well in advance of that embraced by the Liberal Government in New South Wales but which these local Liberals find unacceptable.

Consulting with the local neighbours has been a process that has taken the Housing Trust a considerable effort, and I commend Housing Trust officers, who have gone to extraordinary lengths in both the cases Mr Cornwell continues to refer to. They have attended public meetings outside office hours, they have arranged additional personal consultations on landscaping, and they have gone to meet with neighbours in their homes in the evenings, outside public service working hours, when they have been requested to do so. They have fully satisfied the requirements of the ACT Planning Authority, as Mr Cornwell has been told before, and they have been informed by the Ombudsman's office that they have behaved appropriately. That is significant, because in the ACT the Ombudsman can complain about any issue of maladministration. When residents have grizzled to my office, saying that they do not want a SAAP service in their street and that we have acted improperly, I have always recommended that they go to the Ombudsman.

I table, with appropriate names and addresses deleted for privacy reasons, a December letter from the Ombudsman relating to a Monash facility for homeless youth, saying that the Housing Trust has acted appropriately. I also table a far more extensive letter dated 13 July 1982 in relation to the house Mr Cornwell complains about and about which he made his speech. It sets out in some detail the consultation that had been gone through. It sets out all the procedures, and it makes the point that the Housing Trust acted appropriately throughout. I table that Ombudsman's letter.

Mr Cornwell has made much about what he calls full-scale security lighting and security screening at one particular property. Those facilities consist of motion-activated external lights, which any person can purchase quite cheaply from their local hardware store and have installed by a qualified electrician, and security screening, which is, again, freely available from your local hardware store, advertised in the newspapers and on television - and, I would add,

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endorsed by the AFP when we run awareness campaigns on home security and precautions against housebreaking. These are minor modifications which are not the subject of any planning regulations anywhere in Canberra. Any Canberra citizen has the right to undertake these types of changes to his home without needing the approval of the neighbours or the Planning Authority.

Why should SAAP programs be treated any differently from any other home in Canberra? In a society where the community values services such as this, this should not be an issue. I am distressed that Mr Cornwell has decided to run on this issue. SAAP programs have, over the seven years they have operated in Canberra, generally integrated extremely well with the local community. While occasionally there will be initial resistance, things have settled down. This particular property in Fraser has been the subject of considerable controversy. The people who run this facility, who I note again have in the past had funding approved by an Alliance Treasurer, were extremely distressed that their property was being made the subject of media speculation.

It is, as has been made publicly clear, a facility that operates as a women's shelter. As we know, although attitudes to domestic violence have changed and governments have stressed the importance of providing for protection from domestic violence, there are people in this community who would offer violence to those using this facility. The group that is running it was very distressed that they had been put at risk by these sensation-seeking, headline-seeking attacks. I hope that after today, when I am confident the Assembly will reject this motion, the Liberal Party will desist from its attacks on SAAP programs. It is out of step with Liberal parties at the State or Territory level throughout Australia; it is out of step even with its Federal colleagues - although they are wanting to take a hard Right view on things, I am not aware of any attack on SAAP by their Federal colleagues; and they are sadly out of step with reality.

Our consultative process, which is the precept for this attack on SAAP, is more advanced than any other consultative process anywhere in Australia. It is considerably more advanced than the process in New South Wales. Any criticism you make of our program should be a double criticism of your colleagues in New South Wales; yet they seem to think it is appropriate. It is a process that has been subject to full scrutiny on at least two occasions by the Commonwealth Ombudsman. In relation to the particular property Mr Cornwell has been beating up on, the Commonwealth Ombudsman undertook a comprehensive investigation, the results of which I have tabled, which confirms that what the Government has done has been appropriate and proper.

SAAP services are a vital community service. They fill a need in this community that previously had been unmet. In relation to domestic violence, they fill a particularly sensitive need in the community. They deserve the full support of all members. They deserve the full support of all political parties, which they seem to get everywhere in Australia but here. They are administered, as the Ombudsman has said, with appropriate sensitivity to the privacy and special needs of the tenants in supported accommodation and the neighbours. Tenants in SAAP programs ought be treated no differently from any other residents in this community. Under this Government, and I would say under Liberal governments in other parts of Australia, they are not treated any differently. Under this local Liberal Party, they would apparently be treated as second-class citizens, and that is shameful.



**MR MOORE** (11.15): I am most concerned at Mr Cornwell's regular and scathing attempts to undermine the women's and children's refuges in this Territory. I will join forces with him when he argues for proper consultation in planning matters in any area other than the one he has mentioned, and that is women's refuges. By their very nature, they are to be kept as ordinary and inconspicuous as possible, to blend into the neighbourhood and to provide a secret place; a refuge from violent abuse; a place where people can feel safe, perhaps for the very first time in their lives. To argue for an open and consultative approach when it comes to the establishment of these refuges is ridiculous in the extreme. Were your neighbours consulted, Mr Cornwell, when you decided to move into your street? The mind boggles at the questions that would have been asked and the answers. One of the questions might have been: Do you want a Liberal politician living next door to you?

I fear that most of this rhetoric by Mr Cornwell regarding women's refuges is inspired by an attitude based on ignorance and fear. Has it occurred to him that perhaps the very dysfunction of this particular refuge with regard to its neighbours may have been created by his earlier public remarks on the issue? Is he aware of the example of a violent ex-husband who moved in next door to a refuge in New South Wales, actually became part of Neighbourhood Watch, and then attacked his ex-wife and child? That man learnt the address from a tradesman who had worked there. The awful truth, and it is awful because we as men have to live with it and face it, is that our community is rife with criminal assault in the home. The most dangerous place for a woman to be in the ACT, given the statistics, is in her own home, as it is for children. I remind Mr Cornwell that the vast majority of perpetrators of this assault are men.

Rather than putting so much time and effort into trying to discredit these refuges and the work being done in them, I believe that it is time for us all to focus on the frightening social problem that results in our community needing those refuges. We can argue whether or not women on the run from violence, fearing for their lives, let alone freedom, are good enough to live temporarily in a suburban house with an above ground swimming pool when the social problems are dealt with. The topic in this Assembly should be: What are we able to do about this huge indictment on our society? What full-scale programs can we foster to address the real issue that approximately 45,000 people in the ACT, given statistics based on one in three women, have been, are being or will be abused sexually or in some other violent way, most probably in their own homes? What, Mr Cornwell, would you be arguing if the statistics were one in three men? I am sure we would be having a debate on law and order, not on whether these women's refuges should have amenities or be approved of by their neighbours.

I sincerely hope, for Mr Cornwell's sake, that not one woman has suffered directly from his discussions regarding the location of a refuge in the past, for if that has occurred he has promoted further violence against women. I stress that these women's fears are very real. They have already been attacked and expect an escalated attack by men whose concepts of relationships with women are confused with notions of ownership and power.

**Mr De Domenico:** Oh!

**MR MOORE:** I hear an interjection from Mr Humphries in response to that statement. That is what the problem is.

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**Mr Humphries:** I beg your pardon!

**Ms Ellis:** No, Mr De Domenico.

**MR MOORE:** I apologise and I withdraw that, Madam Speaker.

**Mr Berry:** It was Jimmy.

**MR MOORE:** It was a scoffing interjection from Mr De Domenico.

**Mr De Domenico:** On a point of order, Madam Speaker: I do not mind what Mr Berry calls me. He happened to call me Jimmy then. My name is not Jimmy. Once again, if Mr Berry takes points of order about people calling his statements hypocritical, I will take a point of order every time I am called Jimmy by Mr Berry.

**MADAM SPEAKER:** Mr De Domenico, when Mr Berry addresses you I will ensure that he uses your correct name.

**MR MOORE:** I will reiterate the sentence that was scoffed at by the most conservative of the Liberals: I stress that these women's fears are very real. They have already been attacked and expect an escalated attack by men whose concepts of relationships with women are confused with notions of ownership and power. That is exactly what the problem is, and it is not something to be scoffed at. They are doubly dangerous when their partners leave because they have dared to assert themselves. Bullies react very dangerously when the object they thought they could own and control not only leaves but also is supported in doing so.

Members may have read with horror an article that appeared in the *Canberra Times* on 12 August. This article reported on a recent case in the courts relating to the abduction, handcuffing and repeated sexual assault, including rape, by a man on his estranged wife. The defence counsel argued that his client's gaol sentence should be kept to a minimum as, and I quote from the *Canberra Times*, "the charges relate to his wife, not to strangers. If he had abducted different women, the penalty would be higher". That reflects the very point I was making about confusion between ownership and power, and it is important that that defence counsel be berated, as I am doing now, for that sort of comment. The final penalty given in the case seems to me to reflect that the judge was not swayed by the argument. This treatment, quite rightly, sends alarm bells ringing for women everywhere. It should also alert men to the crux of the problem: Our society suffers from distorted and warped concepts regarding women that are often based on misogyny.

I hope that this is the last of the attacks on these refuges by Mr Cornwell or any other member of this Assembly. Having said that, I do not mean to imply that any organisation using public funds is not to be held accountable. It certainly is. But, here again, the arguments have not been sound. We are asked to compare apples with pears, to compare costs of a men's shelter on a dollar for beds basis with those of a women's refuge, when the women are most likely to have children with them when they flee from violence. A men's shelter, also sadly needed in these days of unemployment and homelessness - I am conscious of that, and Mr Cornwell has raised the issue about Ainslie Village on a number of

occasions - provides exactly what it says, namely, a shelter for men who are homeless. A women's refuge provides a 24-hour crisis service for women and children who are suffering trauma, hopelessness, betrayal and grief, as well as physical and psychological injury.

A survivor of assault in the home has very complex and demanding needs in terms of recovery and survival for the future, both economic and emotional. They must house and care for a family; attend court cases where they must face their attacker, who is also often the father of their children and the man they trusted; and overcome their fears and develop some self-worth after surviving probably for years with abuse and fear. They must do all this while also fearing a reprisal, their only protection being the anonymous address and the workers in the house.

To suggest that funds for all these programs should be administered by the Treasury rather than by the ACT Housing Trust, as has been the case, is nonsense. It is eminently sensible that the body administering the program is the one that administers the funds for that program. The agreement between the ACT and the Commonwealth, renegotiated in 1989, has ensured that funds for the supported accommodation and related support services are targeted for those groups most in need in each State. These target groups currently are: Firstly, young people; secondly, women with children who are homeless and/or in crisis as a result of domestic violence; thirdly, families, including single parent families; then single men; and, finally, single women. It is sad indeed that these refuges are needed. That four times their present number could probably be filled tomorrow is also sad. And it is sad that we debate the trifling, insignificant details surrounding the issue, instead of attempting to address the issue itself.

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 consideration of orders of the day Nos 1 and 2, Assembly business, from taking precedence of Executive business, for the remainder of this sitting.

**MRS CARNELL** (11.24): I need to start by stating again - and it should be something that everybody here knows - that the Liberal Party totally support the SAAP program. Supported accommodation is something very near and dear to all our hearts and something that is amazingly important, as Mr Moore appropriately said, in these days of increasing domestic violence. I am sure also that everybody here knows that the Liberal Party had no choice but to take this approach, as we do not have the capacity to amend a determination of this sort. All we can possibly do is move disallowance if we want the matter debated.

We believe that the central issue here is the issue of community consultation. Mr Connolly rightly said that community consultation is quite central to this whole approach, and he said that there were procedures in place. That is very interesting, because the number of letters we have on this issue from people in the community who believe, rightly or wrongly, that they have not been consulted is tremendous. This lack of community consultation has been the problem for the people who are using this supported accommodation. They are the people who have suffered from it. It is this lack of consultation that has caused the social isolation of these centres. The neighbours are now angry; they mistrust the whole process that achieved this situation. They are now fearful of the unknown, and I think fear of the unknown is quite central to this whole procedure.

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Supported accommodation should be part of normal, everyday suburbs, beside everybody here. I am sure that nobody here would have a problem with supported accommodation next door if they knew exactly what was happening. It is fear of the unknown that usually causes problems for human beings. They are fearful that their property values will decrease. They are fearful that their safety might be in danger. They are fearful of their Neighbourhood Watch programs being upset because they do not know who lives there, who is visiting and all those sorts of things. They are fearful that the state of the property might not be appropriate.

All of those things could be easily addressed by appropriate consultation. We all know that supported accommodation does not do dramatically awful things to property values; but these people are fearful, and fear can be overcome by appropriate consultation. They are also worried about car parking and all the other things that happen when you have more than one family living in an area. The same thing occurs when a doctor's surgery is set up next door, and so on. All of those things can be addressed by appropriate consultation, as they are with doctors' surgeries, dental surgeries and other home-based enterprises.

The negative attitudes that have been produced by this lack of consultation, by their not being part of the whole process, have been quite destructive for the people who live in the refuge and for their children, who go to the local school with the children of the neighbours. How do these children cope with being ostracised on the basis of a system that has not worked? My children often go next door to play in the afternoon or the children from next door come over. That is the basis of a community, but if you have this fear and mistrust you totally destroy that. A number of the letters we have with regard to this particular house suggest that they would like to embrace this approach, that they would like to be part of the protection process, not the opposite. So we are not talking about people who want to get rid of these trendy lefties or anything like that. We are talking about people who care, people who want to be part of a community; but they are not being asked. Why are they not being asked? Mr Connolly suggests that the procedures are in place. Possibly the procedures are not working.

We totally acknowledge the need for privacy and confidentiality, but also we understand the need for social accountability. We understand that if you go down the track of appropriate social accountability you will get a much more accepting response. Let us be fair: Once one of these houses opens, whether it be for people who have been subject to domestic violence or whatever, it is quite obvious to the people who live next door what is happening there. You cannot keep that secret. So what is the purpose of keeping it secret from the immediate neighbours prior to the opening? It has been raised with us that a number of the neighbours and people living in the area have suggested a social contract and a liaison committee. How awful can this be? They are suggesting that a committee on which they are represented be part of the procedures for running this establishment - not for the day-to-day working, but just for things that might happen - so that they know what is happening in the refuge. I cannot see how this can be a great problem to a government that prides itself on its social accountability, on its consultation.

Here is a group who want to be part of that process and are told that they cannot be. The social contract that was put forward may not have been perfect. It was just their idea of what would make them happy. Some of the clauses probably are not appropriate, but it showed the fears they had and it showed a very simple

way of overcoming those fears. The community does have rights - not that we would know it from this particular accommodation. The community in this case has been totally negated. We have to balance the rights of the people who use these refuges and those of the people in the community. If we get that balance right, everybody will be happy and the refuge will work substantially better. The children will be happier, when children are present, and those women, who often have been through a dreadful time and would not be looking for the rest of their lives to be a bed of roses, could actually become part of a community and not be ostracised.

**MS SZUTY (11.32):** Madam Speaker, I rise to oppose vigorously this motion before the Legislative Assembly today, which proposes to disallow the transfer of the supported accommodation assistance program from the Treasury to the Housing Trust. The Minister, Mr Connolly, has outlined the history of this exemplary Commonwealth-State agreement and the need to transfer its financial arrangements into the housing sector, where its administration already takes place. To suggest that there is any real and acceptable reason to disallow this flies in the face of logic, and I would suggest that any attempts to cancel the program would be comparable to the efforts of certain members of the First ACT Legislative Assembly and one member of this Assembly to dismantle self-government.

I speak in this debate with some degree of experience in the management of a specific supported accommodation assistance program. In my former position as director of the Weston Creek Community Service I had responsibility for the women's housing program established on the south side of Lake Burley Griffin. The women's housing program aims to assist women and children escaping domestic violence with medium-term supported accommodation. The women and children assisted by the Weston Creek Community Service are members of our community, just as you and I are, women who are just like our wives, daughters and friends. This is the very crux of the issue. The people helped by SAAP programs are ordinary people. Some experience major difficulties in their lives. Others have found themselves in changed circumstances and need support to get back on their feet.

I have heard some argument that there should be greater provision of refuge accommodation for men. I agree. But it should not be at the expense of programs that currently support women and children. I quote clause 4 of SAAP's detailed principles:

The program will be available to all sections of the community, irrespective of sex, marital status, race, religion, disability or life situations.

Funding services for men does not start by trying to dismantle worthwhile and beneficial services for women, children and families in short-term need. The SAAP program, as the Minister for Housing and Community Services, Mr Connolly, has suggested, started in 1985, in recognition that the various States and Territories were having differing success with providing services for people needing short-term assistance. People were falling through the housing assistance net, and the SAAP solution was identified and decided upon after much lobbying from women's groups, charitable organisations and concerned community members.

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There is no question that SAAP programs are needed in Canberra because we have a social mix of people whose housing needs change and vary over time. SAAP funding helps catch those people who are not provided for in the private or public housing markets, particularly women in transition, who find their circumstances changed and who cannot satisfy their housing needs in the short term. They need assistance because of financial, social and emotional factors which leave them unable to participate in the rental or purchase market. The assistance offered is short or medium term, depending on individual circumstances. Again, let me quote from the 1991-92 ACT SAAP plan:

The focus of the program will be on transitional assistance. Services will be designed to be of varying duration and levels of support to meet the needs of individuals to move towards independent living or other appropriate alternatives.

The Federal Government has further recognised the need for varying forms of housing by increasing funding for community housing projects in this year's budget and by introducing another program of social housing. We know that there will always be a need for supported accommodation assistance programs, as there will always be a need for people to obtain transitional housing while they reconstruct their lives.

Mr Cornwell, in his introductory speech to this motion, discussed the undue secrecy of the supported accommodation assistance program in terms of where specific houses and flats are located in the general community. What Mr Cornwell fails to realise is the absolutely paramount importance of maintaining the privacy of the individuals accommodated, for their own protection. Mr Cornwell has already unwittingly divulged the street address of one particular house, effectively placing the residents at considerable personal risk. The integration of supported accommodation with the local community is very important. This is best achieved through the promotion of the program as a whole and through service providers informing local neighbours that the occupants of the particular residence will be a transitory population.

Again, it is useful for me to quote from personal experience. As part of the consultations on the draft Territory Plan, I attended a meeting organised by the ACT Planning Authority to discuss how the plan might affect residents of Woden and Weston Creek, and the subject of supported accommodation was raised. At first my fellow participants were sceptical about the program and about the sorts of people who would be living in their neighbourhoods. However, once I explained to participants what the SAAP program was all about, they embraced the concept enthusiastically. The concept of community service providers and the ACT Housing Trust working together to support members of the community in need was applauded.

It is regrettable that Mr Cornwell has moved to disallow Determination No. 68 of 1992 concerning the SAAP program. I will be happy at any time to discuss the operation of SAAP with Mr Cornwell, as I am sure other members of this Assembly will be. I urge members most strongly to oppose Mr Cornwell's motion.

**MS ELLIS (11.38):** This debate seems to be a question not so much of the Opposition moving this disallowance because they cannot amend the regulations - I do not see any point in amending them anyway - but of a basic lack of philosophical agreement on exactly what SAAP is and what it does. One of the many policy issues that hold this Government apart from the Opposition is its commitment to a workable and widespread social justice strategy. Without this strategy and the support of our colleagues in the Federal Government, Canberra would be a much harsher and more inequitable place in which to live.

Mr Cornwell insists on singling out these people who most need our support and our understanding. All people who use SAAP-related funds are members of our community. They have as much right as any other member of our community to access adequate and appropriate housing as needed. I am not required, and I do not believe that any other member of this Assembly is required, to consult with the community if I choose to rent or buy accommodation. I do not believe that other members of our community should have to do that either. Given the problems these people have in needing support, they should be getting our support and our encouragement instead of this sort of action. Of course, in some cases it can be very useful to advise neighbours in a consultative way of a SAAP-related program, and when that is considered necessary it is done.

Mr Cornwell appears to be a bit ignorant of SAAP, so I feel obliged to inform him of some of the facts. A variety of needy members of our community are assisted through the SAAP program: Young people, isolated elderly, abused women and their families, people recovering from substance abuse, and so on. Australia-wide, SAAP provides accommodation and support services for over 10,000 people each day. Of these, about 50 per cent are women and children escaping violence in the home, 25 per cent are homeless young people, and the rest are homeless families and individuals, including aged people. Whilst providing a safety net for the most severely disadvantaged in our community, SAAP focus is to assist clients to move from a dependent to an independent status.

Mr Cornwell may not believe that these people are equal members of our community, but thank goodness this Labor Government does. SAAP operates well and cooperatively under both Labor and Liberal State and Territory governments throughout the country. Perhaps Mr Cornwell could chat to some of his colleagues in New South Wales to see truly the benefit of this program. Mr Cornwell knows, I believe, of many SAAP accommodation services in Canberra. I think it is worth mentioning that, when the Chief Minister and I and other members of this Assembly attended the recent official opening of the house in Tuggeranong that I believe Mr Cornwell has mentioned in debate, a number of neighbours of that house were participating happily in the celebrations.

There is another instance I would like to mention to the Assembly. A short number of years ago I was involved in some representations from a community group in a southern suburb of this town who had been consulted about an impending SAAP program in their neighbourhood. They disputed it. They fought tooth and nail to prevent that SAAP program from going ahead in their neighbourhood. It took an awful lot of convincing, of talking, of controlling them, to make them understand that it was going to be fine. That is a reverse instance of what can happen when consultation does take place. It is a worry.

**Mr De Domenico:** It is a worry!

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**MS ELLIS:** Yes, it is. It was a worry in this case because the people who were going to move into that accommodation did not need that sort of objection. If that part of the community had got away with their objection, they would have had to go elsewhere and elsewhere and elsewhere at a time when they needed protection and encouragement. I would like the Opposition, and in particular Mr Cornwell, to think about that. As I said earlier, when it is necessary, consultation is done. As I also said, I do not need to get permission to live anywhere else in this town, and I do not think some of these people need automatically to have to do that either. As a matter of social justice and access and equity to accommodation in this town, we should encourage these people and not deter them.

**MR HUMPHRIES** (11.44): Madam Speaker, I am pleased to take part in this debate because I think there are some points that need to be made. First of all, it is typical of those opposite and their friends on the cross benches to distort what is being said in order to make the target easier to attack. Let me put this on record for all those opposite, so that they know absolutely and clearly where we stand: We support, we always have supported and we always will support the supported accommodation assistance program. It is an important part of protecting our community and providing help for those who most need it.

Those people opposite who pretend otherwise and put out press releases saying that we are not in favour of SAAP deserve to be condemned. If ever I have seen a cheap political point, that is one, and it has been taken by others in this place before today.

**Mr Connolly:** You are trying to disallow their funding.

**MR HUMPHRIES:** I am glad you raised that point, Mr Connolly. You know full well, as do your colleagues, that the only way a member of the Opposition can have a disallowable instrument reconsidered is by moving for its disallowance. There is no other way. We can raise a discussion, we can talk about it in an adjournment debate or an MPI or something of that kind, if we happen to be lucky enough to get the fall of the dice; but the only way we can force it to be reconsidered by the Government - - -

**Mr Connolly:** You could have had an MPI on SAAP.

**MR HUMPHRIES:** This Government ignores MPIs with considerable ease. I have not seen them take much notice of an MPI for a long time, particularly where it is recommended that they do something they do not want to do. The fact is that you would have had to take notice if people had been prepared to support this motion on the floor of the Assembly, which is not going to be the case, unfortunately. As a result, there is no alternative for an Opposition but to raise them in this manner.

I point out that, the next time someone opposite, particularly on the cross benches, comes forward in this place with a motion of disallowance and says that they need to do this in order to be able to have some matter of government policy reconsidered, they can expect to get attacked on the whole question of whether they support the program that that motion of disallowance relates to, not just the specific matter that is being disallowed. They have brought that down on their own heads by their conduct in this place. They know full well that there is only one way of doing this, and it is the way we have adopted.



Mr Cornwell made it perfectly clear in the opening sentence he uttered in support of this motion last week when he said:

... the purpose of this motion for disallowance is to seek an improved means of dealing with the provision of the supported accommodation assistance program housing in the community in consultation with the local neighbourhood.

We were not trying to destroy SAAP.

**Mr Berry:** Yes, you were.

**MR HUMPHRIES:** We were not trying to undermine social justice in the Territory. Get real. We are on record in the very opening sentence as saying that we want to improve that program, and that is still what we are about. There are concerns in this community about the way it operates, and that is what we are trying to get to the heart of. I quote from the letter Mr Cornwell quoted in his speech on the previous occasion:

The purpose for which the community facilities have been provided has been defeated.

So wrote the correspondent who wrote to Mrs Carnell. She continued:

The facility has not been blended into its residential surrounds either by its appearance or by social acceptance.

The current practices have resulted in active discrimination against the people required to accept the facilities as good neighbours, destroyed the trust necessary for goodwill to be established and prejudiced their most important asset.

We all know what that would be. She went on:

There needs to be a careful assessment of the current practice of the confidentiality and privacy requirements to ensure both financial and social accountability is more evident.

That is what we are talking about. I think Ms Ellis displayed the biggest misconception about the way this is all proceeding. She cited the example of when they did consult with the local community about a SAAP - - -

**Ms Ellis:** And NIMBYism reared its ugly head.

**MR HUMPHRIES:** Indeed, NIMBYism did rear its ugly head. Let us be frank about this. NIMBYism can be a problem. People can certainly take a selfish attitude when they are faced with these sorts of situations, and that needs to be discouraged, not by jackboot repression but rather by consultation, by talking to those people, by doing exactly what Ms Ellis said occurred on that occasion - talking to them and bringing them around.

**Ms Ellis:** I didn't. They did.

**MR HUMPHRIES:** You did? Then why do you not do it on every occasion?

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**Ms Ellis:** I didn't.

**MR HUMPHRIES:** Okay, someone did. Why does it not happen on every occasion, not just when you decide to confront community concern? You do not confront community concern by ignoring it or saying, "Get down, NIMBY; down". You do not do it that way. You do it by talking to people and persuading them to your point of view. People have the right to be consulted about those things.

**Ms Ellis:** They were.

**MR HUMPHRIES:** On that occasion they were; often they are not, and that is the point we are making. Those opposite seem to be saying that there is no need for consultation, that consultation is unnecessary.

**Mr Connolly:** No. I have tabled the consultation guidelines. I have tabled the Ombudsman reports. Read what the Ombudsman said.

**MR HUMPHRIES:** I am glad that Mr Connolly interjected on that point. I certainly have read what is in those guidelines and I am saying to you, Minister, and to your Government that those guidelines are not being enforced. That is the point. The guidelines talk about the maintenance of residential amenity for people living in the immediate area and the criterion that the building facade is to blend with the existing streetscape. Those things are resolved often by discussion and consultation with the local community. I do not care whether in some cases it has happened. The point is that in some cases it has not happened.

The crux of this matter is the following of the guidelines and the extent to which they are enforced and properly understood and availed of by people out in the community. Ms Szuty said in the course of the debate that secrecy and security are paramount, and I would certainly agree with that. They are very important. But you do not enhance the security of those facilities if you alienate and isolate the people who live in them from those around them. If those opposite think that that has not happened in this community, they are very sorely mistaken. It has happened. Those facilities under the SAAP program have in some cases effectively been cut out of the community because of the way in which they have been put there, and the only way of dealing with that problem is by consulting properly with the local community. It is perfectly clear from the letters we have had - and, I have no doubt, the letters the Ministers and others have had on the same subject - that there is community concern. It is not all attributable to NIMBYism. Even if it were, it can be and should be dealt with by proper consultation with those who are affected by it.

There is a need for us to reconsider the way in which this program has gone. Particularly, there is a need for us to reconsider the way in which the guidelines are enforced. I hope that the Government will take notice of this matter. It clearly is not going to be successful. The Liberal Party is certainly not anxious to see the SAAP program held up or stopped because of the way in which this proceeds. The Government ought to be put on notice that there are genuine concerns out in the community. If you think the Liberal Party cannot address and raise those matters, you will find that they come back to haunt you in other ways, either at the next election or in some other way on the part of the community. Either way, if you do not take notice of what is going on in the community, be that on your own head.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.52): At this point it is clear that the drippier Liberals are starting to cringe a bit because they have realised what this motion really means. What it really means, of course, is ripping funds off the SAAP program - nothing more than that. It is an attack on that basis. The drippy ones get up and try to rationalise that, but no such attempt will be made by Mr Cornwell. We know where he is coming from, and we can expect some more from him.

Mr Humphries complained long and hard about the consultation issue. Had he read the Ombudsman's report in relation to this matter, it would have become patently clear to him that the criteria had been observed. I quote from the Ombudsman's report, as Mr Humphries has not taken the time to read it. It is another red-faced day for the Liberals - a red-faced day yesterday and another red-faced day today. All of a sudden it has dawned on them that they have been ripping out the SAAP funding for disadvantaged people in our community. This report by the Ombudsman has been tabled, so I will read it to you. If you are too tired to read it, I will read it for you. The Ombudsman said:

As you are aware when choosing a site for supported accommodation in residential areas, the ACT Housing Trust follows an assessment criteria established by the ACT Planning Authority. This criteria seeks to ensure that the accommodation is sited with the minimum of disturbance to the residential area and maximising appropriate community consultation. In this case -

**Mr Humphries:** Which case?

**Mr Connolly:** Fraser.

**MR BERRY:** The case you are referring to, the case you stack your whole campaign on. This is the case on which they stack their whole campaign against SAAP funding. The Ombudsman continued:

In this case the ACT Housing Trust has sought to ensure that all of the criteria have been met.

Madam Speaker, I rest my case. The Liberals are red-faced again about this issue. They have let the right wing run away with it, without considering the implications of what they are on about. We have before this chamber a motion which is a disgrace and should be defeated.

**MR CORNWELL** (11.55), in reply: This has been an interesting debate. The self-righteous opposite have had a good opportunity to put forward their new social engineering proposals. I should like to set the record straight, and I will repeat what my colleagues Mrs Carnell and Mr Humphries have said.

**Mr Moore:** Be careful that you do not get repetitious.

**MR CORNWELL:** Sometimes we have to do this, and sometimes we have to put it in words of one syllable.

There is no intention, as has been said, to close down SAAP. There is certainly the intention to draw attention to what we regard as deficiencies in the operation of that very necessary and very worthy government initiative. I repeat: How do we debate these matters without moving disallowance?

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**Mr Moore:** On an MPI.

**MR CORNWELL:** One of the problems with MPIs is that we do not seem to have a very good track record of getting them up. I would like to refute several comments that have been made by various members, distorting my position and that of the Liberal Party. First of all, Mr Moore quoted my "regular attempts to undermine women's and children's refuges". That is an outrageous statement. I reject it publicly, and if Mr Moore reflects he might like to stand up later and apologise for making it. There is no attempt on my part, or indeed upon the Liberals' part, Mr Moore, to discredit refuges.

**Mr Connolly:** "The Fraser Hilton", you keep saying.

**MR CORNWELL:** "The Fraser Hilton" is your term, sir.

**Mr Connolly:** No, you used it. You said those two words in this house.

**MR CORNWELL:** I will await your presenting that evidence for me. Certainly, there was never any attempt on our part to discredit refuges. The cost of them and the facilities that may be incorporated in them, such as swimming pools, certainly would raise questions about their use and about the money that may have been expended; but the concept of refuges is not discredited by the Liberal Party. We agree that they are necessary, unfortunately, and that is about the only thing on which I can agree with Mr Moore.

It was suggested that we did not respond to community concerns but had started this thing ourselves. Again, Mr Moore, I reject that. We responded to community concerns, which were quite properly raised with elected representatives. In my opinion, Ms Szuty confuses privacy and secrecy. Of course people are entitled to privacy in their own homes, whether they are renting them or own them; but the secrecy surrounding these refuges - and this is the point we are making - does not help the people living in them. I and my colleagues maintain that it does not give them the protection they could have if they had surrounding them neighbours who were supportive and aware of their circumstances. Indeed, the *Hansard* Mr Humphries quoted from made that very point. The Neighbourhood Watch unit in that area has been negated by the actions of the Housing Trust in dealing with this matter.

We regard as important the need to consult with the community over these issues, so that we get the community's cooperation. It may be a problem, Ms Ellis, as you said; it was a terrible worry when you discussed some things with the community, and - guess what? - the community did not click their heels and agree with what you wanted. I am sorry; but the majority have some rights as well, and that is to have their views put forward and their views heard. You may not agree with them - - -

**Ms Ellis:** No, I do not.

**MR CORNWELL:** No, of course. There you are. I acknowledge the interjection. Ms Ellis does not agree with the rights of the majority or the views of the majority. That is your option. The fact is that the majority do have rights, just as much as the minority, although listening to the ten on the government side of the

house, one would sometimes wonder. The fact of the matter is that the majority do have rights. They should be listened to, whether you agree with them or not. As Mr Humphries said, it may sometimes be necessary to convince them, and perhaps some good will come out of this.

It is not true to say that there was sufficient consultation in relation to the Fraser - - -

**Mr Connolly:** The Ombudsman said that.

**MR CORNWELL:** I will come to the Ombudsman in a moment. The fact remains that the place was purchased in December 1991. In May 1992 representations were made to me that included the statement that in May 1992, that is, six months after the purchase of the place, neighbours had still not been told who was going to move in there or to what organisation the property had been allocated. This is hardly consultation, I suggest to you; yet Mr Connolly in his speech talks about the need to be integrated into the community. Obviously, these SAAP accommodations cannot be integrated into the community if the community are not told or not allowed to have them integrated. Secrecy is not going to help.

Mr Berry, of course, quoted the Ombudsman's report. The report stated that they had spoken to the Housing Trust, and the Housing Trust had said that all procedures had been followed. Mr Berry did not comment on whether they had spoken to the neighbours. I do not know. Is that so, Mr Berry? Did the Ombudsman speak to the neighbours?

**Mr Berry:** Your face is red. You are embarrassed.

**MR CORNWELL:** Come on, answer the question. Did they speak to the neighbours or only the Housing Trust? There is no answer from Mr Berry.

**Mr Berry:** The Ombudsman found that what was done was quite appropriate in the circumstances. If you want to challenge the Ombudsman, deal with that.

**MR CORNWELL:** That is not an answer. My question was whether they had spoken to the neighbours. The purpose of this disallowance motion is to highlight this problem. I believe that we have succeeded in doing that. I hope that the Housing Trust and Mr Connolly will give serious consideration to what we have been saying about the need to consult. There is a need for much greater liaison between local residents and government departments in relation to the allocation of this SAAP accommodation.

**Mr Moore:** No.

**MR CORNWELL:** You may scoff, Mr Moore, but the fact is that there is a greater opportunity to integrate this accommodation into the neighbourhood if the residents are on side. A proposal has been put forward, and when I introduced this disallowance motion a copy of the proposed social contract was tabled. I hope that Mr Connolly will examine that with his departmental officers. I believe that it should be explored, along with other ways of improving relations between new neighbours and the older neighbours that live there. I think a more open approach is necessary and I believe, certainly, that the current secrecy does not encourage friendly relations.

**Mr Moore:** All it is designed for is safety.

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**MR CORNWELL:** It does not assist safety, Mr Moore. It does not assist security in relation to some of these properties. It is important to remember that we are not addressing all SAAP properties needing secrecy or security or safety. Some of them do. We believe, however, that that is much better provided by the support of the neighbourhood, not by the current nonsense that is going on in the approach of the Housing Trust, and obviously of the Minister and this Government, in running virtual fortresses in some areas. This is not assisting. Mrs Carnell quite rightly said, "Where children are concerned, they are the ones who need to be integrated into the neighbourhood".

**Mr Moore:** First and foremost, they need to feel safe.

**MR CORNWELL:** They will not feel safe if they are locked up in a fortress with the neighbourhood against them. This is crazy, and I would strongly urge you to give consideration to the social contract we tabled earlier.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services), by leave: I apologise to Mr Cornwell for saying that he referred to the Fraser house as the Fraser Hilton. On checking the transcript, he had not referred to the Fraser house as the Fraser Hilton; he had referred to it as "the fairly notorious Club Med in Fraser". I stand corrected, Madam Speaker.

Question resolved in the negative.

### **CANBERRA IN THE YEAR 2020**

Debate resumed from 25 June 1992, on motion by **Ms Szuty**:

That the Standing Committee on Planning, Development and Infrastructure inquire into 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.

**MR LAMONT (12.06):** When this matter was last before the Assembly, there was some debate as to exactly how far we should proceed with this proposal for an inquiry through the Planning, Development and Infrastructure Committee. As chair of that committee I was somewhat concerned that it may be seen that we would be running an inquiry within the PDI Committee at the same time as having to assess the response in relation to the Territory Plan, which is expected to be back with the Assembly shortly. We indicated to Ms Szuty at the time that we would find some difficulty in supporting her proposition.

Further discussion, I understand, has taken place with the deputy chair and Leader of the Opposition, Mr Kaine, who proposed, before he was given some detention, that he would today seek leave to move an amendment. In discussions which have been held this morning, I understand that, if it is seen as appropriate and leave is granted, Mr De Domenico will be moving that amendment, which will be supported by this side of the house. I shall reserve any further comments until such time as that amendment is moved.

**MR DE DOMENICO (12.07):** Madam Speaker, I rise to agree with Mr Lamont. As Mr Humphries has said from time to time, there are occasions when members of this Assembly actually sit down and agree to things in a sensible way, and so it should be. I will be moving amendments, although initially they were in Mr Kaine's name. There is no doubt that there needs to be some sort of strategy in terms of the Territory Plan, and more work needs to be done on an appropriate strategy. The terms of this motion in Ms Szuty's name are obviously wide ranging. I dare say that it would be impossible for the Planning, Development and Infrastructure Committee, in the time it has - through the lifetime of this Assembly, in fact - and with its limited resources, to take on an inquiry of that nature. I seek leave to move two amendments together.

Leave granted.

**MR DE DOMENICO:** I move:

Omit the words "Standing Committee on Planning, Development and Infrastructure" and substitute the word "Government".

Paragraph (7), omit the paragraph and substitute the following new paragraph (7):

"reporting to the Assembly on progress at the end of each quarter (30 November 1992, 28 February 1993 and 31 May 1993), with a final report by the first sitting day in August 1993."

Very succinctly, Madam Speaker, this amendment says that it is the Government, quite appropriately, that ought to be conducting an inquiry of this kind. It also says that, should the Assembly accept the amendment, the Government will report back to this Assembly on 30 November 1992, 28 February 1993 and 31 May 1993, with a final report by the first sitting day in August 1993. What we are saying is that an inquiry of this importance ought to be correctly conducted by the Government for the benefit of all members of the Assembly. If there is one thing the Territory Plan does lack at this stage, it is some sort of forward strategy, and this gives the Government an opportunity of presenting that strategy to the Assembly.

**MR MOORE** (12.09): Madam Speaker, I have not yet got a copy of the amendments, but they are ones I discussed with Mr Kaine and Ms Szuty at a meeting on this matter. I suppose some would construe that as doing a deal, but I think Mr De Domenico put it into its appropriate perspective when he said that negotiations do and should go on in the Assembly on such matters so that for the benefit of the people of Canberra the Assembly can work together. It is important to recognise that the vast majority of our work does come down to agreement. It is only a small number of Bills where conflict is the order of the day that almost always draw the attention of the media. That is also appropriate because they are the ones that are usually of most interest.

I recall that in the debate on the planning legislation Mr Kaine indicated that he, too, was interested in the concept of having a strategic plan to get into perspective where the ACT is going. Any business that is likely to succeed these days develops a business plan before it starts and continues to modify it and to watch exactly where it is going. It is important, as Ms Szuty has suggested in her original motion, that a plan not only look at the gutters and roads and siting of houses, as the Territory Plan originally did, but also develop a strategic plan that takes into account the whole of the way in which we live - the economic, cultural, environmental, financial and health aspects - so that there is some indication overall of where we think we are going.

Any plan of this nature ought to be a vital and almost living thing that can be open to change, to comment and to variation. In fact, through the planning processes in the ACT, which I believe are very advanced, we should be able to achieve just that. I am very pleased that all members in this Assembly have agreed that this is worthwhile. The process that is going to be used will be through the Government - perhaps the Minister for the Environment, Land and Planning - so that we do have a genuine strategic plan that sets about achieving those goals. It is particularly gratifying to Ms Szuty and me to see this next step taken, because it was a very basic part of our platform during the election. I feel that it is a step forward, to the benefit of the people of the ACT.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (12.13): I take issue with one of Mr Moore's remarks. He said that this is a good next step. I do not agree that it is the next step. This has been a continuing process on the part of the Government and the Planning Authority, and as part of that process these matters would normally be attended to. These amendments to the motion require that we make a statement about what we would naturally be doing at various points, and the Government supports the motion.

**MS SZUTY** (12.13): Madam Speaker, I support Mr De Domenico's amendments to my motion concerning strategic planning. As we know, the amendments transfer the strategic planning task from the Standing Committee on Planning, Development and Infrastructure to the ACT Government. In many ways the ACT Government is best placed to carry out a major inquiry into strategic planning in the ACT. The task, as I have described it, is probably too great for a standing committee of the Assembly to undertake and complete within a reasonable timeframe. The ACT Government, with all its resources, can better cope with a task of this importance and magnitude for the Territory. We know what an important task the development of a strategic plan is. We heard a lot about urban renewal and strategic planning last week during the debate on Mr Lamont's motion.



The amendments will require the ACT Government to report to the Assembly by August 1993 and in the meantime to provide interim reports on its progress. It is unfortunate that the ACT Government has not recognised the importance of this task before now. However, if successful, the amendments to this motion will mean that the task will commence shortly. It may well be the most important task this Government undertakes in the next three years and will shape our future for the next 30 years.

Amendments agreed to.

Motion, as amended, agreed to.

**Sitting suspended from 12.15 to 2.30 pm**

**QUESTIONS WITHOUT NOTICE**

**Hospital Bed Numbers**

**MR KAINE:** I would like to address a question to the Minister for Health. I draw his attention to the existing situation in the ACT where, on the last available figures, the ACT had 2.73 public hospital beds per thousand population and trending downwards, while the Macklin report recommends a level of 3.3 beds per thousand by the year 2000, which would require an upward trend. My question is: Does the Minister agree with the Commonwealth national health strategy, and, if so, what is he doing to lift his game and produce the requisite number of beds in the next eight years?

**MR BERRY:** I do not have to lift my game; I stayed in the chamber all day yesterday.

**Mr Kaine:** And I went away and spoke to some constituents, which you would not allow me to do yesterday.

**MR BERRY:** You should have been here earning your money. The Macklin report is a very important report and investigation into health services throughout Australia. Of course, I do not have a copy of the report with me and - - -

**Mr Kaine:** Have you read it?

**Mr Humphries:** What does it say?

**MADAM SPEAKER:** Order, members! I direct your attention to standing order 39. Mr Berry, please continue.

**Mr Kaine:** I take a point of order, Madam Speaker. While you are drawing people's attention to standing orders, you might ask the Minister to answer the question.

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**MADAM SPEAKER:** I believe that he is doing so, Mr Kaine. Please proceed, Mr Berry.

**MR BERRY:** The Minister would be very happy to answer the question, if you tetchy people opposite will be quiet and listen. The issue of beds per thousand is one that is in mind at all times; but, as the Leader of the Opposition would know, the Labor Government has been focusing on the delivery of quality health care services in the ACT, and will continue to do so. In fact, what we have done in the ACT has never been done in the past. In the ACT we have managed the hospital system so that the financial management has been up to scratch; it has been on track. That is quite in contrast with what occurred under the leadership of Mr Kaine. Mr Kaine was in charge of a government which was unable to manage the finances in our hospital system. That is an important -  
- -

**Mr Humphries:** I raise a point of order, Madam Speaker. The question was very simple. It was about bed numbers. Mr Berry has not spoken about that at all so far. I ask that he be directed to answer the question.

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

**MR BERRY:** The management of finances within our hospitals is the basis of providing beds for hospital patients. If you cannot manage the finances, like those opposite, then you cannot complain about how anybody else would. If you cannot stick to the amount of money that you have been provided with to manage your hospitals, if you spend unapproved moneys, you are in deep trouble when it comes to the management of a hospital system.

When it comes to the provision of hospital beds in our system, I think the Liberal members opposite should have a look at the performance of Health this year. If they want a good example of how to manage a hospital system, they will see that the average length of stay in our hospital system has fallen fairly rapidly. We have been able to service over one per cent more - - -

**Mr Humphries:** Madam Speaker, I repeat my point of order. The Minister has not even started to answer the question about why health bed numbers are falling in the ACT, when the Macklin report says that they should be rising. Can the Minister please answer the question?

**MADAM SPEAKER:** Thank you, Mr Humphries. Please proceed and answer the question, Mr Berry.

**MR BERRY:** We have managed to provide services to more people in the hospital system with fewer beds. The Macklin report is not just about the number of beds per thousand head of population; it is about providing better hospital services to the people of the ACT. The Labor Party will do that.

**Mr Humphries:** It is about more beds.

**MR BERRY:** It is not just about more beds; it is about a whole range of services within the public hospital system. We have increased the number of people who have used our public hospitals in the ACT with fewer beds. It is a more efficient system than was ever envisaged by the Liberal Party; yet they still argue that they should force people into expensive private hospital insurance and into the private hospital sector, which will cost the ordinary householder \$46 a week. What a joke!

**MR KAINE:** I have a supplementary question. Would the Minister table his strategy for achieving the minimal 3.3 beds per thousand that the Macklin report recommends by the year 2000? I presume that he has a strategy.

**MR BERRY:** No, no; what I will do for you at any time is demonstrate to you how we do it better. I will repeatedly remind you of how we are doing it. Our performance last year demonstrates that we are able to treat more patients in our hospital system with less resources.

**Mr Kaine:** While the waiting lists get longer.

**MR BERRY:** I would not talk about waiting lists if I were you. Your performance was absolutely outrageous. While you threw \$6m worth of unapproved dollars at the hospital system, the person on your right threw the money away. We fixed the financial problems within the hospital system and we have got it right. We treated more people in our hospital system and we will continue to do better than the Liberals.

### **Tuggeranong Community Festival**

**MS ELLIS:** My question is directed to the Minister for the Arts. I ask this question as I have an involvement with and an interest in the Tuggeranong Community Festival. Has the Tuggeranong Community Festival committee been harshly dealt with by the Cultural Council in respect of a grant to the festival for this year?

**MR WOOD:** Madam Speaker, in broad terms I would say no, they have not been harshly dealt with. The background of this is that we recently announced grants totalling \$650,000. Claims were made for \$1.8m. So you can see that there was immediate difficulty. About a third of the applicants received funding. I do not know whether any of the successful applicants received all they asked for in any event. We have to assess, via the Cultural Council and its subcommittee on festivals, who gets funded and who does not, and that is no easy task.

I suppose the overriding requirement that I have sought is that the Cultural Council's committee be as careful as it can to assess that quality applications are approved, because we want successful outcomes. We cannot afford to allow public money not to be well used. With that in mind, I suppose the Cultural Council's committee considers a whole range of things, but I have categorised them in three ways. First of all, there is heavy competition. The committee - and it is not just in this area that we have committees like this working - has to assess applications against heavy competition. Secondly, I suppose, there is some background of previous years that they look at. Thirdly, they look at the proposal itself.

In the past there have been festivals in Tuggeranong of varying levels of success - some very good ones and some less successful. There does not seem thus far to have been a committee that establishes itself year after year and runs the program with the developing expertise that that brings. Last year there was no funding sought and none offered, and I believe that it was got up at the last minute with the valuable assistance of the Hyperdome. This year the proposal came through and it just did not meet the competition. It is as simple as that.

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Now, that notwithstanding, there is a new committee and the promise is that there will be a running committee; one that will go from year to year and that will get the function up and running. That was the promise for the future. I believe that that was what the committee decided upon; that there were prospects for the future. It was readily agreed by all that there ought to be a festival in Tuggeranong and that we should look to the future and work with the committee to build up the expertise and to get a festival up and running in 1993. Therefore, \$6,000 was allocated for that festival in 1993.

Mr Mico, one of the committee members, rang me a couple of days ago and sought a meeting on this. I emphasise that because a newspaper report suggests otherwise. That was the reason for the meeting, plus the fact that I was talking to Ms Ellis, who indicates an interest in that as well. I met the committee, and I agree with the assessment that the committee brings a better prospect for successful festivals in Tuggeranong. We all agree that they need more assistance and a bit of organisational expertise. Arising from that meeting and other discussions with Ms Ellis, I have indicated that it may be that the \$6,000 for next year could be brought forward to this year. I have approached the Cultural Council to run that past them. I am not going to run over procedures; I am not going to bulldoze them. I will run that through there, but I would be pretty optimistic - I am very certain - that they would agree with that and that, with that better committee, with the expertise that there is at hand, and with that funding, we can have a successful festival in Tuggeranong this year.

### **Hospital Bed Numbers**

**MR HUMPHRIES:** My question is to the Minister that the *Canberra Times* describes as being part of the health problem, namely, Mr Berry. I ask: As of today, how many beds are available in our public hospital system?

**MR BERRY:** I will have to go and check. I will get that information for you.

**Mr Humphries:** You asked me the same question when I was the Minister.

**MR BERRY:** I do not count the beds every morning; neither do I make them.

### **Occupational Health and Safety Legislation**

**MRS GRASSBY:** My question is to the Deputy Chief Minister in his capacity as Minister for Industrial Relations. Did the Government fail to consult with ACT industry on the proposed occupational health and safety amendments?

**MR BERRY:** No, the Government did not fail to do that. This Government is a consultative government. Consultation on this proposal with the Industrial Relations Advisory Council took place on 27 May 1992. The council has representatives of the ACT Government and the Canberra business community, including the Confederation of ACT Industry, the Australian Chamber of Manufactures and the Master Builders Construction and Housing Association of the ACT. These representatives are there to represent the interests of ACT employers. Being a tripartite body, IRAC also has representatives of the trade unions.

Madam Speaker, in addition, I addressed the ACT Occupational Health and Safety Council meeting on 20 September 1991. It was indicated at that meeting that the Government was concerned about existing sizes of designated work groups and that it wished to reduce the size of the designated work groups. The ACT Occupational Health and Safety Council also comprises representatives of CONFACT, the Canberra Business Council and the Australian Federation of Construction Contractors. Finally, Madam Speaker, the proposed amendments were a clear pre-election policy commitment of the Government. We not only consulted widely with the business community and the trade union movement in the lead-up to the introduction of this legislation into the ACT Assembly; it also was a clear plank of our platform upon which we were elected and it is a promise that we intend to implement as soon as possible.

### **Hospital Patients**

**MRS CARNELL:** My question is also to Mr Berry. In this week's Federal budget it was announced that State governments would be paid an incentive payment if they contracted out patients with private health insurance to private hospitals. I ask the Minister: Given that the ACT has the lowest ratio of private hospital beds per head of population in the country, but one of the highest levels of private health insurance, just how will the ACT take advantage of this offer?

**MR BERRY:** The details of those sorts of issues, as Mrs Carnell, Mr Humphries and Mr Kaine know - the other two might know and Mr Cornwell might not know - have to be worked out in the process of dealing with the outcomes from the Federal budget. But what - - -

**Mrs Carnell:** I know about them. I know more than you.

**MR BERRY:** I doubt that.

**Mr Kaine:** At least if you asked her she could tell you what her middle name is without equivocating. I doubt that you could.

**MR BERRY:** Would you like to ask me?

**MADAM SPEAKER:** Mr Berry has the floor. Continue, Mr Berry.

**MR BERRY:** Thank you, Madam Speaker. The issue of contracting public hospital services out to the private sector is one that has been raised in the Federal budget context. I have to say, from my own point of view, that it is something that I would prefer not to have to do, because if it can be provided within the private sector I am sure that if additional funds were made available for the public sector we could provide additional services as well.

**Mrs Carnell:** But you will not get them unless you do it.

**MR BERRY:** Mrs Carnell says, "You will not get them unless you do it". That may well be the case. The details of all of the announcement in the Federal Government's budget have to be worked out in terms of the shares that various States use, how that money will be spent and the arrangements under which it

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will be spent. You would know that. When the final details are all worked out, you will be among the first to know. When you are told, you will be informed of how we intend to continue with our management of the public hospital system, with an emphasis on the public hospital system. We are not committed as you are.

It is amazing that Mrs Carnell immediately picks up on the money that might be available for the private sector. She does not want to talk about all the other good things that are in the Federal budget. Yesterday, when the MPI was on, they all bolted and left the room. The whole lot of them walked out; they did not want to hear all the good things about the Federal budget.

**Mr Kaine:** You did not give me any option, Minister. You did not give me any option but to bolt.

**MR BERRY:** Mr Kaine says that I did not leave him any option. He did not leave himself any option. He will not play by the rules and he gets a little bit tetchy when he gets turfed out.

The details of implementation of the Federal Government's strategies will be worked out between my officers and their officers in the near future and, of course, the implementation will be in accordance with the strategies which have been developed by the Federal Government. I have to say - - -

**Mrs Carnell:** It has nothing to do with them. It is to do with whether you are going to take advantage of them.

**MR BERRY:** The details of how I will take advantage of it will be made available to you in due course.

### **Land Tax**

**MR MOORE:** Madam Speaker, my question is directed to the Leader of the Opposition, Trevor Kaine, in accordance with standing order 116, as the member who is in charge of the Rates and Land Tax (Amendment) Bill. Mr Kaine, I am sure you are aware that only about 4 per cent of tax that is levied is land tax. I wonder why it is that you and the Liberal Party focus your concern on land tax that is going to be incurred by fixed income earners. I am wondering about your attention to the other 96 per cent of taxes. Why not complain about those taxes? Is it because land tax is the only tax homeowners share exclusively with the rich, whereas the other 96 per cent they share largely with the poor?

**MADAM SPEAKER:** Mr Kaine, I believe that the question is not in order. Let me check my advice, but I do believe that the question is not in order.

**MR KAINE:** I would like to answer it. I will answer it anyway, Madam Speaker, in the context of the debate on my Bill, which Mr Moore will have an opportunity to debate in three weeks' time. His allusion to the rich demonstrates where he is coming from: Anybody who has 10c more than he has is a beneficiary of an unfair distribution of wealth.

**MADAM SPEAKER:** Mr Kaine, I am sorry; it would be out of order if you were to anticipate any of the material to be contained in that Bill. If you would like to answer without doing that, you may; otherwise the question anticipates debate.

**Mr Moore:** Madam Speaker, am I correct in saying that Mr Kaine can answer the question but not anticipate what is going on with the Bill? I think the question is broad enough for him to be able to do that.

**MADAM SPEAKER:** Mr Moore, I am sorry; the advice that I was given was obviously given on the run and I had to catch up with the intent of the question. Yes, you may ask that sort of question, but we cannot continue unless Mr Kaine is in a position to answer it without anticipating. Mr Kaine is the best judge of that, and I think he has wisely chosen to desist.

### **CSIRO Headquarters Building**

**MR LAMONT:** My question is directed to the Minister for the Environment, Land and Planning. What control does the ACT Government have over the possible redevelopment of the CSIRO headquarters building on Limestone Avenue, Campbell?

**MR WOOD:** Madam Speaker, this obviously is a matter of interest, I am sure, to all members in the Assembly. It is something that we regret and we will not facilitate in any way. The CSIRO site in Campbell is national land under the Australian Capital Territory (Planning and Land Management) Act 1988. It is not a designated area. The National Capital Plan states that special requirements for development control plans be prepared and agreed by the National Capital Planning Authority for national land which is not a designated area, as this is. Amongst other requirements, the development control plans are to reflect relevant provisions of the Territory Plan. At this time the NCPA has not prepared a development control plan for the site. The National Capital Plan also limits office developments outside the major employment locations to a maximum of 2,000 square metres gross floor area. The existing buildings exceed that limit. The requirements of the National Capital Plan have not been met and, therefore, disposal of the site by the Commonwealth at this time should not occur.

I should emphasise that there has been no consultation either between the Commonwealth and the Territory or between the CSIRO and the Territory on this issue. I would also point out that, in keeping with the spirit of the ACT (Planning and Land Management) Act, this land should continue to be used for Commonwealth purposes, or it should be degazetted and passed to the Territory. Finally, this Government, and I believe this parliament and the local Federal members, are all opposed to the relocation of the CSIRO, or this part of the CSIRO, to Melbourne.

### **Dental Services**

**MR WESTENDE:** My question is to Mr Berry in his capacity as Minister for Health. Does the Minister for Health realise that waiting lists for the public dental service are in a shocking state? The length of the waiting list at the Tuggeranong Health Centre is 470 patients, at the Civic Health Centre 1,631 patients; at Belconnen 1,211 patients, and at the Phillip Health Centre 1,040 patients. Waiting times can vary between 12 and 18 months and are up from what they were under the Alliance Government. The Minister is fond of saying that things are getting better under Labor. In fact, things are getting worse for dental patients. When will the Minister act?

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**MR BERRY:** The Government, of course, is concerned about the long waiting lists for treatment in adult services.

**Mr Humphries:** What are you doing about it?

**MR BERRY:** Madam Speaker, I do not mind having a go at answering these questions, but I would like to be heard.

**MADAM SPEAKER:** Please, members, remember standing order 39.

**MR BERRY:** We are, of course, concerned about long waiting lists for treatment in adult services. If your advice is accurate, it would be interesting to know how you come by it.

**Mr Humphries:** Because it was a question on notice. That is why. You told us.

**MR BERRY:** When was that current?

**Mrs Carnell:** The week before last.

**MR BERRY:** That is fine. Well, they have changed since then. A significant factor in the long waiting lists in the ACT has been the service's inability to attract and retain professional staff. The situation has been compounded by the current recession, which has increased significantly the number of eligible clients. Staffing levels in the ACT have improved over recent months as a result of revised pay and careers structures for staff. In spite of reduced staffing levels, the service provided dental treatments to 20,253 patients in the financial year 1991-92.

Plans are under way to implement a centralised waiting list. This will enable clients in urgent need of dental treatment to be referred to the clinic with the first available capacity to treat them. That answers your question, "What are you doing about it?". Whilst the waiting list is a concern to government, similar problems are being experienced in other States, as reported in the national health strategy background paper No. 9 on improving dental health.

**Mrs Carnell:** Now they are all right, are they? Now the national health strategy is good value.

**MR BERRY:** Those sorts of problems have been reported in the national health strategy background paper. The management improvement plan for dental services, implemented in May 1992, will enable the service to develop strategies for better use of resources and more efficient work practices. Reduced waiting times are expected to be the flow-on effect.

### **Child Abuse**

**MS SZUTY:** My question without notice is to the Attorney-General, Mr Connolly. As members will be aware, this week has been designated as National Child Protection Week. In conjunction with this event, Canberra police have held the Operation Paradox phone-in, which enables people to report instances of child abuse. In the ACT yesterday 60 calls were received. Can the Minister indicate what action will be initiated as a result of these calls?



**MR CONNOLLY:** I thank Ms Szuty for her question. Operation Paradox has been running for a few years now. It started in Victoria and has been run for about three years in the ACT. As a result of previous years' Operation Paradox, I think we have had six matters brought through to a successful prosecution in the ACT. We take allegations of child sexual assault extremely seriously in the ACT. Matters are investigated vigorously by the Australian Federal Police. Sergeant Fiona Crombie, who is in charge of the sexual assault unit, has been prominent in the media this week, but she is very busy during the rest of the year.

The Director of Public Prosecutions also takes these matters very seriously and there is a dedicated unit within the DPP's office to bring these matters to prosecution. I have asked for a brief on prosecution figures in the ACT, which, in due course, when I receive it, I will bring to members' attention. My clear impression, from discussion with the police and with the prosecutors, is that we are prosecuting this type of offence at a much higher rate in the ACT than other parts of Australia. That indicates not that this type of offence is more prevalent in the ACT; rather, that we have an effective and accessible sexual assault unit in the police which is working well with women's groups and with other groups, and that we have a dedicated staff in the DPP's office which, again, makes the process of bringing matters to prosecution easier.

We are pioneers in Australia in using video evidence for these prosecutions in the courts. We also have a very high success rate in terms of the number of matters prosecuted resulting in convictions. I do not have a statistical breakdown of that, but I have requested it. Vigorous action will follow Operation Paradox. Last year some six matters were successfully prosecuted as a result of the phone-in. I would anticipate that the same would occur this year, but I will bring to members' attention in due course some statistics on that.

### **Palliative Care Service**

**MR CORNWELL:** My question is to the Minister for Health. In last year's ACT budget, Mr Berry, the Government made some \$205,000 available for the development of an integrated palliative care service. Included in that development was a team consisting of a medical director, a registered nurse and an administrative assistant. In reply to a recent question on notice you indicated that no staff had been appointed as yet and that there had been no change made in this financial year despite the allocation of \$205,000. I ask: Why?

**MR BERRY:** I do not have that information in front of me. I will make sure that I provide an answer for the member.

### **Rocking Cradles**

**MR STEVENSON:** My question is to Terry Connolly in his responsibility for consumer affairs. It concerns the withdrawal of rocking cradles by a Melbourne-based distributor. This action was taken after a three-month-old girl suffocated when a metal locking pin came out, causing the cradle to tilt. Authorities who have tested this unit have shown that it is a defect in manufacture and that it could cause further accidents and deaths, as it has in America. The distributor, Siesta Nursery Products, has just recalled thousands of

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the cradles from circulation. It is estimated that up to 50,000 of the cradles have been sold and distributed throughout Australia in the past 10 years. A temporary sales ban on four types of the cradles has been placed in South Australia by the Consumer Affairs Division, and in Queensland the sale of the Siesta cradle was banned last Tuesday. What action has the Minister taken in this matter to protect babies in the ACT from harm?

**MR CONNOLLY:** I thank Mr Stevenson for his question. The national media reported, in early August, the results of a coronial inquiry in South Australia where the coroner, Mr Ahern, sheeted home the blame for that tragic incident to a defect in the manufacture of the cradle. As a result of that, the South Australian Government, as you said, imposed a temporary product ban. I asked my officials some time ago to look at that matter. This morning I signed an interim product ban in the ACT mirroring the South Australian and Queensland bans for the four products - the two Siesta-type cradles, a Colonial-Rambrook cradle and a Kiddy Comfort cradle. That has the effect of banning the sale of those items in the ACT for 28 days. The distributor has, as you indicated, withdrawn these from distribution nationally.

I would expect that the Director of Consumer Affairs will get in contact with his colleagues around Australia and we will decide, in a few weeks' time, whether to make this ban permanent, or whether some of those four are safe. The safest course of action in a situation like this, Madam Speaker, particularly with a product that potentially exposes very young children to risk, is to play it safe and to impose an interim ban while these four products are under a serious cloud. If it turns out that one or other of the products is safe, we can lift the ban. For the moment, as of this morning, we have banned the sale of those four products, to mirror the South Australian and Queensland bans. I table the interim products safety order signed this morning.

**MR STEVENSON:** I have a brief supplementary question. Has any thought been given to a product recall?

**MR CONNOLLY:** Madam Speaker, I am awaiting further advice on that. As soon as we became aware of the problem and what had happened in other States, we moved quickly to put on the sales ban. While that is valid - it is an interim ban over the next 28 days - we will look at what else should or could be done.

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

### **CSIRO Headquarters**

**MS FOLLETT:** Yesterday, Madam Speaker, Mr Kaine asked me a question without notice about the relocation of the CSIRO headquarters. I am now in a position to provide Mr Kaine with the details of that. I do not believe that it adds much to what is in the public domain already, so I propose merely to have it incorporated in *Hansard*.

Leave granted.

*Document incorporated at Appendix 1.*

### City Health Centre - Pathology Services

**MR BERRY:** Madam Speaker, recently Mrs Carnell asked a question in relation to pathology services at the City Health Centre. She asked whether it was true that the pathology services at the health centre will close "from tomorrow". That is the term she used. The answer to that is no. This is another example of the Liberals trying to beat up emotions about issues relating to services within the ACT. They always engage the mouth before they put the brain into gear, and we end up with this sort of emotive beat-up of issues concerning health. It is all very damaging to the public hospital system and the public health system. But they do not care; we know that.

The blood collecting sister employed by Pathology from 7.30 to 11.30 at the City Health Centre was redeployed on 17 August. Although the pathology nurse will no longer be available at the City Health Centre, two nurse practitioners are on site and are able to take blood, if required, for patients unable to travel to other locations. Pathology will continue to provide a courier service to the City Health Centre for the pick-up of specimens and the delivery of reports. The number of patients requiring blood collection has declined to a daily average of 20 blood collections. The majority of this work originates from the Commonwealth medical officers and will further diminish with their relocation, scheduled during August. Pathology will continue to provide QE2 with a service that picks up specimens already collected as required, and services to the elderly will be accommodated within these arrangements.

### TREASURER'S QUARTERLY FINANCIAL STATEMENT Paper

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, for the information of members, I present the Treasurer's quarterly financial statement for the period 1 April to 30 June 1992, and I move:

That the Assembly takes note of the paper.

Madam Speaker, the Audit Act 1989 requires the Treasurer to publish a statement of the financial transactions of the Territory public account as soon as practical after each quarter. The statement is published in a *Special Gazette* and I have agreed recently - as members could not find the *Gazette* - that it also be tabled in the Assembly.

The statement I have presented is for the last quarter of the 1991-92 financial year and it includes the results of transactions for the year. As I announced on Tuesday, 11 August, the Consolidated Fund result for the year is a recurrent budget surplus of \$6.7m and an improvement of \$5.6m on the capital budget. The details of the statement show that the improved outcomes arose primarily from higher than expected levels of receipts into the Consolidated Fund. Taxation revenue was \$17.2m above the budget estimate and recurrent specific purpose payments from the Commonwealth were \$5.3m above the budget estimates. Madam Speaker, revenue increases were offset by a \$7.1m reduction in the Commonwealth general revenue grant, on the basis of a lower than forecast

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increase in the consumer price index, changes in base population estimates and revised hospital funding grants. Interest earnings on investments were \$4.4m below estimates, due to a greater than expected drop in interest rates.

The capital budget included an amount of \$25m from accumulated reserves to retire Commonwealth debt and \$5m of Community Development Fund reserves to fund community capital works projects. This use of reserves was partially offset by the improvement of \$5.6m I referred to earlier. The statement also shows an increase in the Trust Fund cash balance. The increase comprises mainly provisions of \$50m to meet accruing superannuation liabilities and the impact of the first year of operation of the Office of Rental Bonds Trust Fund.

The statement that I have tabled today is consistent with the budget presentation. The Auditor-General has commented that the budget presentation does not separate financing transactions from cash transactions. Madam Speaker, uniform national standards for presenting governmental financial reports are being developed jointly by the Commonwealth, State and Territory governments. In future, such budgeted debt retirement would be shown as a financing transaction. These new formats will be progressively reflected in forthcoming budget papers.

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

### **TREASURER'S ADVANCE Paper**

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, for the information of members, I present the statement of expenditure from the Treasurer's Advance for 1991-92, pursuant to subsection 47(2) of the Audit Act 1989, and I move:

That the Assembly takes note of the paper.

Madam Speaker, in accordance with the provisions of subsection 47(2) of the Audit Act, I am tabling a statement setting out totals of expenditure incurred against funds issued from the Treasurer's Advance during 1991-92. The Audit Act enables the Treasurer to make moneys available from the Treasurer's Advance for expenditures which are required to ensure the efficient management of ACT Government programs and which are in excess of specific appropriations or were not specifically provided for by appropriation. It is a requirement that the total expenditure incurred does not exceed the amount available under the Treasurer's Advance.

Expenditures totalling \$23,860,508 were incurred against funding approvals issued from the Treasurer's Advance during 1991-92. The statement classifies expenditures by appropriation, division and purpose. According to accepted practice, Madam Speaker, members of the Assembly will have the opportunity to pursue the purpose of the expenditures through the Estimates Committee and the Public Accounts Committee.

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

**PAPER**

**MR BERRY** (Deputy Chief Minister): Madam Speaker, for the information of members, I present, pursuant to section 34 of the Director of Public Prosecutions Act 1990, the Director of Public Prosecutions annual report for 1991-92.

**JUDICIAL COMMISSIONS LEGISLATION - EXPOSURE DRAFT  
Papers**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, for the information of members, I present an exposure draft of the judicial commissions legislation which comprises a draft of the Judicial Commissions Bill, a draft of the Judicial Commissions (Consequential Amendments) Bill and a draft of the explanatory statement relating to the legislation. I move:

That the Assembly takes note of the papers.

Madam Speaker, during April 1992 this Assembly unanimously passed a motion calling upon the Commonwealth Parliament to amend the Australian Capital Territory (Self-Government) Act to, amongst other things, provide for the removal of judicial officers to be governed by a judicial commission process. The amendments to the self-government Act commenced on 1 July last and it is now timely that the Government table for public comment draft legislation governing the removal of judicial officers.

The self-government Act, in creating an ACT body politic, provided for the existence and powers of two of the arms of government, namely, the Executive and the legislature, but was silent as to the third arm of government, the judicature. There are understandable concerns that a jurisdiction's Supreme Court should be independent of the executive arm of government whose actions it may be called upon to scrutinise. The amendments to the self-government Act, to all intents and purposes, amount to the entrenchment in legislation, which cannot be altered by this Assembly, of key constitutional safeguards for the Supreme Court and the judiciary. Some of those protections relate to the circumstances in which a judicial officer may be removed and the means by which removal is effected.

In introducing into the Assembly the motion on constitutional recognition of the Supreme Court and judicial tenure, I said:

It is now almost 300 years since the English Act of Settlement of 1701 established the principle that judges, acting in their judicial capacities, are immune from both the executive and the parliament. That principle remains the cornerstone of judicial independence in systems of justice that are derived from that of the United Kingdom. Judicial independence has traditionally been achieved by providing that judges can be removed from office only by an address of parliament on the grounds of proved misbehaviour or incapacity. In Australia such independence is conferred on Federal judges by the Commonwealth Constitution.

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In the same speech I also said:

Events in recent years in the Commonwealth and Queensland parliaments have dramatically focused public and judicial attention on the question of removal of judges from office. In an address to the Australian Bar Association in 1990, Mr Justice McGarvie of the Supreme Court of Victoria pointed out that those events demonstrated that traditional parliamentary procedures in such cases were unable in any satisfactory way to ascertain what had occurred or whether what had occurred could warrant removal of a judge from office.

The Judicial Commissions Bill deals with the removal of judicial officers and has been drafted in conformity with the relevant amendments to the self-government Act. It takes the investigation of allegations away from the legislature and hands it to an impartial and expert body. The Judicial Commissions Bill provides for allegations concerning a judicial officer's conduct or capacity to be investigated by an independent judicial commission of three members, appointed by the Executive and drawn from persons who are, or have been, judges of superior courts of record, including judges of other courts who hold commissions on the Supreme Court as additional judges, but excluding the three resident judges of the Supreme Court and sitting High Court judges. One of the members shall be appointed by the Executive to be presiding member.

A commission's task will be to investigate allegations referred to it by the ACT Legislative Assembly or the Attorney-General. A judicial officer will be removed from office by the ACT Executive, but only at the request by motion of the Legislative Assembly following the Assembly's consideration of a report of a judicial commission in which the commission concludes that the alleged misbehaviour or alleged physical or mental incapacity of the judicial officer concerned could amount to proved misbehaviour or incapacity warranting his or her removal from office and the Assembly's acceptance of the findings of the commission.

In August 1990 the Honourable Mr Justice Brennan of the High Court, in delivering the Blackburn lecture, reminded the legal profession of the central importance of judicial independence, saying that he would not venture to predict how the tenure of judges of proposed courts of the ACT would be protected. The mechanism which I have just outlined provides the answer, and ensures that the judiciary and magistracy of the ACT will remain free from political interference.

Aside from the Commonwealth, no other Australian jurisdiction has a set of comprehensive and entrenched protections for its judiciary. An independent judiciary is free to interpret and enforce the laws independently of the legislature or the Executive. It is the bulwark of freedom in a society such as Australia's. Protection against arbitrary removal from judicial office is an important element of judicial independence. As Sir Ninian Stephen pointed out several years ago, once appointed, judicial officers hold office, in effect, for the remainder of their working lives, and only in the most exceptional cases are they answerable for the propriety of their conduct. It is, of course, axiomatic that, in return for the protection and independence given to it, the judiciary must exhibit the highest standards of integrity, both on and off the bench.

Madam Speaker, I propose that the draft judicial commissions legislation lie on the table of the Assembly for a time to enable the judiciary, the legal profession and the public to provide comments. To enable the legislation to be passed by the end of this year, the period for comments will remain open until 16 October 1992.

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

### **RED NOSE DAY Ministerial Statement**

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport), by leave: Madam Speaker, Red Nose Day is in contrast to red face day. We had red face day here yesterday for the Liberals, and red faces here again today. This affliction, Madam Speaker, is a lingering affliction, so by the time we get to Red Nose Day the Liberals will be inappropriate models for the wearing of red noses. We have designed a special black nose to provide a contrast to the Liberals' red faces for their poor performance in the Assembly yesterday and today. We note that the Leader of the Opposition is suitably chastened.

**Mr Kaine:** I raise a point of order. I am not at all chastened, and I think that it is very sad that the Minister chooses to turn this very serious matter into somewhat of a joke. I am sure that the people involved in SIDS will be very interested to know that you have done it.

**MADAM SPEAKER:** Thank you, Mr Kaine.

**MR BERRY:** You are red-faced, though. Madam Speaker, I can see that the Leader of the Opposition is not in a humorous mood today.

Madam Speaker, I would like to bring to the attention of members an important date on their calendar next week. On Friday, 28 August, Canberra and the rest of Australia will take part in national Red Nose Day. Red Nose Day has been conducted annually in Australia since 1988. The aim of Red Nose Day is to heighten public awareness of sudden infant death syndrome, and to raise funds which can be allocated to national research projects relevant to SIDS.

The definition of SIDS, as proposed at the second international conference on the causes of sudden death in infants, held in 1969, is the sudden death of an infant which is unexpected by history, and where there is no cause of death found at autopsy. SIDS is now the largest killer of children under two years of age in the Western world. Each year some 500 babies in Australia die from SIDS. Over the 10-year period from January 1981 to January 1991, 116 babies have died in the ACT. The death of any family member is always sad, but particularly so when it is a baby who dies from no apparent cause.

Extensive work done by Australian and New Zealand researchers suggests that overheating and placing babies in the prone position - that is, face down on their stomach - may be contributing factors towards SIDS. While research is inconclusive, it also seems that there may be some association with smoking and non-breastfeeding. The incidence of SIDS has appeared to decrease in parts of the world where promotional campaigns focus on these issues.

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Madam Speaker, in the past 12 months the National SIDS Council of Australia has been working to raise awareness about ways in which parents can reduce the risk of sudden infant death syndrome. Early indications suggest that there is a reduction of SIDS in Western Australia, South Australia and Victoria. The research that has been undertaken and the community education programs and awareness raising have been possible only because of the assistance and generosity of Australian people taking part in Red Nose Day.

During the lead-up to national Red Nose Day, ACT emergency vehicles, fire trucks, ambulances and police cars will wear red noses, as will the larger operational vehicles of the Parks and Conservation Service, the John Overall office building on Northbourne Avenue, and the ACTEW building in Civic. Madam Speaker, I note that a number of members' cars also wear red noses. I encourage my colleagues and the people of Canberra to support national Red Nose Day by buying and wearing a red nose. There will be badges available for those who do not want to wear a red nose but still want to show their support. I understand, Madam Speaker, that you can obtain car and face noses and badges from Shoprite outlets and Amcal chemists, and the badges will also be available at major shopping malls on the day - Friday, 28 August.

Madam Speaker, the addition of a red nose places a lighter note on a very serious issue, but it has the effect of drawing people together in a common cause. I think it has been one of the most successful campaigns I have seen for these sorts of ailments in many years. I wish the organisers every success and I expect that they will receive wide support throughout the community. I present the following paper:

Red Nose Day, 28 August 1992 - Ministerial statement, 20 August 1992.

I move:

That the Assembly takes note of the paper.

**MR HUMPHRIES** (3.22): Madam Speaker, I rise to endorse the comments of the Minister on this matter. It certainly is a matter on which I think all members on both sides of the chamber can unite. It is a bit of a pity that the Minister chose to trivialise the issue at the beginning of his comments.

**Mr Berry:** To ridicule the Liberals.

**MR HUMPHRIES:** Even if you wished to ridicule the Liberals, it was a rather unfortunate vehicle to use. I think we all know that national Red Nose Day pursues an important goal, that is, reducing the incidence of SIDS in children under the age of two years. It is the biggest killer of children in this community under the age of two years. It is an issue we should all take extremely seriously. The red nose does not mean that it is a funny or not serious issue. It is a very serious issue, and I am sure that all of us on this side of the house can join with the serious sentiments expressed by the Minister on this question.

Question resolved in the affirmative.



**ACTON PENINSULA**  
**Discussion of Matter of Public Importance**

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

The conflicting development proposals for the Acton Peninsula.

**Mr Humphries:** It is suspicious, isn't it?

**Mr Berry:** Didn't you put one in?

**Mr Humphries:** We certainly did. We always seem to lose.

**Ms Follett:** They did a shonky deal to lose.

**MR MOORE (3.23):** I appreciate the opportunity to speak and I am pleased that today there are no accusations of shonky deals or anything along those lines.

**Mr De Domenico:** That is unparliamentary language.

**MR MOORE:** Is that correct? When we look at Acton Peninsula and think back over the last few years - - -

**Mr Kaine:** I presume that the Chief Minister is going to be asked to withdraw her statement about a shonky deal if it appears in the *Hansard*.

**MADAM SPEAKER:** Is that a point of order, Mr Kaine, or just an interruption?

**Mr Kaine:** No, it is not. It is just an aside, Madam Speaker. We will deal with it at the appropriate time.

**Ms Follett:** I will certainly withdraw it if I am ordered to do so.

**Mr Kaine:** The Chief Minister is reported here as having said "a pretty shonky deal". I got outed for it.

**MADAM SPEAKER:** Mr Kaine, if you choose to raise it as a point of order I will consider it.

**Mr Kaine:** I will, at the appropriate time, Madam Speaker.

**MADAM SPEAKER:** Otherwise, I would like Mr Moore to continue.

**MR MOORE:** Thank you, Madam Speaker. The fact that I said that there was no shonky deal is very different from saying that there was one.

Madam Speaker, when many of us think back over the last three years since the beginning of self-government and look at Acton Peninsula, we get an overwhelming feeling of disappointment, particularly in the Labor governments and the Liberal Alliance Government in view of the fact that they have removed from the ACT community a very fine hospital. It originally was done under Gary Humphries as Minister. I objected then and later, when Wayne Berry, as Minister, had the opportunity to reverse the decision. In fact, the hospital had

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been the subject of a Bill put up by Wayne Berry. The financial circumstances when he became Minister were very similar to those when they put up the Bill. That level of hypocrisy over that site has been of great concern to members of the Canberra public.

**Mr Humphries:** I was consistent at least, wasn't I?

**MR MOORE:** Mr Humphries interjects that he was at least consistent, and that, I believe, is true. I also believe that it is true that Mr Humphries assured the people of Canberra at the time that there would be a health facility on the Acton Peninsula; that it would be retained for a health facility. It is most important, Madam Speaker, that the people of Canberra be able to hold onto that site that they consider is appropriate for a health facility. That is something that I will continue to support, and I will clarify that matter a little later.

One thing that is of great concern at the moment, Madam Speaker, is the National Design School charrette entitled "Where the City Meets the Lake", a quest for new urban design ideas which was recently released by Malcolm Smith, the executive director of the National Capital Planning Authority. It invites students to investigate models for development of the West Basin around Lake Burley Griffin and the adjacent Acton Peninsula. It states that a planning study is being conducted by the NCPA, which is reviewing options for the future of long-term development of this area. In its brief to the students, and I think it is most critical, it goes on to explain:

The NCPA's vision for the site is that of a vibrant residential waterside precinct, also integrating cultural and commercial uses.

**Mr De Domenico:** Hear, hear!

**MR MOORE:** I hear Mr De Domenico interjecting "Hear, hear" about that vision. The interesting part about the NCPA's vision is that it goes on to say:

We would like to see Griffin's design intentions synthesised in a contemporary urban strategy for Canberra.

How architectural students apply that will be very interesting to watch. What is most notable about the statement that Mr De Domenico says "Hear, hear" to is that it lacks the very things that his colleague Mr Humphries promised and the very things that the current Minister for Health has promised and repromised. This paper to students who are going to go into this competition goes on to say:

Your involvement - - -

**Mr Wood:** Will you stress whose paper it is?

**MR MOORE:** It is the NCPA's paper. It says:

Your involvement as the individual, and as a member of a school program, will directly affect the development of a planning and urban design strategy for this site and help establish fundamental principles as a framework for site specific planning conditions and urban design guidelines.

It also informs us of this:

A joint discussion document, presenting in detail the NCPA and the ACT Planning Authority's ideas for land use and development will follow this brief ...

Where is there mention in this brief of the thing that is most critical to the people of Canberra, the health facility? There is no mention of it.

I go back to Mr Wood's interjection about whose statement it is. Yes, it comes from the National Capital Planning Authority. But there is also a statement about a joint document coming from the NCPA and the ACT Planning Authority - his department - on ideas for land use and development which is to follow. So, what are the ideas on land use and development? It appears that the NCPA has not completed discussions with the ACT Planning Authority. It does not even need to go to the ACT Planning Authority. Talk to anybody in Canberra and they will tell you that basically there is a bipartisan approach to Acton Peninsula - there is going to be a health facility there. But is that health facility mentioned? Is this the beginning of a scheme to undermine the planning approach in Canberra?

Perhaps we should consider this word "charrette". You will not find it readily in any dictionary. I doubt very much that it is in Mr Stevenson's dictionary. We thought a "charrette" might be something like a cigar, but that is a cheroot. That sort of cheroot, of course, is one possibility. We know that where there is smoke there is fire. On the other hand, perhaps it could also be a small charade. It has nothing to do, as best we could find out, with a curette, unless you want to look at it in terms of what is going to happen to the health facilities.

Madam Speaker, when the Labor Party tabled its Bill in 1990 - it was then in opposition - calling on the Alliance Government to reopen the Royal Canberra Hospital, it proposed to the community that that could be done. The community was given to understand that that could be done. Time has passed and the Royal Canberra Hospital at Acton has closed. We know that. We also know that we must ensure that we do not see a softening in attitude towards the Acton site as far as community health facilities are concerned.

Madam Speaker, perhaps what I perceive here as the least bad scenario is a situation where the Australian Capital Territory Planning Authority has no idea of what the National Capital Planning Authority is doing. That in itself is bad enough. What may well be worse is that there is conflict between the National Capital Planning Authority and the ACT Planning Authority over this site and this is a way of undermining what the ACT Planning Authority is doing, what the Minister is doing, and what, clearly, is government policy, as stated in this house on a number of occasions. I will get to that shortly. Just what is going on in the National Capital Planning Authority that they can put out something like this, which actually undermines the intention of this house and the intention and understanding of the people of the ACT?

If they are going to put out a charrette, why not use the opportunity to come up with some very creative ideas that include the health facility? It seems to me that the concept was fine, but we need to ensure that that area is protected. On 1 February, in the *Canberra Times*, Rosemary Follett was reported as having said:

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Labor's unchanged priorities were to finish the hospital redevelopment, continue with better financial management and accountability, keep the Royal Canberra Hospital site for public health uses and establish a medical school with a focus on community medicine.

Madam Speaker, we have the opportunity here to do something very special with a site, even though many of us still mourn the loss of that hospital. Similarly, in her third ministerial statement upon attaining government after the election, in April 1992, the Chief Minister said that new public health facilities will be provided on Acton Peninsula. We look forward to this budget statement when, I am sure, we will learn what those public health facilities are going to be. No doubt we will get some clarification on those from the Minister at the appropriate time. He will be able to make it crystal clear for us in his normal way.

**Mr Berry:** Thank you for the acknowledgment.

**MR MOORE:** My pleasure. In response to Ms Szuty's question without notice on 13 May Mr Berry said, quite succinctly:

In July last year the Government decided in principle to locate a range of non-acute health services on Acton Peninsula. Those services included rehabilitation, convalescent and aged care services, relocation of the Queen Elizabeth II hospital for mums and babies and the hospice. ACT Health has been managing a planning process ... A draft report was prepared, outlining the requirements for each service proposed for location at Acton, and proposals for the Acton site are expected to be considered by the Government shortly. They are issues that will be coming up to Cabinet shortly and we will keep you posted on developments.

So, Madam Speaker, the people of Canberra no doubt feel that it is appropriate that we are kept posted on developments on the Acton Peninsula. The fears that people have for that site - it is quite appropriate that they should have fears, from their experience - should be put to rest.

Turning to the options presented in the feasibility study on the redevelopment project, option 1 came out in favour of using the Acton site for a nursing home and community health related purposes in response to a growing demand for these services. Option 2 also described as viable and worthy of further consideration the use of the Acton site for primary health care related purposes, maximising the benefits in terms of improved hospital services for the Canberra community. Option 6B suggested that it was viable for the provision of rehabilitation and aged care services for all residents in the ACT and the surrounding region. Costings for each of those were also provided. The decision has been made on those, Madam Speaker, and it is not difficult for us to calculate roughly what the costings are.

I come back to question time in this house. Mr De Domenico asked a question on 23 June. The response from Ms Follett was a little softer than the one Mr Berry had given to Ms Szuty some months earlier in which he was quite clear about the hospice and so forth. Maybe he felt that it was covered. Sometimes Mr Berry does not answer questions quite as succinctly as he answered that one from Ms Szuty. Ms Follett said:

I can advise that I have written recently to the Federal Government about Acton Peninsula.

The same Federal Government is in charge of this National Capital Planning Authority. She continued:

We must bear in mind that the peninsula is designated land and that anything that my Government might wish to do with it does need to be agreed to by the Commonwealth. Members will be aware also that my Government has given a number of commitments in regard to Acton Peninsula, in particular to the provision of a range of health facilities on Acton Peninsula ... Members may also be aware of the general view by the National Capital Planning Authority about some redevelopment, some housing, that they believe might be appropriate on Acton Peninsula.

This is the important part, Madam Speaker:

I have indeed had informal discussions with the NCPA on that matter.

I wonder now whether those informal discussions were part of what led to this charrette. On 25 June, still on the same issue, Mr Berry responded to another question from Ms Szuty. He said:

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 ... We are considering that in the budget context ...

Here is another little softening, perhaps. I am raising these possible issues so that the Minister can clarify that there is no softening and that they are just as determined as they were when he answered so directly that question from Ms Szuty in April. Mr Berry said:

I can say that some preliminary planning resulted in a draft report being prepared, and further consideration of that report is ongoing.

Madam Speaker, we have to assume from this that the NCPA has a very different view of what should be done on the Acton Peninsula. The questions for people in Canberra are: Who knows? Who should decide? How should we view these ground rules given to students from universities all over Australia? We have the opportunity to do something worthwhile with the Acton Peninsula and to ensure that those health facilities that we have talked about remain there. I make my position very clear as far as the hospice goes. That includes the hospice. I think we should act on it.

**MS SZUTY (3.38):** Madam Speaker, I have raised the issue of the future of Acton Peninsula in a question without notice this year, and I rise again to state that the people of Canberra have a stake in the future of this piece of land, despite its designated area status as national land. As Mr Moore has said, fellow members, we have heard that the National Capital Planning Authority and the Territory

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Planning Authority are currently finalising a joint discussion document on the future of the Acton-West Basin area. It is due to be released next month. However, we have heard that the NCPA has already outlined its vision for the site as follows:

... a vibrant residential waterside precinct, also integrating cultural and commercial uses.

and:

... a mixed-user development project creat(ing) an active urban edge around the rim of the basin "where the city meets the Lake" involving residential, retail, commercial, cultural and community uses. In addition, the NCPA would like to see a major cultural institution and community use on the tip of Acton Peninsula.

I quote from a document that has been sent to many university planning and design schools across the country as part of a design competition. Students and their lecturers and teachers will design buildings and landscape features for the site, and the competition entries will be reviewed in October this year. The NCPA stresses that this is not a competition where a winning entry will be selected and that design necessarily adopted, but has said:

It is the hope of the promoters that the participating schools will challenge and inspire current directions in urban design and planning in Canberra.

The Canberra community and we, as representatives of the community, are entitled to ask, "What is going on here?". I do not deny that this is a wonderful opportunity for students to do conceptual work on proposals for large-scale development, but what is driving this competition? The people of Canberra have already stated very clearly what they want for Acton Peninsula: They want health and community related services to replace Royal Canberra Hospital. As Mr Moore has said again, the ACT Government has given us a commitment in this chamber that there will be health services located on Acton Peninsula. But there is no mention of these in the competition outline. Commercial, residential and community uses are the only ones mentioned in the competition outline.

It seems to me, Madam Speaker, that the ACT Government needs to have someone in there fighting for the ACT residents' point of view to be heard. In June we were told, not by the planners but by a *Canberra Times* reporter, that only one building on the site was identified for potential use in housing non-acute health services - the old isolation ward. To quote from that article:

None of the site uses discussed: a nursing home, rehabilitation and aged care services, a convalescent unit, a hospice, a relocated Queen Elizabeth II Home for Mothers and Babies, or community health facilities, target the tower block for refurbishment.

Several other *Canberra Times* articles which have some bearing on this debate have been brought to my attention. Firstly, "Health-related activities preferred at Acton", said the *Canberra Times* of 10 January 1991. Interestingly, the article referred to a November 1990 news conference that never was on the study of West Basin and Acton Peninsula. Other articles appeared in the *Canberra Times* on 1 and 2 December 1990, outlining the positions of the Residents Rally and the

Liberal Party on this issue. It seems that the future of Acton Peninsula has been in doubt for some time, and now, according to the NCPA report that I have referred to, it will remain undecided for some time to come, at least until June 1993 when the results of the design competition have been finalised.

We are also told in the NCPA document that "sentimental attitudes towards the hospital were not high on the NCPA list of priorities". Madam Speaker, I do not see the arguments for retaining health care services on Acton Peninsula as sentimental. They are based on the feeling in the community that Acton Peninsula is a good environment for health facilities, that the aspect itself has some curative and calming effect, and that benefits will accrue to the community if such uses are retained on the site. The fact that the debate is being subtly turned around by discussion of high maintenance costs and the future potential for residential and commercial development is disempowering the ACT community. The aforementioned *Canberra Times* article states, as part of an interview with Malcolm Smith of the NCPA:

... there was a high cost involved in maintaining all the buildings.

But why is this of concern to the NCPA? Should this not be a concern for the ACT Legislative Assembly and the Territory Planning Authority, and, most importantly, the people of Canberra, as it will continue to be Canberra residents who pay taxes to support the future uses of existing facilities?

I have also heard of a possible exchange of land being discussed, where the governments, both ACT and Federal, would exchange land in Kingston for the Acton Peninsula site. Madam Speaker, I am sure that the people of Canberra would see that as a sell-out and a betrayal of their faith. The population have lost what many considered to be Canberra's principal hospital, and now may lose any say in what happens to the future of the site. The argument that the NCPA is only expressing an opinion and that the competition is only a way of generating debate denies the strong opinions that have been expressed by the community that lives here.

I hope that this Government will take every step possible to protect Canberra's interest in this site and I suggest, Madam Speaker, that the time to do so is now. The NCPA and TPA joint discussion paper, promised for the beginning of December last year, then August, and now mid-September, may give us formal proposals to address. However, I do not agree with a wait and see stance. There needs to be an unequivocal statement on behalf of the ACT community that our needs will be paramount in deciding on the future use of Acton Peninsula.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.45): The debate has not gone the way that the MPI indicated and I want to clear this up first. Mr Moore said that we had to debate the conflicting development proposals for the Acton Peninsula. I thought that we were getting a debate about proposals that might be coming through concerning development - that is, construction and enterprises - but in fact the debate has gone a better way, the logical way, towards the planning proposals that are being mooted. Let me make that clear.

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I think it is worth saying at this point that I get a great number of comments from people - and they come from other parts of this chamber - to the effect that, whether under the Liberals or the Labor Party, this site is going to be sold off to some big developer; that it is going to be a casino; that it is going to be a resort; that it is going to be all sorts of things. There is some suspicion in an element of the community that we have such proposals in mind. I had a conversation with the head of my department a while ago. He indicated that in the 3 years or thereabouts that he has been in that position, and probably before that - but that is the period of his experience, and that certainly is the period in which the future of the hospital has been discussed or when there has been any option for anything else - there has not been one such approach made to him, and certainly there has been no such approach made by him. So let me make it clear to the community that there are no hidden developers anywhere around Acton Peninsula.

I want to comment on the charrette. First of all, let me say clearly that this is no part of anything the ACT Government has to do. I understand that the Planning Authority was asked to contribute \$30,000 of the \$60,000 cost of this enterprise, and, very sensibly, they declined to do so. It was not something we wanted to be involved in. I became aware of this - - -

**Mr Moore:** Your name is all over it. So is that of the Planning Authority.

**MR WOOD:** It is certainly used in there and I would think it is used in ways in which I would not wish it to be used. I will come to that in a while. I became aware of this when an old friend of mine rang and said that he is doing this. He asked for my views about what ought to go on the peninsula. I might indicate that the first thing I said to him was, "Well, health facilities, of course". That was certainly done. I took the trouble then to get a copy of this and I took exception to one of the paragraphs that Mr Moore raised and which is directed at the people who may participate. It says:

Your involvement ... will directly affect the development of a planning and urban design strategy ...

I took exception to that and the way in which I believe that the role of the ACT Planning Authority, the ACT Government and the ACT population was degraded by that comment. Mr Moore said that this, perhaps, is a cheroot. I think a more appropriate description might be "a charade".

Let me put clearly on the record what is happening and what the processes are. What we are seeing here is the beginning of a process for planning in this area, a process that will involve full public consultation. At the outset, let me go back over some of the facts of this issue. The first is that the planning of the Acton Peninsula is a Commonwealth responsibility. It is a designated area and in planning terms it comes under the control of the National Capital Planning Authority, just as City Hill does. The uses identified in the National Capital Plan are "community facility" - therefore a hospital - "open space" and "roads". The northern part of the site, that is, the ANU area, is shown as educational.

Any proposals which are not consistent with these policies would require a change to the National Capital Plan and, potentially, an environmental impact statement. The consultation processes inherent in a change to that plan provide a mechanism for the ACT Government to ensure that, in planning terms, its views



are given proper consideration. We are, however, dependent on the NCPA to take the initiative on this. Another player is the ANU, which occupies the northern part of the peninsula, and there should be some combination of effort there.

The position is made more complicated by the fact that, though the planning responsibility rests with the Commonwealth, the land where the former hospital is located is Territory land, not national land, and is under the control of this Assembly for land administration but not, of course, in relation to planning. It may be that the Commonwealth may wish, in the future, to change that status. Perhaps, as Ms Szuty suggested, it may wish to exchange some part of it for some national land elsewhere; but that is pure speculation. We have, however, to recognise the constraints of the dual system of land ownership and land planning in the ACT. At this stage the Government has not considered the long-term use of the site in detail. Nor has it made a definitive statement about its views or its preferences for the peninsula. The Chief Minister has written to the Prime Minister, and through him to Wendy Fatin, the responsible Minister, indicating our preference for certain health facilities on that site.

The main reason why there has not been a definitive statement is that there are a lot of issues yet to be resolved. The first series of discussions will need to be with the Commonwealth, particularly with the planning and land authorities. Some informal discussions at officer level have been held with the National Capital Planning Authority. In order to bring forward ideas for the future development of the site and the nearby foreshores of Lake Burley Griffin around to the Acton terminal, a planning study of the area is being undertaken. The Planning Authority has been involved in this, but the carriage is with the NCPA.

I understand that a discussion paper on this matter may soon be released. Indeed, it was the basis for an article earlier this year in the *Canberra Times* - an article that I think should not have appeared at that stage. The discussion paper will then be made available to the people of Canberra as quickly as possible. The important element is that the views of the people of Canberra be clearly expressed. I have, therefore, asked the ACT Planning Authority to request the NCPA to make its proposals available for public consultation as soon as possible. Another study that will have an impact on the use of the peninsula is the Lake Burley Griffin flood study which also is being coordinated by the NCPA.

In considering the future use of the Acton Peninsula we need to distinguish between two different things: One is the long-term use of the site and the other is the short-term use of the existing buildings. In the longer term, I have no doubt, the site will be developed in a manner that makes use of its special features and responds to the wishes of the people of Canberra. This will include, I expect, a health facility. In the short term we need to make the best use of the buildings that are now unoccupied. The ACT Government has an obligation to the residents to make the best use of the assets that it has at its disposal. It also has the obligation to see that they are not left empty, as were some of the schools that were closed in 1988 by the Commonwealth Government, or vandalised, as were the space tracking stations in Namadgi National Park.

We recognise that the Commonwealth may have an interest in the site for the development of an important national facility. In that case we would expect adequate compensation for the land involved. We also maintain that if Canberra were not the national capital the area would be developed for the local residents of Canberra, with a range of uses - uses to be decided by the people of Canberra.

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The Territory does not want to stand in the way of Commonwealth initiatives; but, because the area is Territory land, the ACT Government has a very significant interest in planning for its uses and will continue to press for close involvement in any decision making. In the short term we will make the decisions that are appropriate to the protection of the site, the optimum use of the building and the best interests of the electors of Canberra.

**MR KAINE** (Leader of the Opposition) (3.55): I do not believe that I need to say a great deal. I must concede that Mr Wood spelled out very precisely and accurately what the situation is in connection with the Acton Peninsula. He covered the history leading up to where we are at the moment; the relationship between the National Capital Planning Authority and the ACT Planning Authority; and the fact that a joint study was undertaken nearly two years ago and has not yet been completed, but the outcome of that is imminent. All of these are matters of fact, and I would have thought that they are all a matter of public record.

Therefore, I was a little concerned when this MPI appeared on my desk this morning, indicating that Mr Moore and Ms Szuty wanted to discuss "the conflicting development proposals". Like the Minister, I knew of none. I was wondering whether there was some secret agenda that I was not aware of; whether there were, in fact, development proposals that were being considered by the Government, or by somebody else, which had not been published. It turns out that this simply is not true.

I think that Mr Moore and Ms Szuty need to be a bit careful about stirring up public emotion on issues like this. They might see themselves as the public conscience, but I suggest that they are not. They are no more concerned about the issues involved with this site than are the members of the Liberal Party or, for that matter, the members of the Labor Party. They start stirring this sort of thing up and talking about, to quote Ms Szuty, the Canberra community's moral claim to Acton Peninsula, whatever that means. I thought that the community had much more than a moral claim; that in fact the land, like all other land in the ACT, was community property. To start bleating about moral rights raises issues that I think are divisive, instead of bringing the community together on these issues. I would think that they, like the rest of us, ought to wait until there are some proposals on the table before they start stirring up public emotions on this issue.

Interestingly enough, despite the difference in our ideologies, there has been a fair convergence of opinion amongst the Labor Party and the Liberal Party on the future intentions in connection with this site. It was the Liberal Party that first spelled out the long-term intentions for this site in terms of retaining it for health related purposes, for convalescence, for rehabilitation and for other uses, for relocating, perhaps, the QEII home for nursing mothers, or even some relocation of Jindalee. These were all things that were spelled out by the Liberal Party two or more years ago. The Labor Party essentially has continued that as a statement of intent. So why Ms Szuty and Mr Moore suddenly start getting concerned about conflicting development proposals, I cannot imagine. If there are any, I would like to hear what they are.

I am prepared to wait until the discussion paper is on the table. Mr Wood tells us that that is imminent. I have no reason to suppose that our bureaucrats have some ulterior motivation, some hidden agenda, some different purpose from that expressed by the Labor Party and the Liberal Party on this issue, and I am prepared to wait until they put their suggestions and recommendations on the table before I start springing to wrong conclusions. Mr Wood has pointed out that the study includes the area running from the Commonwealth Avenue Bridge all the way around the foreshore, and that that part of the development is exclusively the responsibility of the National Capital Planning Authority. I believe that the things that have been suggested as possible uses, as a result of that study, have been good ones. That part of the lake does need to be tied to the developing city. It is quite remote at the moment. It is unused. It in no way is contributing to the benefit of this community. It should be linked together in some fashion and put to a use such that the community gets some benefit from it.

When we move around towards the Acton Peninsula area and we start talking about putting health related facilities there, it was rightly pointed out to me this morning by Mrs Carnell, who obviously is concerned about this too, that if you put rehabilitation and convalescence facilities down there it is no good just dumping them and leaving them totally isolated from the rest of the world. If you put aged people down there, if you put convalescing people down there, you have to put near them some shopping facilities that they can get to. It is no good saying, "Here are your crutches; get yourself up to Civic". In order that they can be rehabilitating and convalescing in a reasonable environment, there does need to be, perhaps, some residential accommodation down there so that these people are not being pushed off into Siberia to do their rehabilitating or their convalescing. There must be other kinds of development on that site. To simply say that we are going to restore the old H Block, or whatever it is, and turn it into a rehabilitation centre does not even begin to address the question. If that is what Mr Moore thinks, I do not know what else he is dreaming up.

There does need to be some real thought put into this. Some real thought is being put into it, as far as I am aware. I have heard nothing, except from Mr Moore and Ms Szuty, that would raise questions in my mind about the ultimate use of this site. So, as I say, why put this sort of thing on the agenda and cause people out there concern? My phone is going to be ringing over the next few days. Some specific people, whose names you all know, I am sure, are going to be ringing me up and saying, "What are you doing about all this?". Well, the answer is that I am not doing anything, except waiting for the two planning authorities to give me some sensible recommendations as to what we might do.

Mr Wood also raised the point that there is a short-term problem and a long-term problem. What we do in the long term is yet to be determined. He is quite right. The buildings are sitting there and if we are not careful they will deteriorate, unless they are put to some useful purpose. I understand that the Government has some ideas in mind for their short-term use. Since the information that I have has come to me through committee deliberations, I do not think it is my right or responsibility to announce that yet. I am sure that the Government will do it when they are good and ready. But I know that there are certain matters being considered that will maintain those buildings - maintain them in use and maintain their useability for whatever the long-term aim is. I said that I was not going to say very much as I did not need to; that Mr Wood had spelt it out. Perhaps I had better sit down before I overrun my time, Madam Speaker.

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**MR STEVENSON (4.02):** I can understand the concerns of some people over what the Royal Canberra Hospital site on Acton Peninsula will be used for. Perhaps the statements from the National Capital Planning Authority that have been read out today may give some understanding as to why some people have concerns.

There are two viewpoints that I want to look at - certainly the shorter term and the longer term, although not that very long. On 20 December 1991 letters were sent to people who had made submissions to the Acton Peninsula development project, signed by Mr Ross Cook, who was the director of the project. I quote Mr Cook:

The Government has announced that a number of non-acute Public Health Facilities should be considered for location on the Acton Peninsula: a Hospice, Rehabilitation and Aged Care, Convalescent Unit, Nursing Home, Queen Elizabeth II (Hospital for Mothers and Babies) and Community Health Services. The Minister is also considering other services for Acton, such as elements of a Clinical School and a centre for general practice.

We certainly do not want to see NCPA proposals looked upon by anybody as an easy out for not retaining the Royal Canberra Hospital site for community health services.

Let me look at the medium-term view that Mr Kaine mentioned. The expected population in the ACT in the year 2001 is 355,000 people. The number aged 55 and over would be 52,300. The expected population by the year 2011 is 426,000 people, an increase of 133,000 on the population now. The number aged 55 and over would be 84,000, basically a doubling of what we have at the moment. There is absolutely no doubt that we will need another hospital or hospitals in the not too distant future, perhaps the medium term. There is little doubt from a practical point of view, let alone other reasons, that the Royal Canberra Hospital site on Acton Peninsula should be kept for community health services until such time as it would be practical to re-establish a hospital there.

Once again we have heard during this debate that the will of the people is important. Recently we conducted a survey poll of 500 people. The first question we asked was, "Should the Royal Canberra Hospital site on Acton Peninsula be retained for community health services?". The figures I will give are rounded. Of those surveyed, 78 per cent said yes, 9 per cent said no, 6 per cent said that they were not concerned, and 7 per cent said that they wanted more information before they could make a decision.

We then asked whether a hospice - we defined that as a final caring centre for the terminally ill - if established, should be at Acton Peninsula, Calvary Hospital or elsewhere. The results were - once again, these are rounded figures - that 56 per cent said that the hospice should be established at Acton, 16 per cent Calvary, 21 per cent elsewhere and 7 per cent did not answer the question on the sheets. The various statements under "elsewhere" included Dickson, Reid, Braidwood, Gungahlin, Civic and various residential areas. So it is clear that the overwhelming majority of people in Canberra want their Royal Canberra Hospital site retained for health services. I think we would well understand that, were they to be asked whether they would like Royal Canberra Hospital re-established or a hospital re-established on the Acton Peninsula, they would again say, "Yes".

Mr Kaine mentioned concerns with the Royal Canberra Hospital that were raised by Mrs Carnell. I mention a couple of those to indicate why the people might think that the Acton Peninsula site is the best spot. Firstly, we could look at the six-floor tower block, the previous private ward, becoming a hospice on Acton Peninsula. It has 43 single rooms. It has a VIP suite. It is a beautiful spot that could be used for counselling. There has been some suggestion that there is a lack of counselling facilities. That would be ideal. I think it is well known that much of the Royal Canberra Hospital was repainted a couple of years before the decision was made to close it. As for beds and other equipment being available, I believe that much is stored at Mitchell. The food for the people on Acton Peninsula could readily be brought in from Woden Valley Hospital kitchens.

Mr Kaine said that you need to place these facilities close to shopping centres. Well, prior to the closure of Royal Canberra Hospital they had a post office, a credit union, a bank and a shop. Those same places could be re-established on Acton Peninsula. There could be a small supermarket incorporating those services. Shoe repairs, dry cleaning, sewing and various other services could very easily be arranged. They could be picked up and delivered to the hospital. There are no relevant suggestions that I have heard that would prevent people from being on Acton Peninsula, as occurred for many years. Who would suggest that it is easy to get from Woden Valley Hospital to the shops?

One of the major points about locating a hospice and other places for health care on Acton Peninsula is the beauty of the place. We all acknowledge that. There is no doubt that people there will recover more rapidly. If they are in a hospice there they will find it a far better place to stay than other locations - Woden, certainly. There is no noise pollution there. There is no traffic pollution. It would be a perfect spot for terminally ill patients. They do not particularly need to have specialists visiting them on a regular basis. Their GPs could well handle that function.

We also need convalescent and nursing home services. They could be established at the Acton Peninsula. We have some 1,000 people waiting for operations in the ACT, some for as long as 3 years. That is a most remarkable situation. Unfortunately, some people on the waiting lists have had to pay for operations at John James Hospital. There simply was no other choice for them. It would be ideal if patients could be transferred to Acton Peninsula to convalesce after their operations. That would be the perfect spot. It would be far better than Woden, I suggest.

There is concern for slow-stream rehabilitation, and that also could be done on Acton Peninsula. Many of the patients could be taken to the foreshores to enjoy the beauty of the lake. There are suggestions that H Ward and the isolation ward could be used for rehabilitation. There is merit in that. There would be some costs associated with that, perhaps, that would not be associated to the same degree with the six-floor tower block. We understand that we cannot send everybody home after their operations. There are various people that we have to maintain for a time. The Royal Canberra Hospital site on Acton Peninsula is the ideal spot for that.

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To sum up, there is plenty of space at Royal Canberra Hospital. You can reuse a floor at a time. Canberrans want that space kept for health services. We will need extra hospital facilities in the fairly near future, and it would make an ideal spot for a hospice, for convalescence and for nursing care. The big point is that that is what Canberrans want. There is no logical reason to go against the will of the people in this matter.

**MRS CARNELL** (4.11): I would like to use this opportunity to make some comment on the appropriateness of locating at least one of the proposed health facilities at Acton Peninsula, particularly after the comments of Mr Stevenson. There are longstanding proposals to build a new hospice facility and to develop palliative care into an integrated holistic service for Canberra. These proposals have been around for much longer than any talk of a publicly funded, freestanding abortion clinic, and once again I must focus on the need to get our priorities right. Proposals for a hospice have been around since 1980. Even before that there was an awareness that there was a need for one. Canberrans may, at last, be going to get their hospice, and not a moment too soon; but right at the time that the Labor Government seems to be getting around to funding the facility they seem to be getting the location all wrong.

Under a freedom of information request I received a wealth of information confirming the fact that the hospice would be much better located adjacent to one of the two major hospitals, either Woden Valley or Calvary. Every single inquiry that has looked at this has come out with the same approach. But the weight of opinion seems to be that locating the facility in the grounds of Calvary Hospital, possibly by refurbishing and extending residence C at the hospital, would be the preferred option. There are excellent reasons why the hospice facility should be located there and not on the Acton Peninsula.

Firstly, the Little Company of Mary has as part of its ethos the commitment to providing excellence in palliative care. This is one of the fundamental reasons for their existence - to provide this sort of excellence. They are more than qualified, therefore, to manage a hospice facility on behalf of the ACT. Another advantage of location within the grounds of Calvary Hospital is that a hospice could be established as part of an integrated system of palliative care. If you have the hospice as a stand-alone facility, isolated at Acton Peninsula, it will be substantially harder to develop such an integrated service. Despite the fact that development of an integrated palliative care service was announced in the 1991-92 budget, Mr Berry does not seem to have done much about this. In any event, there is a good opportunity to develop a hospice as part of an integrated palliative care service at Calvary Hospital. I urge Mr Berry to embrace this opportunity now.

I believe that the Government should keep the best interests of patients in mind when thinking about where to locate new health facilities and I believe that in some cases Acton Peninsula is not the appropriate location. With some other facilities already suggested for Acton, such as the convalescent unit, the new Queen Elizabeth home for mums and babies, the nursing home, disability services and rehabilitation services, I think we must focus on the need for

appropriate infrastructure, as Mr Kaine has already mentioned. Again, we do not want these facilities in isolated locations, and nor do the patients. They will be no good at all at Acton Peninsula unless Acton Peninsula has appropriate facilities. Recovering patients do not want to be isolated. It would be counterproductive for them to be positioned in a location that was isolated from shops and other activities. In case you have not noticed, it is quite a long way from Acton to Civic and, as Mr Berry appropriately said, a very long way on crutches.

**Mr Berry:** No, that was Mr Kaine. He is the one with the red face.

**MRS CARNELL:** I am sorry; Mr Kaine. If we are going to have these health facilities on Acton we must consider a diversity of uses for Acton. This means shops, residential uses, and other activities such as entertainment, restaurants and so on. Another area I would like to cover is the need for student accommodation. I understand that the ANU has offered to buy Sylvia Curley House, and I think we should look at this seriously. Acton Peninsula is an appropriate place for more student accommodation.

We have talked recently about the need for urban consolidation. We must remember that urban consolidation is most appropriately pursued in locations close to work or study. It is only if we pursue urban consolidation close to workplaces that we can expect a realistic reduction in transport costs and pollution. It is no good building up urban densities 10 or 20 kilometres away from work locations, because people will still have to use their cars. It is in this context that I suggest that Acton Peninsula is an appropriate place for student and other types of accommodation, and also for the health facilities that we have already talked about. If we wish to bolster the viability of businesses, shops and entertainment in Civic, I think this is an appropriate way to go as well. This means that Acton Peninsula really must be looked at in a totally comprehensive light. Certainly, student accommodation is one area that we should look at. We should also look at medium density accommodation, possibly the backpackers hostel that was talked about, and we should not forget aged persons accommodation whenever we look at these sorts of issues.

Finally, I understand that the use of this area is still being considered, but the Labor Government must make sure that it makes sensible decisions with regard to this site, taking into account the best social, economic and aesthetic criteria. I urge them to do so.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.18): In the short time available to me I will touch on some of the issues which have been raised. The first thing that I will say in response to Mrs Carnell's contribution is that we will indeed make a sensible judgment about the provision of facilities on the site and those decisions will be made against a background of our commitment to social justice. I think that essentially this boils down to ensuring that the Labor Party's commitment to a strong public hospital and health system is carried through, and we will do that. Undoubtedly, the Acton Peninsula provides a wonderful site. It is a nice setting. There is, indeed, an emotional connection with the site for some people, and it has been argued in the past that it would be appropriate for convalescent treatment and those sorts of things because of the nature of the site.

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The feasibility study that was conducted following the collapse of the Alliance Government has been mentioned. That is a matter of history. We were unable to reverse the fast-tracking which had been commenced by the Liberals when in government. We talked about the establishment of public health facilities such as rehabilitation and aged care, convalescent facilities, and the Queen Elizabeth II home for mothers and babies. The Government's election priorities for this term included commitments related to the Acton Peninsula site as a site for public health facilities, in public ownership - there is no question about that - with rehab and aged care services, convalescent facilities, the Queen Elizabeth II home for mothers and babies and a hospice.

There has been some agitation about the location of the hospice. Calvary Hospital have argued that they see it as a site for a hospice. I see that Mr Moore is not so keen for the hospice to be at the Calvary site and he has clarified his position in relation to that. We also talked in our election commitment about the establishment of a chair of community medicine, a chair of rehab and aged care, as part of a centre of excellence on aged care at the Acton Peninsula.

At the moment, as members would have learnt from Mr Moore's speech, there are some complex planning issues that have to be worked through. There is no point in kidding ourselves; we have to go through that process. At the same time we have to deal with inherited problems within the health budget which we are committed to sorting out. We are committed to containing both capital and ongoing costs and there are, of course, some deficiencies in the coverage of the present system. We have to sort those things out through the capital budget and other areas of budget management. There are many competing demands for additional services and unquestionably they will be addressed from time to time by the Labor Government in its quest to strengthen the public hospital and health system in the Australian Capital Territory.

The ACT community deserves a well-organised, accessible system of health care. The Government, as I have said, is committed to creating a public health system which is available to every single member of the community, and I plan to continue to maintain, improve and provide resources to secure a high quality public hospital system. I do not think there is any question about the level of commitment to the provision of those services, including the provision of public health facilities in accordance with our earlier commitments for the Acton Peninsula. It is an important site for the future development of the ACT. There are important planning issues to be addressed. It is not a process that can be rushed and it is assuredly a process that needs to be done correctly.

At the end of the day, Madam Speaker, there are some buildings on the site which will be inappropriate for future services in the Territory. Some will be redundant. I guess that the grand plan for the site will feature the resolution of the future of those buildings on the site. Much has to be done. Of course, as time passes, as Mr Kaine has said, there will be increasing information about the sorts of facilities and uses which will be made of the buildings on that site.

**MADAM SPEAKER:** The discussion is concluded.



## TRUSTEE (AMENDMENT) BILL 1992

Debate resumed from 25 June 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MR HUMPHRIES** (4.24): This Bill is quite straightforward. It complements the Bill we passed yesterday, the Trustee Companies (Amendment) Bill, in providing for the mechanisms whereby trustee companies might invest in common trust funds. As I mentioned yesterday, the idea is to allow trustee companies to pool funds from a number of sources, a number of estates they administer, put them together with other trustee companies perhaps, and make sure that they can compete in the market for the best investments. In those circumstances, it provides for better returns on investments and it is therefore a welcome reform.

I have only one small comment to make. I see that the amendment to section 14 of the principal Act expands the number of areas in which investments may be made by trustee companies and talks of government securities of the Commonwealth, the Territory, a State, another Territory - meaning the Northern Territory, I assume; I cannot think of any other Territory it could mean - the United Kingdom or New Zealand. I do not quite know why just the United Kingdom and New Zealand; perhaps it is a colonial relic of some kind. I am sure that governments in Canada, the United States, continental Europe and elsewhere also properly secure their investments in government securities, but for some reason that is not the case here and we do not envisage those sorts of investments. Perhaps it is not an area where there would be considerable interest. On the other hand, it may be that from time to time very attractive investment opportunities might come along and it might be appropriate to consider those sorts of investments when they do come along. Perhaps over time we will be a little less Anglocentric about these sorts of things.

**MS ELLIS** (4.27): This Bill complements the Trustee Companies (Amendment) Bill in making a number of reforms to the law relating to trustees and the administration of deceased estates. In order to protect beneficiaries, trustees are allowed to invest in only a limited range of investments. These are known as authorised trustee investments and are considered to be of a secure nature. The Bill expands the list of authorised trustee investments to give trustees a greater choice of approved investment products. The list will 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, as well as 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 certain trustee company common funds to the list will, in conjunction with the amendments contained in the Trustee Companies (Amendment) Bill, allow trustee companies to offer the advantages of common funds to Canberra investors, whether or not they are trustees.

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 provision, which had never been reviewed, was operating in some instances to frustrate the intentions of testators and settlers of trusts who particularly wanted to provide for the maintenance and education of children. This Bill clarifies a number of areas of trustee law and brings other areas into line with other jurisdictions. I commend the Bill for passage by the Assembly.

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**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.28), in reply: I really have nothing further to add to the very cogent contributions by Mr Humphries and Ms Ellis, who have summarised the intent and purpose of this legislation very effectively.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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

Debate resumed from 25 June 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MR HUMPHRIES** (4.29): Mr Deputy Speaker, this is a more substantial Bill than the previous two trustee Bills we have considered. The position of Director of Public Prosecutions is one that is quite important in pursuing the effective and independent prosecution of a whole range of offences against Territory laws. It is a very valuable position. It is only a few years ago that it was created at the national level, as I recall, and in other States, and it has caught on because it is a very effective concept. Crown solicitors offices used to conduct the prosecutions. They have been modified to take on this new form, which has proved to be quite effective.

One of the early questions that confronted the ACT on obtaining self-government was what to do about this matter, and whether there should be a Director of Public Prosecutions in right of the ACT or whether there should be a Commonwealth DPP position that also acted in respect of ACT prosecutions.

Debate interrupted.

### **ADJOURNMENT**

**MR DEPUTY 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.

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

Debate resumed.

**MR HUMPHRIES:** Mr Deputy Speaker, it is the case that there are good questions about how the ACT should proceed with respect to services such as this. We have had the question of the Human Rights Office, we have had a number of agencies that have equivalent Commonwealth personalities or formations, and we have decided in certain cases to reproduce those in the ACT and in certain cases not to. I recall being part of the Alliance Cabinet that considered whether we should do the same thing here. We came to the view that there ought to be a separate ACT Director of Public Prosecutions, and the present Government is now building on that by making some amendments to the DPP Act to strengthen that position.

It is the case that presumably two governments have considered the question of how best to handle the function of the DPP, and it appears that both governments have decided that the DPP ought to be an ACT function and it ought to be conducted by an ACT officer rather than a Commonwealth officer. That raises the question whether that decision is absolutely irrevocable and beyond question. If the answer is yes, then clearly we should proceed with all the reforms that appear in this Bill. If, on the other hand, we take the view that perhaps this question is not finally settled, or there is some doubt about what the best arrangement would be for the ACT into the future, it may be better not to make some of the changes that are contained in this Bill.

This Bill goes through a number of sections in the present DPP Act and removes references to the Commonwealth Director of Public Prosecutions. In other words, it removes the option for an ACT government to use the Commonwealth DPP as the ACT DPP. I wonder whether that is entirely wise. The Alliance Government - and I was part of that Government - made the decision at that time that there should be an ACT DPP. But we also accepted that there was some argument about the matter, and that perhaps in the course of time another decision might be appropriate.

I must say that I do not take the view that we should be rushing those changes to the law which effectively prevent an ACT government from going back to another arrangement. This does nothing to enhance the way in which the ACT DPP operates. It merely limits the capacity of a government in future to choose a different course of action. I think it is unwise to do that at this stage. I would rather see us retain those provisions that provide for ACT prosecutions by the Commonwealth DPP, in the event that in the future some government may see that as being appropriate.

There are other amendments in these provisions that are less open to that contention. There is the very sensible provision for the DPP to engage in outside employment without voiding his office. It is the case often that a DPP may wish to engage in certain functions that might legally be construed as taking paid employment from an outside source. The DPP may, for example, give advice to government departments or to others, even on a personal basis. In those circumstances, he would be aghast, as would we, I hope, at the thought that by doing so he might be deemed to have engaged in paid employment or practice as a legal practitioner and thereby remove himself from office, under the provisions of the Act. These amendments remove that possibility.

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There is also a concern about the question of Commonwealth prosecutions. This Bill in the early provisions makes a number of amendments that expand the powers of the DPP to conduct a number of activities. On a simple level, they include attending meetings of the Parole Board of the ACT or representing or acting as agent for the Commonwealth director. We retain that Commonwealth link, I notice. There is also a very useful catch-all provision dealing with the doing of anything incidental or conducive to the performance of another function. That is also appropriate.

A provision has been included by the insertion of a new paragraph (fa) in section 6 of the principal Act which allows the director, in effect, to prosecute offences against the laws of the Commonwealth and to conduct those sorts of prosecutions where it is appropriate in his capacity as ACT DPP. It occurred to me that that might not go far enough, and I have circulated an amendment that I will move in the detail stage. There are two versions of this amendment; the latest one says "Revised" at the top and does not contain a second originally envisaged paragraph.

The amendment provides for the DPP to be able to have the power to conduct himself in relation to proceedings for contempt of a court or for an order requiring a person to enter into a recognisance, with or without sureties, to keep the peace or be of good behaviour. There are good reasons why those sorts of functions need to be within the DPP's ambit, and I will come to that in the detail stage rather than now.

It concerns me that there appear to be very embryonic arrangements in place for dealing with the ACT DPP's capacity to act both as ACT DPP and as Commonwealth agent. For example, I am advised that where on occasions the ACT officer conducts Commonwealth prosecutions, that is, prosecutions for Commonwealth offences, there are no adjustments made in the Commonwealth relations with the ACT for that function. There is, in a sense, no mechanism for him to recover the cost of doing those prosecutions.

**Mr Connolly:** Knock for knock.

**MR HUMPHRIES:** I think the Attorney is telling me that there is some kind of knock-for-knock arrangement. It is assumed that the swing will counteract the roundabout and we will get there at the end of the day. That might not be the case in the future and, if it is not the case, then perhaps we should be a little more precise about the way in which we handle those questions of balancing the respective responsibilities of our ACT officer.

The point I am making is that it is clear that there will continue to be a merging of those two roles. There will continue to be some, in a sense, Commonwealth roles for the ACT officer and perhaps some ACT roles for the Commonwealth officer. Where that happens, it may be that we need to consider arrangements that are more flexible than those we have at the moment, and perhaps some of these option-closing-off provisions in this Bill should not be proceeded with at this time.

I think I have said enough about the substantive Bill. It will be appropriate to debate some of those provisions concerning the amendment I am proposing during the detail stage. There is a second amendment that I was going to proceed with, but I will not now do so. I understand that it is the proposal of the

Government to proceed in the near future to reverse the decision made some while ago to allow traffic offences to be dealt with as civil offences and to again make them criminal offences. I think that is a very wise decision and I support that move because of the technical difficulties it gives rise to under this Act. I will not say any more about that at this stage.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.39), in reply: It is perhaps appropriate that we are debating this Bill today because the first annual report of the DPP was tabled earlier this afternoon, and the background and history of the establishment of the DPP are set out very clearly in that report. The ACT is unique in Australia in that for over a decade - in fact, right back to the late 1970s - all prosecutions in this Territory have been brought by qualified lawyers. Since the late 1970s there has not been an independent police prosecution service where police officers bring the more minor charges - the situation that prevails in other States and Territories. It has all been done by qualified legal officers.

When the Commonwealth DPP was established in 1983 it took over ACT offences, and the ACT DPP was established by Act of this Assembly and came into operation in the middle of last year. Mr Humphries throughout his remarks was suggesting that perhaps we need to leave open the possibility of going back to us contracting or making use of the services of the Commonwealth DPP. That may be an option for a future Assembly, and doing the tidying up in this Bill by way of deleting references to the Commonwealth and making it clear that there are two DPPs, one the Commonwealth and one the ACT, with cooperative arrangements between them, does not preclude the Territory from ever going back into that cooperative arrangement.

However, there are substantial differences between the type of work and expertise in the Commonwealth DPP's office and the type of work and expertise in the ACT, and they are set out quite well at page 13 of Mr Crispin's report tabled today. Essentially, there is a very narrow range of crimes against the Commonwealth which the Commonwealth DPP's office prosecutes and in which its legal officers have developed considerable expertise. Essentially, they are offences against the Customs Act, frauds against the Commonwealth, social security fraud and that type of thing, or taxation matters. There is a very small number of matters that may involve offences of violence or theft, that very limited range of theft of Commonwealth property offences, or violence against internationally protected persons or people at Parliament House, for example.

The ACT DPP, on the other hand, has responsibility for that whole range of criminal law that is familiar in any other State or Territory. So the officers of the ACT DPP are developing expertise in the ordinary criminal law - murder, assault, rape, arson, theft - those common, State level criminal offences, and it is really a quite different area of expertise to run prosecutions for those types of offences. While what Mr Humphries says is correct - that in theory a future government could well decide to try to go back to a cooperative arrangement with the Commonwealth - I suspect that practicalities would be against that because of the different natures of expertise of the two services. The report of the ACT DPP tabled today sets out the way in which in the 12 months of operation of the office there has been real progress in further developing those expertises amongst staff of the DPP.

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While there will no doubt be some press controversy over whether this shows a rising crime rate or a rising success rate in the police, the bottom line, which is shown towards the end, is that the ACT DPP is very successful. Of those matters where charges have been brought under the Crimes Act, a very high percentage resulted in convictions. Of the 5,523 charges against a much smaller number of defendants, in the last financial year some 4,078 convictions were recorded, with some 70 acquittals. Obviously one should never say that an acquittal means that someone got it wrong or something was not correctly done.

**Mr Humphries:** Or that a conviction means that they got it right.

**MR CONNOLLY:** A very high level of convictions would indicate a level of skill and expertise within that office and also good police work, laying the groundwork for the bringing of charges which can be sustained. While Mr Humphries makes the point, and we would agree, that it is always an option for us to go back to the Commonwealth, I suspect that that would be a difficult decision to make, and the practicalities would be against it. Of course any Assembly can do that and, subject to the cooperation of the Commonwealth, who may or may not want such a cooperative arrangement, we can always amend the Act again.

The purposes of this amendment are to clarify some additional powers of the ACT DPP that in the first year of operation gave rise to queries, and to clarify some of the cooperative arrangements, as Mr Humphries indicated. In effect, there are no binding financial arrangements for those cooperative arrangements. It will be, in effect, knock for knock; but if it becomes a problem we will revisit that issue. In so clarifying the respective roles, I think it is appropriate to remove the Commonwealth references throughout the Act. A future Assembly could, of course, revisit that; but, given the current view of the Government, and I take it from Mr Humphries's remarks that the view of the Opposition when it was in office was that we should proceed with a stand-alone ACT DPP, I suggest to Mr Humphries that we allow these amendments to go through. If we want to revisit the issue, we can always come back and do that.

In relation to the importance of an independent DPP, it is significant that a figure comes out in this annual report, and it was the first time I had seen this statistic: During the last 12 months, some 24 matters were discontinued by the DPP; that is, in the old terminology, *nolle prosequi* were filed. If we did not have an independent DPP, if we had the old traditional system, each of those matters would have required a political decision by the Attorney to discontinue a prosecution. That always brings the political process very close to the administration of justice. Had those decisions been taken by me as Attorney, I suspect that there would have been political controversy surrounding each and every one of the decisions. In fact, they were made by an independent statutory officer, and there was no public disquiet at all at the fact that some 24 prosecutions were dropped.

We also had the situation outlined in the report where a private prosecution had been brought by an individual, was taken over by the DPP, and subsequently dropped. Again, if we did not have an independent statutory officer exercising that function, had the Attorney-General or the Government had to intervene to take over a private prosecution and then drop it, I suspect that that would have brought the process into political controversy. The fact that that occurred

through the independent official, which was well known and well publicised at the time and caused no public disquiet, shows that the community has confidence in an independent statutory office and accepts the proposition that these criminal prosecutions ought to be at arm's length from the government of the day and not part of the political process.

Madam Speaker, on the proposed amendment Mr Humphries foreshadowed - there were two circulated originally - we have had discussions with Mr Humphries. One matter he has indicated he is not proceeding with. The Government is looking very carefully at the whole issue of on-the-spot fines for both traffic and parking matters, and one of the likely outcomes is that traffic matters that are disputed will be dealt with as criminal matters. Thus the DPP will clearly have a role, making Mr Humphries's proposed amendment unnecessary.

In relation to the first proposed amendment, it is a matter that was not encompassed by the review we carried out with the DPP's office in the first year of operation. We have had a look at it and discussed it with the office. It does add something to clarifying the powers of the DPP in so far as it makes it clear that the DPP can appear in these contempt matters or for keep the peace orders. That did occur in the case of the keep the peace orders, stand-over orders, brought in relation to the Aidex demonstrations. There was some dispute as to whether there was power to do it. On balance, the DPP did appear. Mr Humphries's amendment does add something and the Government, after discussion with officials, will be happy to accept that when it comes up. Madam Speaker, I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3

**MR HUMPHRIES** (4.49): Madam Speaker, I move:

Page 2, line 1, before paragraph 3(a) insert the following paragraph:

"(aa) by inserting after paragraph (1)(d) the following paragraph:

'(da) in relation to proceedings for contempt of court or for an order requiring a person to enter into a recognizance, with or without sureties, to keep the peace or be of good behaviour -

(i) instituting proceedings; or

(ii) conducting proceedings, whether instituted by the Director or not;'"

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The Attorney and I have already covered the reasons for this amendment. There is doubt about the capacity of the DPP to act in those circumstances. I do not have in front of me the article I wrote out to explain exactly why; but it has to do with the nature of the proceedings, whether they are essentially criminal or civil. Certainly, it is a matter where the DPP might not often play a role. If there are contempt of court proceedings, it may well be that the DPP often has no role at all. But it may also be the case that, for the sake of being involved in the administration of the criminal law and of providing some level of consistency in that administration, the DPP would on occasions like to intervene. These sorts of provisions provide for his capacity to do so, and that is desirable. I commend the amendment to the house.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.50): Madam Speaker, as I indicated, the Government is happy to accept this. I should say that this is a good example of how you can get some sensible cooperation across the floor in this chamber. These proposals were circulated some time ago. Mr Humphries took his policy proposals to the Parliamentary Counsel and the Parliamentary Counsel drafted the amendment. It is a quite technical matter, so it was technically soundly drafted to implement the policy proposal. The Opposition discussed the matter with the Government. We took our technical advice. We then sat down and, of the two proposed amendments, agreed that one would not proceed and one would proceed. I think this is something that in this small Assembly we should strive to do.

I hope that nobody tries to make the point that the fact that the Government accepts an amendment indicates in some way that the original Bill was flawed. Rather, it indicates that the process of debate in this chamber can show that the Government is prepared to look at other areas that were not within the compass of the original policy proposal the Cabinet was looking at. In effect, Mr Humphries has picked up another issue. We have looked at it and said, "This is an appropriate vehicle to proceed with". We are happy to proceed this way throughout the life of this parliament. We hope that we do not get into point-scoring where, whenever the Government takes a sensible view and adopts an opposition proposal, it is seen as some sort of point-scoring exercise, indicating an original failure on the part of the Bill. All it really shows is that this Assembly is debating matters in a mature fashion, and we are prepared to look at sensible proposals from the Opposition on their merits.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5

**MR HUMPHRIES** (4.52): This is the first of the provisions I referred to in my remarks about the unnecessary nature of the amendments that take out references to the Commonwealth DPP. I read subsection 22(6) of the DPP Act, which is the subsection that is being repealed by this provision:



Notwithstanding subsection (4), the Executive -

obviously the ACT Executive -

may appoint the Commonwealth Director as the Director.

That is, the ACT could appoint the Commonwealth person to act in the place of an ACT person. The Attorney is quite right to say that his Government has confirmed the view that it wants to have an ACT DPP. The Alliance Government took the same view: It was a good idea to have an ACT DPP. But what exactly do we achieve by ruling out the possibility of change in the future? I think this is a sensible move in the present circumstances. We are, however, experiencing continuing severe reductions in Commonwealth funding for the Territory. The budget, of course, is a few weeks away; we will see what transpires from that. But nobody who has sat in the Treasurer's chair on the Treasury bench in this Assembly could deny that every stone must be turned over to see whether savings cannot be made.

Perhaps in the course of events in the next 10 years no government will decide to save money by, as it were, co-locating our ACT DPP in the Commonwealth office. By the same token, it may be that a government might, and, if there is the possibility that that will occur, it would seem to me to be sensible to leave open that option. Leaving these amendments out, that is, leaving those provisions in the existing Act, makes very little difference to the shape of the final Act. It probably adds about a quarter of a page in extra verbiage - hardly anything - and it would provide us with the flexibility to do this properly in future. It would save a future government - maybe a future Labor government - from having to bring forward, if it wished to, an amendment Bill to put back those provisions. We lose nothing by leaving them there. We certainly lose something by taking them out.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.55): Madam Speaker, the Government would disagree. The provisions in the Act that allowed the Commonwealth director to act as the Director of Public Prosecutions for the ACT were very much there by way of interim measures to allow matters to proceed smoothly when the agreement with the Commonwealth for DPP services ran out - in effect, when the ACT assumed responsibility for the criminal law on its own behalf and until such time as we appointed a director. We may have decided not to do that, but we did decide to do it. We appointed a director for a period of seven years.

Any decision to go back to some cooperative arrangement with the Commonwealth is highly unlikely to save money, because the Commonwealth DPP does a completely different set of things. There would be hardly anyone in the Commonwealth DPP's office with experience in prosecuting sexual offences, common assaults, break and enters. They are not the sorts of offences that are dealt with in the Commonwealth office. They are developing their expertise in tax and fraud and Customs Act matters. Apart from that, you would be paying at the same rate of money for doing the same thing, so there is no financial saving. It would be a fundamental policy question as to whether the Commonwealth would be prepared to accept responsibility. We could not simply by Act of this

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ACT Assembly say, "We will appoint the Commonwealth Director of Public Prosecutions our Director of Public Prosecutions". A Commonwealth government, Labor or Liberal, whatever it maybe in seven years' time when the current appointment runs out, would have to agree to do that. Even if we decided today to do away with it, we would have to negotiate it with the Commonwealth Government.

The provisions that provided for that, in effect, interim arrangement are no longer of relevance if a fundamental policy change is made in the future that we do not have a separate prosecution service, and that goes to some fairly fundamental self-government issues. The maintenance of the criminal law - Mr Humphries, I am sure, would agree, if he has not said so in one of his various press releases - is one of the more fundamental responsibilities of any government. If we are going to suggest that we will not do that any more, that we will flick that back to the Commonwealth, it is a fairly fundamental policy reversal which can be debated in a future Assembly.

At the moment, the ACT DPP has been appointed for a term of some seven years. We are clarifying throughout this Act the various responsibilities of the ACT director and the Commonwealth director. The provisions to allow for a single Commonwealth officer to exercise both the Commonwealth functions and the ACT functions are no longer relevant, and it is unnecessary verbiage to have in the Act. We are cleaning out the Act; but it does not prevent a future Assembly from changing its mind and putting them back in again, subject to a future Commonwealth Cabinet agreeing to accept such a responsibility. There would be a real issue as to whether, having divested itself of responsibility for law and order in the ACT and the criminal justice system and the courts, which have just transferred over, any Commonwealth government would want to take it back again.

**MR HUMPHRIES (4.57):** Madam Speaker, I know that I cannot win this because I understand that Mr Moore is not coming back to the chamber today and that therefore the amendment cannot possibly pass. However, I am going to go down fighting anyway. Two things need to be said. First of all, the Attorney is wrong when he says that this was a transitional provision in the Bill. It was a part of the view of the Government that put the Bill in place in the first place. It was not a transitional arrangement. It was a reflection of our Government's view that it might be a suitable way, at the end of the day, for the ACT to conduct its affairs.

My party remains of the view that we should not assume in each case that the ACT needs to reproduce every facet of State or Federal government activities within our own separately defined ACT public service structure. There are some occasions when it would be more sensible to contract out certain services, and sometimes a party to whom those could be contracted out would be the Commonwealth Government. It has a very large level of expertise in these matters, and I believe that it can provide and could provide in certain cases valuable resources for the use of the ACT.

I cite an example of this very thing. The Opposition is currently considering the drafting of an electoral Bill for the ACT. I know that the Government has not got around to this yet, so it will not know what sorts of issues are at stake here; but one of the questions is whether the ACT establishes its own electoral office or uses the Commonwealth Electoral Office, as it has for the last two ACT elections

and for many others before that. The Government cannot take the automatic position that, in order to have an ACT electoral capacity we must have an ACT electoral office. It does not follow. It can be the case that we get a better service from contracting out with, in this case, the Commonwealth body, and that is what I am saying we need to preserve the option on.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.00): If I could just re-enter the debate, the interim nature of the arrangement seems to be set out in the annual report, where Mr Crispin writes at page 13:

The Office of the Director of Public Prosecutions -

that is, the ACT office -

was established by the DPP Act 1990, though by arrangement with the Commonwealth its functions were performed by the Commonwealth Director until an independent office could be created.

That occurred on 1 July 1991, which is when we appointed Mr Crispin. My recollection clearly is that it was an interim arrangement, which is what seems to be the director's understanding in that it is in his annual report.

I say to Independent members who may be wondering what to do on this that the analogy of the Human Rights Commissioner or, indeed, the Electoral Office is really not a valid one because they do the same sort of thing. Human rights investigations, Commonwealth or Territory, are the same type of thing. Prosecuting Commonwealth criminal offences which are so specialised is quite different from the ACT.

Clause agreed to.

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

Bill, as amended, agreed to.

## ADJOURNMENT

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

That the Assembly do now adjourn.

## Cookbook

**MR KAINE** (Leader of the Opposition) (5.02): Madam Speaker, I would like to take this opportunity in the adjournment debate - an opportunity I rarely take - to talk about something that I think is very important to Canberra. Members will know that I am coediting a cookbook. The intention is that this cookbook will be sold for the benefit of charity, and in order to turn this into a worthwhile project I have written to a great number of people asking them to submit their recipes.

I have received some fascinating responses, from a simple recipe for a date loaf from one person to a comprehensive menu, complete with a recommendation as to which wine to drink with each course. So I am getting some very interesting responses. A lot of people have not responded yet, and I thought I would do a bit of advertising and remind people that charity will benefit from this. It is a non-profit-making venture, and members of the Assembly, or anybody else who has not yet responded to my invitation, might like to note this and let me have their contributions.

### **Recycling Display**

**MR STEVENSON** (5.03): I rise to offer my services to Mr Kaine to check out the meals that are submitted. I also rise to commend the Minister for Urban Services, Terry Connolly, and his department for the excellent recycling display that is currently situated on the ground floor of the Canberra Centre. I believe that it will be there for two weeks. It has a lot of interesting photographs of what is being done, and during the peak hours, particularly at lunchtime, there is an officer there to answer questions. The overall idea of parliament is to educate people into beneficial ideas, and this is an excellent example of how that can be done.

### **Charity Walk**

**MS ELLIS** (5.04): I rise to address a couple of the more charity minded arrangements that have come to my notice. I understand that today is Stand Up for Africa Day. We are all very aware, I am sure, of the needs of people in Somalia, in Ethiopia, and in fact throughout the Horn of Africa. I also mention Yugoslavia as another area of concern to the world at the moment. Our community is being asked to contribute its sometimes rather scarce resources to many calls for assistance. Some of these needs are beyond our comprehension. I encourage the community to contribute to these calls for help as well as they are able.

But I want to bring to our attention the fact that there are calls within our own neighbourhood, on a much smaller, but still important level, that we need to be aware of. We all know how valuable the work of the Salvation Army and the Smith Family is to the community, amongst other groups that serve us. These groups are struggling, after a particularly cold winter in Canberra, to keep up their level of service and assistance. The Tuggeranong Valley Rugby Union and Amateur Sports Club has joined with the Tuggeranong *Valley View* newspaper to hold a charity walk to assist these two particular community groups in their work in the Tuggeranong community. The walk will be held on Saturday, 29 August, beginning at 11.30 am, from the Tuggeranong Rugby Union Club at Erindale. It will cover a distance of approximately eight kilometres and will finish at the Wanniasa enclosed oval with a free sausage sizzle. The cost is \$2 for a single registration and \$5 for a family. You do not need to go out and get sponsors; you just need to donate your sponsored docket.

The organisers have made a point of asking me to thank publicly the Attorney-General and Minister for Urban Services, Mr Connolly, and his various areas of responsibility for the valuable assistance with the organisation of the event. The walkers will be accompanied by, amongst others, Kenny Koala, Recycle Roo and the ACTION 1947 Bedford bus. The Fire Brigade antique fire truck, I understand, is also going to be on call. Waste management recycling bins will be provided. I understand that the Australian Federal Police cycle patrol will be there to help walkers who need a bit of control and that the FM104.7 gorilla is going to be there to urge the walkers on. I understand that all of these services and attractions are being provided free of charge to the community event. Here is the poster advertising the event. I commend the management and the board of the Tuggeranong Valley Rugby Union and Amateur Sports Club and the management and staff of the *Valley View* for this valuable initiative. I urge all members of our community, including those in this Assembly, to participate if they have the time available on the 29th.

### **Legislative Process**

**MR WESTENDE** (5.07): Madam Speaker, earlier this afternoon Mr Connolly mentioned cooperation between the parties. During last week's debate on the Animal Welfare Bill I could not help but ask myself why we have such acrimonious and lengthy debates. With a little compromise and understanding we could function so much better, so much easier, and produce so much better legislation. With all the brain power at our disposal I am sure we could come up with a bipartisan or collegiate approach where legislation passed through a certain flushing out group or committee comprising all parties of the Assembly. Such an approach would be the best in Australia and would be a credit to the ACT. With a little understanding and cooperation we could save a lot of unnecessary and wasted time in the Assembly. I do not have all the answers, but I would hope that collectively, under your guidance, we could develop a model which could be the envy of most legislatures in Australia.

I suggest that it would be far more productive for major Bills such as, for example, the Animal Welfare Bill to be reviewed by a committee comprising members of both parties and the Independents for clarification before they come to the house. If there was concern about certain clauses, this would enable imperfections to be rectified. It would also enable certain compromises to be made, so that we could reach consensus on matters on which there is general agreement in principle before debate in the parliament. Madam Speaker, it is my view that the best interests of the Assembly would be served by such an approach, the best interests of the community would be preserved and we would have a chance of producing a better quality of legislation.

Madam Speaker, I found the debate on animal welfare to falter on a narrow-minded approach because some people refused to acknowledge flaws in the legislation. What we need is Bills that are capable of being administered with a minimum of confusion, Bills that are readily understood by all - the judiciary that has to administer the laws and people such as the animal welfare groups or any other group of the public or the public at large who are affected by those Bills.

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There is one more thing I would like to say. Until last week, with all my experience of life in general and my short experience in this place, I had not realised to the fullest extent how much support we receive, as members, from the Clerk and his entire staff. I, for one, wish to express my gratitude to him and, for that matter, to my own staff. We are all too readily inclined to criticise in this place. Perhaps we are a little slow or backward in saying thank you. Madam Speaker, I would like to say thank you to all those who support us. Furthermore, as a mere mortal, I would like to be reminded to do this now and again. Perhaps we could all remember to follow this approach from time to time, if we have not already done so.

### **Animal Welfare Legislation**

**MR LAMONT (5.11):** I applaud and re-emphasise those sentiments expressed by Mr Westende. From time to time in the heat of debate fingers are pointed, desks are thumped and names are called. When a more rational approach is taken to an issue we find that those traits are lacking in all 17 members of this Assembly. That is no better displayed than in the work that has been recorded today of the committee system and the way in which that operates.

Unfortunately there are issues and maybe the Animal Welfare Bill was one that was made into an issue. I believe that it was made into an issue rather than of itself being an issue. A considerable number of hours of the time of this Assembly were given to the debate on the Animal Welfare Bill. In the spirit of cooperation that Mr Westende is talking about, I would have presumed that once it had become quite clear that a repetitious amendment would be defeated - I stand to be corrected on this, but I believe that 25 or 30 amendments were repetitions - it would not have been persisted with. I believe that that is something which we need to come to grips with. I do not say that that has not happened before in this Assembly. It certainly has not happened in the life of this Assembly, but I am aware that it did happen in the life of the last Assembly. It was one of those things that turned out to be extremely frustrating for everybody.

Madam Speaker, there is one other thing that I wish to do. A document tabled yesterday by Mr Westende, by leave, was, I believe, submitted by Mr Stevenson. He purported to phone one of the attaches in the Russian Embassy to ask a question about the times that the Moscow Circus had toured without animals. He indicated that the person from the Embassy allegedly had said that that had not happened. Madam Speaker, for the record, I quote from "Zoocheck Canada". It is a case where municipal by-laws prohibit the keeping of wild animals. At page 9 of that document there is a reference to alternatives to using wild animals in entertainment, the all human circus. It states: "The Moscow Circus already tours Britain without exotic animals". That is another area that we back up. I note that the annual reports of the UK Captive Animal Protection Society in the years 1985, 1986, 1988 and 1990 also indicate that the Moscow Circus has toured Great Britain without the use of animals. Madam Speaker, I rest my case. I thank the Assembly for its indulgence this afternoon in allowing me to correct the record.

Question resolved in the affirmative.

**Assembly adjourned at 5.14 pm until Tuesday, 8 September 1992, at 2.30 pm**

**ANSWERS TO QUESTIONS**

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 115**

**Housing Trust - Rental Arrears**

MR CORNWELL - asked the Minister for Housing and Community Services

In relation to rental arrears of ACT Housing Trust properties -

- (1) How much money is outstanding since (a) 1389; (b) 1990; (c) 1991 and (d) 1992 to date.
- (2) How many properties are represented in each of the years in (1).
- (3) How much money has been written off and how many properties did it represent in each of the years in (1).
- (#) What steps are being taken to obtain arrears.
- (5) What procedures are in place to prevent tenants falling into arrears.
- (6) Have any tenants been evicted in any of the years at (1); and, if so, how many in each year.

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

Table included.

Includes a small number of non-tenant accounts for fiscal years 1988-89 to 1990-91

Over the years total rent recoverable has been rising. Current arrears as a percentage of total rent recoverable were 3.7% in May 1990. This figure fell to 2.7% in June 1991 and at June 1992 was 2.8%.

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(2) Number of Properties Represented:

Period Number of Properties

End of fiscal year:

- (a) 1988-89 4 435
- (b) 1989-90 4 708
- (c) 1990-91 5 026
- (d) 1991-92 5 996

(3) Amount of money written of

Period Amount Written Off No. of Properties

- (a) 1988-89 \$86 612 Not available
- (b) 1989-90 \$311 638 Not available
- (c) 1990-91 \$106120 134
- (d) 1991-92 \$63104 260

(4) and (5) When prospective tenants have their registration interview with the Housing Trust they are given information about regular payment of rent and the importance of contact with Housing Trust staff if they experience problems. This information is repeated at time of allocation of accommodation and signing of a tenancy agreement.

Tenants are encouraged to pay their rent by automatic deduction from their salary or bank/credit union account.

District Office staff maintain regular contact with tenants so that they are aware of tenants circumstances and gain early knowledge of any difficulties that may develop. They also obtain regular account reports as part of their monitoring responsibilities.

When tenants accounts fall into arrears by 28 days a reminder letter is sent to the residence. Failure to respond to this letter results in a further reminder letter from the relevant District Manager. Lack of response to this letter results in the commencement of legal action. Tenants are informed of their right of appeal to the Housing Review Committee to have the decision reviewed.

Throughout this process District Office staff make repeated attempts to contact tenants by telephone and at least three personal visits are made to the residence.

The object of these approaches is to have the tenants sign a realistic, negotiated arrears agreement for the repayment of the rent owing.

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The procedures referred to are designed to limit arrears to a minimum and initiate early recovery action.

(6) Warrants of Entry\* obtained from the court:

Fiscal Year -

1988-89 189

1989-90 116

1990-91 61

1991-92 19

A Warrant of Entry is the permission granted by the Magistrates Court of the ACT to enter into, and take possession of a property, and can be actioned up to 30 days after date of issue.

In the last two years the Trust has revised its arrears recovery procedures placing more emphasis on personal contact by staff in the early stages of recovery action. This has resulted in a significantly smaller number of warrants being issued.

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**MINISTER FOR HEALTH -  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION 167**

**Community Health Centres - Salaried Doctors**

Mrs Carnell - asked the Minister for Health:

1. How many salaried doctors are employed by ACT Health in Community Health Centres.
2. Please indicate how many are employed in each centre.
3. How much money is rebated from the Health Insurance Commission (Medicare) to ACT Health for services performed by salaried doctors.
4. What is the cost to ACT Health in terms of wage/salary and superannuation costs of employing doctors in health centres.
5. What is the ultimate cost paid by ACT Health for employing these officers after any rebate is received by the Health Insurance Commission or other sources are taken into account.
6. How many patients are seen by salaried doctors on average at each health centre.
7. What is the average cost to ACT Health per patient at Community Health C in the following areas: a) patients seen by salaried doctors; b) patients seen by a nurse practitioner, c) patients seen by a speech therapist and d) patients seen by a physiotherapist.

Mr Berry - the answer to Mrs Carnells question is:

1. 15 full time and 5 part time salaried doctors are currently employed in Community Health Centres.
2. They are distributed in the following way:

Belconnen Health Centre 2.2 FTE  
City Health Centre 2.5 FTE  
Melba Health Centre 4 FTE  
(OS non clinical Senior role)  
Narrabundah Health Centre 3 FTE  
Phillip Health Centre 2.6 FTE  
Tuggeranong Health Centre 1 FTE  
Womens Health Service 1.2 FTE  
Permanent locum 1 FTE

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3. In the period from 1 July 1991 to 31 December 1991, a total of \$650 064 was earned by salaried doctors. This income includes Health Insurance Commission, Veterans Affairs, Workers Compensation and Third Party payments as well as direct client payment for non rebatable services.
4. Salary and superannuation costs for the 17.5 FTE doctors for the same period was \$557 612.
5. Each doctor on average generated a surplus of \$5 283 for the 6 month period.
6. The average number of clients seen by doctors at each Health Centre (based on 1 July to 31 December 1991 statistics) is as follows:

Belconnen Health Centre 634 per month  
City Health Centre 905 per month  
Melba Health Centre 1 134 per month  
Narrabundah Health Centre 989 per month  
Phillip Health Centre 756 per month . -  
Tuggeranong Health Centre 297 per month  
Womens Health Service 220 per month

It should be noted that these are individual client contacts and do not include other duties performed by the doctors.

Additional caution must be taken when looking at these figures as number of clients seen does not correlate directly with income earned.

7. Average salary costs to ACT Health for clients seen by:
  - a. doctors, a surplus of 18 cents per occasion of service
  - b. nurse practitioner, a cost of \$10 per occasion of service
  - c. speech pathologist, a cost of \$49 per occasion of service
  - d. physiotherapists, a cost of \$15 per occasion of service

in the 6 month period 1 July 1991 to 31 December 1991.

Again these figures relate only to individual client contact and do not take into account group work, community development or health promotion activities.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No 184**

**Disability Services**

Ms Szuty - asked the Minister for Housing and  
Community Services -

- (1) How many beds are provided in the ACT in how many establishments for children and adults with disabilities in full-time or respite care.
- (2) How many staff are employed by Intellectual Disability Services and at what level in providing full-time and respite care.
- (3) How many staff are employed by Intellectual Disability Services who are not providing direct care to clients.
- (4) What is the current ratio of service providers to management staff in Intellectual Disability Services.
- (5) Do different staff-client ratios exist for different levels of care.
- (6) What assessment procedures exist for the prioritisation of care for people with disabilities and their families.
- (7) What factors are considered in determining these priorities.
- (8) How often are people with disabilities and their carers reassessed to determine priority of care.
- (9) Are procedures in place for forward planning in the provision of care for people with disabilities and their families.
- (10) What happens in crisis situations when people with disabilities or their carers request immediate assistance.
- (11) How is the government assessing the long term needs of people with disabilities and their carers for full-time and respite care in the future.

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Mr Connolly - the answer to the members question is as follows

(1) The Housing and Community Services Bureau operates or funds the following full-time and respite care services:

Intellectual Disability Services

Residential Services (mostly full-time support)

132 beds occupied by: 126 adults

6 children In a total of 23 residential facilities.

Community Disability Services (respite care)

16 beds occupied by: 6 adults

10 children In a total of two residential facilities.

Funded primarily under the Commonwealth-State Disability Agreement.

FOCUS ACT Inc.

45 adult full-time residents in 13 group houses.

LArche Genesaret

10 adult full-time residents in two group houses.

ACT Society for the Physically Handicapped

- Hartley Court: 8 adult full-time residents in two units.

- Hartley House: 4 adult full-time residents in one group house.

Funded primarily under the Home and Community Care Program.

Respite Care ACT, Inc.

80 adults per month receiving home-based respite care.

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219 families currently receive respite care for children and young adults in the family home. This support is provided to families rather than the individual. The support provided is at a current total level of 1,243 hours per fortnight.

### (2) Residential Services (Mostly providing full-time support)

Technical Officer Level 3 x 13  
Technical Officer Level 2 x 34  
Technical Officer Level 1 x 27  
General Service Officer  
Level 4 x 127  
total 201

### Community Disability Services

Providing respite care:

Technical Officer Level 3 x 2  
Technical Officer Level 2 x 4  
Technical Officer Level 1 x 6  
General Service Officer  
Level 4 x 10

total 22

### (3) Residential Services

The IDS Residential Services Section employs seven staff who do not provide direct-care support to residents. They are:

- Director
- Assistant Director
- Area Coordinator x 2
- ASO 3
- Temporary project officer x 2

House managers also perform a direct-service as well as management role:

- House Manager x 13

### Community Disability Services

The IDS Community Disability Services Section has three staff who do not provide direct-care to clients: a Director who is also responsible for the Independent Living Centre, ACT Taxi Subsidy Scheme, and Policy and Planning provisions in Disability Services; a manager

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of Respite Care: and an administrative worker who provides support to 17 professional staff. The professional staff provide direct services to clients.

(4) Residential Services

The ratio of staff who perform an exclusively management role (7) to those who provide direct-care support in long-term residential services (201) is

1:28

Community Disability Services

The ratio of staff who perform a predominately management role (3) to those who provide direct service (39) is:

1:13

Yes. The ratio of staff to residents is varied to - meet the individual support needs of residents. Some residents require a higher level of staff support to ensure optimum care. When a residents support needs change so the level of support will be increased or decreased to respond to that change.

(6) On initial contact with Community Disability Services an assessment procedure is carried out by a psychologist to establish eligibility. This is followed by as many additional assessments by other professional team members as is necessary to establish the needs of the client and priority for services.

(7) Factors considered by Community Disability Services in determining priority for services include: eligibility: level of functioning; adaptive behaviours; safety and well-being: and the general family situation. Also considered are the services already being offered to other families and whether this must change to accommodate another client.

(8) Community Disability Services endeavours to undertake a yearly review of each community client receiving services. However, a re-evaluation of priorities can occur when a change in circumstances occurs.

(9) Consultation is a continuing element in the planning of services for people with an intellectual disability in the ACT. It takes place with and for people with a disability and their families. Discussion continues with families direct and with families and staff in

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the forum of Committees of Management.

A consultation document is being prepared in which the issue of future services is canvassed. The consultation document will be released in August for comment by consumers, families and the staff of Intellectual Disability Services. All comments will be considered in the subsequent preparation of recommendations for change in service provision.

A network has been formed between Government and non-government organisations providing respite care within the ACT community to identify needs and develop long-term strategies in the provision of respite care. The network is an important means of liaison and information exchange between respite services across the ACT.

A Strategic Plan on future directions for disability services in the ACT is being prepared. It will provide a basis for determining service planning priorities for the future and will offer opportunities for identifying the development of new services. It is expected that the Strategic Plan will be released for discussion and public comment in September.

(10) Intellectual Disability Services does everything possible to assist in meeting a crisis. The Residential Services Section will make available an emergency residential placement for a short period of time. The extent to which a residential place can be offered depends on the nature of the crisis, the level of support required, and on the availability of resources.

The Community Disability Services Section will make available emergency respite care as a priority when appropriate and where possible.

(11) A Strategic Plan is being developed on future directions for disability services in the ACT. It is being prepared on the basis of discussions with consumers and service providers. It is proposed that the Strategic Plan form the basis for wider community consultation on the long term service needs of people with disabilities and their carers.

Consultation with people with disabilities and their carers continues on an issue by issue basis. In addition, the established liaison processes between government and non-government service organisations continues to be a valuable means by which government assesses the service needs of people with a disability and their carers.

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

**Question No 207**

**Government Service - Car and Cellular  
Telephones**

Mr Cornwell - Asked the Chief Minister upon notice on 16 June 1992:

- (1) How many (a) car phones and (b) cellular phones, are in use in the ACT Administration or Government.
- (2) What is the total cost of (a) and (b).
- (3) How is the basis of need assessed for allocation of one of these phones.

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

- (1) (a) 108  
(b) 138
- (2) It is difficult to determine, without a great deal of effort, an accurate total cost for the provision of car and cellular telephones used throughout the ACT Government Service. The telephones are paid for in various different ways such as rental, lease, and outright purchase with the method of determining operating costs varying accordingly.
- (3) Car and cellular phones are issued to a wide range of supervisory and field staff. All officers issued with these telephones have a need to be contacted by, or be able to contact, their home office as required. A strategic plan is presently being developed for radio communication across the ACT Government and this will encompass communication needs currently provided by cellular phones. It is likely that this exercise will lead to the introduction of a trunked radio network service.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY  
QUESTION NO. 210**

**Housing Trust - Tenant Newsletter**

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

In relation to your reply to Question on Notice No. 11 that three annual editions of the ACT Housing Trusts Tenant Newsletter in 1991 cost \$32 547.92 to publish -

- (1) What was the 1991 annual cost of posting this publication to all tenants.
- (2) What is the purpose and what is the demand for this publication.

(3) Could not genuine information be provided to tenants in a cheaper manner. -- -

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

- (1) \$19 386.97.
- (2) The Newsletter informs tenants of new policy, or changes to existing policy and procedure. In the Tenant Satisfaction Survey conducted in 1991 some 97% of those tenants who responded indicated that they read the Newsletter.
- (3) No. The Newsletter is the most cost effective means of providing a range of information to public tenants.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY  
QUESTION NO. 213**

**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) Why was the property, which was ready for occupation at the time of purchase, left vacant for five months after purchase and what is the estimated loss of rent for that period.
- (2) Why was the almost new concrete lawn edging in the backyard broken up by visitors to the property before it was occupied and what action is to be taken to obtain restitution for this damage to government property.

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

- (1) The property was left vacant to comply with consultation requirements for siting supported accommodation in residential areas and to undertake repairs and maintenance prior to occupation.

The estimated rent for the period is \$736.80.

- (2) The lawn edging was removed by authorised employees of the tenant organisation and there is no requirement for restitution.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY  
QUESTION NO. 214**

**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) Did the Housing Trust pay for the repairs to the ceiling which collapsed while the house was vacant when technicians removed tiles from the roof and water came in, and if the Housing Trust did not, who did pay for these repairs.

(2) Did the Housing Trust pay for the erection of an additional internal wall and if the Housing Trust did not, who did pay for this structural alteration.

Did the Housing Trust pay for the enclosing of the large open front verandah with timber rails and nylon mesh and, if the Housing Trust did not, who did pay for this alteration.

(4) Did the Housing Trust pay for the external security lighting system which has been installed all around the property and, if the Housing Trust did not, who did pay.

(5) Did the Housing Trust pay for the metal security screen on the front feature "bay window" and adjacent bathroom and toilet of the property and, if the Housing Trust did not, who did pay for these security features.

(6) Did the Housing Trust pay for the new roller doors on the two car garage and, if the Housing Trust did not, who did pay for the upgrading.

(7) Did the Housing Trust pay for the excavations and installation of a large metal shed to be used as a store and, if the Housing Trust did not, who did pay for this addition.

(8) If the Housing Trust or any other government department or agency was responsible for any or all of the matters listed in (1) to (7) inclusive, what was the cost in each case.

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

(1) Yes.

(2) Yes.

(3) Yes

1964

- (4) No. These were installed by the tenant organisation.
- (5) No. These were installed by the tenant organisation.
- (6) New roller doors have not been installed.
- (7) No large metal shed has been erected on the site.
- (8) The roof repairs were done by ACT Public Works, on behalf of the ACT Housing Trust, at a cost of \$518. The additional internal wall cost \$480. The verandah was enclosed at a cost of \$1 258.,

1965

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20 August 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY  
QUESTION NO. 216**

**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) Is it intended to engage a landscape architect or consultant to advise on screening plants for the property.
- (2) What will be the cost of engaging this expert.
- (3) What will be the cost of screening plants and who will pay for them.
- (4) Is it usual for the Housing Trust to engage a landscape architect to advise on screening plants for all newly purchased Housing Trust properties and if so, what is the estimated annual cost of engaging such experts.
- (5) If the reply to (4) is affirmative, is this service widely advertised and if so, what is the annual estimated cost of this advertising campaign.
- (6) If the service at (5) is not widely advertised, why not.

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

- (1) ACT Public Works provided advice on landscaping.
- (2) Nil.
- (3) The estimated cost of the landscaping, including plantings, is \$2 973.
- (4) No.
- (5) Not applicable.
- (6) Not applicable.

1966

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 217**

**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) Why was one of the two key objectives in the supported accommodation location criteria, namely:
  - (ii) Maintenance of residential amenity for people living in the immediate area,

Broken by (a) failure to advise local residents of the occupants; (b) installation of full scale security lighting; and (c) security screening on the front windows of the property.

- (2) Why was Point One of the Design and Siting Criteria for "supported accommodation", namely:

The building facade is to blend with the existing streetscape,

breached by (a) installation of full scale security lighting; (b) security screening on the front windows; and (c) totally enclosing open front verandah by timber rails and nylon mesh.

- (3) Why was Section C (Consultation) of the Criteria, namely:

"Residents and lessees of blocks adjoining the subject block... as a minimum are to be consulted for their views on design and siting conditions as it affects their residential amenity".  
ignored by the breaches of the criteria set out in (2).

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

- (1) The objective referred to was not broken.
- (2) There has been no breach of the Design and Siting Criteria.
- (3) Section C of the Criteria has been met to the full satisfaction of the ACT Planning Authority.

1967

20 August 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY  
QUESTION NO. 221**

**Edman Close, Florey, Property**

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

- (1) Is the property at No.1 Edman Close, Florey, part of the ACT Housing Trust stock.
- (2) When was it purchased and at what price.
- (3) When was it occupied.
- (4) Is it currently occupied and, if not, how long has the property been vacant.

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

- (1) No.
- (2) The property was not purchased, it was constructed in 1987-88, prior to self government at a cost of \$221 147.
- (3) May 1988.
- (4) The property has been sold.

1968



**MINISTER FOR URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 226**

**Gungahlin Cemetery - Upgrading Projector .**

Ms Szuty - asked the Minister for Urban Services:

In relation to the engagement of consultants through ACT Public Works to carry out Gungahlin Cemetery Landscape Improvements, 8, which include the installation of stormwater pipes

(1) . Had the Government been made, aware that the contour maps used for the original drafting. of plans to enable the - work .to proceed, were in fact incorrect.

(Z) Is it true that-after the excavation work had commenced the consultants were informed by the. subcontractors that ..the proposed works would in fact .result in no improvement due to the insufficient slope, on the land and that a channel, dug for the pipes would end above the natural drainage point.

(3) Who was responsible for making the decision to proceed with the original proposal regarding the work and who was responsible for redrafting the route that the pipes would take, even though the need for such work does not in fact exist..

(4) What is the total cost of this project..

(5) What would it have cost .to cancel the project when it. was discovered that the grade was insufficient to carry the water downhill.

(s) Has DELP been able to determine whether this is an isolated case

what changes have been made in departmental processes. to ensure that the conduct of unnecessary public works does not occur in the future..

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

(1) Yes.- In the course of the project it became apparent that there were some anomalies in the survey base.

In formation used for this project.- :.The information was drawn. from survey contour plans prepared in 1978.

1969

20 August 1992

(2) It is correct that the construction contractor identified discrepancies between the design levels and the actual levels. As a result of this the stormwater design was amended to discharge runoff further down a

- natural drainage line. As a result of the amendment the design objectives were achieved.,

(3) Public Works and Services approved the design and proceeded with the works. The amendment was also approved. The stormwater design was amended to compensate for the inaccurate base information. The fact that the system then discharged at a different location in no way reduced the necessity for the collection and disposal of runoff from the future lawn burial area..

(4). The entire Gungahlin Cemetery Upgrading (Stage 8)..

-totalled approximately \$172,400.

The cost of the stormwater component of the project was \$21,742.

The other works involved: -

earthworks and gravel pavement to the Orthodox burial area;

irrigation and tree and shrub planting associated -

with the Orthodox and new headstone burial areas;.

formation of an internal loop road to service a future lawn burial area; provision of park benches at various locations; and

tree planting adjacent to the new road formation

which is still to be completed. -

(5) The formation for a new road to access the future lawn burial area altered the natural water flow within the site. The management of stormwater within the subcatchment was essential in order to protect the road from storm damage and to drain the burial area. The stormwater system was therefore essential and consequently the design was amended to ensure that it performed its necessary function. Accordingly, there was never any question of cancelling the project as the redesigned system performs an essential engineering and landscape function. .

(6) Discrepancies in survey information occasionally occur: For small projects the costs of resurveying areas prior

to undertaking work is often prohibitive: and anomalies ..

which are identified during construction corrected at

that stage

1970

- (7) The assertion that the expenditure on the management of stormwater within the Gungahlin Cemetery was unnecessary is incorrect. Procedures for Quality Assurance and Value Management that are applied to Public-Works help ensure that the community achieves maximum benefit from expenditure on works. That indeed occurred in this case. In future- the contour survey of this area will not be relied on for design purposes and a check survey will be carried out.

1971

20 August 1992

**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 231**

**Woden Valley Hospital - Food Service Staff**

Mrs Carnell - asked the Minister for Health:

What was the number of diet maids employed by ACT Health in 1990-91 and how many were employed in 1991-92.

Mr Berry - the answer to Mrs Carnells question is as follows:

There has not been a classification of Diet Maid in ACT Health since August 1990.

These and other similar classifications were transferred under the Structural Efficiency. Principal to General Service Officers.

The GS02 classification includes both male and female staff who perform a variety of tasks, not necessarily those attributed to the Diet Maid classification:

Staffing as at July 1991, combining Royal Canberra and Woden Valley Hospital staff levels, was 174 FIE.

Current staffing as at July 1992, comprising Patient Services staff, Kitchen Assistants, Cafeteria Assistants and Catering Assistants, is 114.5 FIE.

Due to the amalgamation of Royal Canberra and Woden Valley Hospitals, there has been a reduction in Food Service Department staff.

1972

**MINISTER FOR HOUSING AND COMMUNITY SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 232**

**Childrens Services - Approved Homes**

Mrs Carnell - asked the Minister for Housing and Community Services:

What is the definition of an "Approved House" for the placement of children in care by the Department of Housing and Community Services.

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

Under the Childrens Services Act 1986, an "approved home" is defined as a home approved by the Director of Family Services for the purposes of the Act. \_.

Under the Act, a child may be placed in an approved home, with the consent of the person in charge of the approved home, if it appears on reasonable grounds to an authorised person that a child is in need of care and the circumstances are such that action should be taken immediately to safeguard the welfare of the child (s73 (1)).

When such action is taken, the Childrens Services Act also provides for the authorised person to notify the Community Advocate and to take all reasonable steps to cause the parent of the child to be notified, as soon as practicable (s73 (3) and (5)).

The detention of a child in an approved home cannot exceed 48 hours without a court order (s75 and s76).

The Director of Family Services will only approve a home for the placement of children where

- the home is occupied by carer(s) who have been assessed and approved by a foster care program funded by Family Services Branch; or
- the home is occupied by carer(s) who are part of the child(ren)s extended family or community network and the Director is satisfied that the carer(s) will protect and care for the child(ren).

1973

20 August 1992

**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 235**

**Health Care Workers - HIV Transmission**

Mrs Carnell - asked the Minister for Health

Will the ACT Government introduce similar guidelines to those in the recently released policies of the New South Wales Government (the New South Wales Infection Control Policy for HIV, AIDS and Associated Conditions; and a new Department of Health Policy on HIV and Hepatitis B infected Health Care Workers) which, amongst other things aim to ensure that health care workers infected with HIV or AIDS do not . t the disease to patients. If not, why not; if so, when.

Mr Berry - the answer to Mrs Carnells question is as follows:

Following the recommendations of the Intergovernmental Committee on AIDS and the

Australian Health Ministers Advisory Council, the Australian Health Ministers

Conference in April this year endorsed a set of principles for a national policy on HIV infected health care workers. These principles included

"adherence to proper infection control procedures is the most important step in minimising the risk of HIV transmission from health care workers to patients

mandatory roosting is not an appropriate response to the issue of HIV infected health care workers

mandatory reporting of a health care workers HIV states to their employer, registration board or him authority is not supported. If any such action is taken it mast be consistent with the reporting requirements for other illnesses or impairments likely to affect professional practice".

As a member of the Australian Health Ministers conference, I support these principles and the development of national guidelines.

I would like to draw the Assemblys attention to the fact that the risk of HIV transmission from as HIV positive health cane worker to a patient is extremely low and in Australia there are no known cases of this type of transmission.

1974

*20 August 1992*

Nonetheless, it is important that the public is assured that appropriate protections are in place.

Within ACT Health facilities, guidelines for infection control, very similar to those in NSW health facilities are in place. The guidelines are directed towards control of the transmission of HIV, Hepatitis B and other communicable diseases in health care settings and aim to protect both patients and health care workers. In addition, the guidelines are constantly reviewed and updated in line with occupational health and safety standards.

As there are issues concerning confidentiality, privacy and the responsibility of health care workers and facilities, I have asked my Department to develop guidelines which address these issues in the context of the prevention of the transmission of HIV, Hepatitis B and similar communicable diseases. I anticipate these guidelines will be available by the end of September.

1975

20 August 1992

**ATTORNEY GENERAL FOR THE AUSTRALIAN  
CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 238**

**Business Names Legislation**

MRS CARNELL - Asked the Attorney General upon notice on 11 August 1992

- (1) What fees are currently payable under Section 4A of the Business Names Act 1963.
- (2) What is the amount, and reason, for each fee.
- (3) Do fees levied cover the cost of administering the Business Names Act 1963 and associated regulations and what is the amount of any surplus or deficit.
- (4) Do the benefits of the Business Names Act 1963 accrue solely to the business community, or the wider community as well.
- (5) What are these benefits.

MR CONNOLLY - The answer to the members questions are as follows:

(1) A summary of the fees payable under Section 4A of the Business Names Act 1963 as they appear in ACT Gazette No 5101 of 30 June 1992 is as follows:

Application for registration

(for three years) \$82.00

Renewal of registration

(for a further three years) \$56.00

Lodgement of a change of particulars  
and other miscellaneous documents \$5.00

Application for and consent of minister

for registration of a name

in exceptional circumstances \$22.00 and \$56.00

respectively

- (2) The amount of each fee is calculated to fully recover the cost of administering the Business Names Act and maintaining the Register of Business Names for the ACT community.
- (3) The fees are calculated according to a costing formula which includes staff labour 35%, materials 6%, maintenance of equipment and the Territory's share of a national data-base 8%. Costs also include personnel overheads 41\$, accommodation rental 10% and security. There is no surplus or deficit: full cost recovery is achieved.

1976



(4) Benefits accruing from the Business Names Act 1963 are as follows:

- (a) The ACT community and residents of the Canberra region are able to fully identify the business proprietors with whom they carry on business in order to resolve disputes, commence legal proceedings or report unlawful operations to the Registrar and the ACT Consumer Affairs Bureau.
- (b) The business community is able to identify business names which are similar or identical to those they propose to use, thus avoiding any compromise of business opportunity through confusion of business names amongst their customers in the market place. Similarly national companies and interstate traders are able to avoid registration of names nationally which conflict with those of their ACT business counterparts.
- (c) Government at Territory and Commonwealth levels is able to identify business proprietors for regulating and maintaining good business relations in the ACT and the administration of government programs generally.

#### ADDITIONAL INFORMATION

Mrs Carnell might also like to know that the application and renewal fees in NSW are recommended to rise above \$100 soon, Tasmanias fee is \$90 , Queenslands fee of \$84 is for one year only, the equivalent of \$173 when renewals are accounted for.

Fees under the Act were increased by a 3% CPI factor in 1992 with minor fees below \$20 remaining unchanged as they have done for the last three years.

1977

20 August 1992

**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 245**

**Woden Valley Hospital - Equipment Purchases**

Mrs Carnell - asked the Minister for Health:

In relation to a press release on July 28 in which the Minister indicated that \$340,000 of ACT Government money was provided for the purchase of new medical equipment for Woden Valley Hospital

- (1) Where is the ACT Governments contribution coming from.
- (2) Can the Minister provide an assurance that this doesnt include money donated by the Royal Canberra Hospital Auxiliary.
- (3) Can the Minister also provide assurance that any money donated by the Auxiliary will be duly acknowledged.

Mr Berry - the answer to Mrs Carnells question is:

- (1) The ACT Governments contribution will be appropriated to ACT Health through the normal Capital Budgetary process.
- (2) The proposed donation from the Royal Canberra Hospital Auxiliary for the purchase of equipment for Woden Valley Hospital is not related to the \$340,000 referred to in the recent press release. The \$340,000 referred to is the ACT share of the Commonwealth/ACT shared Hospital Enhancement Program. This Program is in its fifth year of operation and under the Terms and Conditions for funding the Commonwealth contributes on a \$2 to \$1 basis.
- (3) ACT Health will continue its current practice and acknowledge donations from the Royal Canberra Hospital Auxiliary for providing funds to purchase equipment for the benefit of the Community.

1978

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 250**

**Housing Trust Properties - Unimproved Capital Value**

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

(1) Is the unimproved capital value (UCV) of Housing Trust properties shown in the Valuer-Generals records available to the public, and if not, why not.

(2) If the UCV of Housing Trust properties is not available through the Valuer-Generals records, is it available to the public by any other means; if not, why not.

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

(1) The total UCV of all Housing Trust properties as at 1 January 1992 is \$553 035 700.00. At the individual level, the Housing Trust does not use UCV for balance sheet purposes. The Housing Trust would release information if there was a bona fide inquiry made about a particular property.

{2) Not applicable.

1979

20 August 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO.- 254**

**Supported Accommodation Properties**

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

(1) How many supported accommodation houses are there in the ACT by suburb.

What categories of occupants are catered for in supported accommodation in the ACT.

( 3 ) How many supported accommodation places are there for each category in the ACT.

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

(1) By region, the following houses and flats are operated under the Supported Accommodation Assistance Program (SAAP)

Inner North 7 houses

24 flats

Inner South 8 houses

5 flats

Belconnen 6 houses

2 flats

Woden 3 houses

2 flats

Weston Creek 1 house

Tuggeranong 4 houses

\* For privacy reasons, it is not appropriate to disclose this information by suburb

(2) The target groups under SAAP are

Families Single Men Single Women Young People Women and women with children who are homeless or in crisis as a result of domestic violence.

1980

(3 ) The number of places by target group is as follows

Families 3 5

Single Men 250 +

Single Women 14

Young People 53 plus 13 flats

Women who are \_  
homeless or in crisis  
as a result of  
domestic violence

Women and children 95 plus 19 flats  
who are homeless  
or in crisis as a result of  
domestic violence

\* It is not possible to provide accurate bed numbers due to the ongoing impact of the redevelopment of the Ainslie Village site.

NB : Beds have been listed under their primary target group when they may serve more than one target group.

1981

20 August 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 257**

**Housing Trust - Housing Assistance Appeals**

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

(1) How many appeals were made against the Housing Trusts decisions for housing assistance in 1990-91 and 1991-92.

(2) How many of the appeals in each of the years in (1) were successful.

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

(1) 1990-91: 180; 1991-92: 280.

(2) 1990-91: 97; 1991-92: 181.

1982

**MINISTER FOR SPORT**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 258**

**Suburban Sportsgrounds - Changeroom Facilities**

Mr Cornwell asked the Minister for Sport -

- (1) How many suburban sportsgrounds and ovals do-and do not have changerroom facilities.
- 2) What is the estimated cost of a changerroom facility at a suburban oval.

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

- (1) There are 41 sportsgrounds with changerroom facilities and 59 without
- (2) The current estimated cost for a standard sportsground pavilion with changerrooms, public toilets and canteen area is around \$300,000 to \$350,000, depending on site conditions.

1983

20 August 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 259**

**Wattle Child Care Centre**

MR CORNWELL- Asked the Minister for Housing and Community Services upon notice on 11 August 1992 - in relation to the Wattle Child Care Centre at 38 Wattle Street, Lyneham:

- (1) Is this a Government funded facility.
- (2) If so, what was the capital cost of the property and what is the annual subsidy.
- (3) How many children will be accommodated and at what cost per child to parents..

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

- (1) This recently established facility is funded by the Commonwealth Government only.
- (2) Information regarding capital costs and recurrent funding would be available from the Commonwealth Department of Health, Housing and Community Services.
- (3) The Centre is licensed for 25 child care places. The weekly fee is \$130 plus an additional \$10 nappy fee for the younger children.

1984



**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 264**

**Toora Single Wimmins Shelter**

Mr Cornwell - asked the Minister for Health:

What grants were allocated in 1991-92 to the Toora Single Wimmins Shelter.

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

The Toora Single Wimmins Shelter (Womens Addiction Recovery Service) received \$44 937:00 from the 1991-92 Alcohol and Drug Service Grants Program. These funds were provided for the operation of the alcohol and drug educator/counsellor position and budgetary components were as follows:

Salaries (Addiction Worker) 38183  
Operating 4754  
Capital 1000  
Training Levy 1000  
Total 44 937

1985

20 August 1992

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 265**

**Floriade - Bulb Supply**

Mr Cornwell - asked the Minister for the Environment, Land and Planning

In relation to your reply to question on notice No 206 that the overall cost for hire and purchase of bulbs for the 1989, 1990 and 1991 Floriades was \$380,937.18 and that since 1990 all bulbs have been purchased

(1) Why does the ACT, not grow its own bulbs for Floriade.

(2) Why are local regional growers not asked to contribute.

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

(1) Commercial bulb growing is highly specialised. It

.requires specialist staff,. suitable site and soil type, bulb lifting and sorting equipment, specialised storage. space to grow and propagate large quantities of bulbous material.

Victoria-and Tasmania have soil types and weather conditions better suited to commercial bulb growing and this is where most commercial bulb growers are located. The growers are licensed to import new cultivars which are usually displayed at Floriade prior to public release. .Bulbs are supplied at a competitive rate: .

City Parks is able to "hold over" a limited number of bulbs from each Floriade which are then potted for sale during Floriade or used for display purposes .throughout the city.

(2)Only one local commercial grower has been identified. 4000 tulip bulbs have been purchased from this grower for the 1992 Floriade an a trial basis. He has expressed an interest in purchasing a selection of bulbs from Floriade at the conclusion of the 1992 event.

1986

**MINISTER FOR. THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION .**

**QUESTION NO 268**

**Cultural Development Consultant**

Mr Kaine asked the-Minister for the Arts --What are the arrangements currently applying to the employment by the ACTGS of Mr Roy Forward, specifically -

- (1) His substantive status .in-the -ACTGS.
- (2) His current status
- (3) His current title and duties
- (4) At what level-is his remuneration, in detail...:
- (5) On what.date did his employment-begin, and what is the expected expiry of the current arrangement:
- (6) How was Mr-Forward appointed to the position.
- (7) Will he carryout any.representative functions on behalf of the ACTGS or the Minister and if so, what. functions and with what authority.
- (8) Is Mr. Forward employed under contract or on . some. other arrangement.,
- (9) To whom does Mr Forward report.
- (10) Where is the position-located.
- (11) Is the position directly responsible for any activity .that has a budgetary. input,- if so at what estimated level -of.revenue or expenditure.
- (12 ) .Was the position in existence before Mr. Forwards appointment, if not\* by what process was it created and how-is it funded.
- (13) Has Forward travelled outside-the -ACT in pursuit of his duties. -

Mr Wood...- the.answer to the Members question is as follows:

- (1): Mr Forward does not have substantive status .. with the. ACTGS .
- (2) Mr Forward is currently a consultant to the Department of the Environment;. Land and..Planning..

1987

20 August 1992

(3) Mr Forward's title is "Senior Advisor, Cultural, Development" and his duties are to undertake high level cultural policy and project work and provide advice on and extend opportunities for cultural development by, building links between ACT Government cultural activities and identified external agencies and sectors

(4) Mr Forward's current remuneration includes all components of the Senior Executive Service remuneration package. Specifically, he is remunerated at the lower Senior Executive Band 1 level of \$59,121 per annum, paid in equal fortnightly instalments.

In addition he has:

the use of a motor vehicle (approximate value \$7,500 per annum); and carpark (approximate value \$1,400 per annum) and reasonable fuel expenses are provided.

a subsidised home telephone service (maximum \$140 per annum); travel, accommodation and general expenses incurred in respect of his employment (at the rates applicable to Senior Executives Band 1 in the Australian Public Service).

reimbursement for additional travelling and accommodation expenses incurred for one trip up to a maximum of \$1,000 when his spouse accompanies him during employment related travel outside the ACT.

reimbursement for such other expenses or allowances to which Australian Public Service Senior Executives Band 1 are entitled.

\$2,000 paid in fringe Benefits Tax to the Australian Taxation Office.

(5) Mr Forward's contract commenced on 27 July 1992 for a period of 12 months.

(6) Mr Forward has been engaged under contract between the Department of the Environment, Land and Planning and himself. Mr Forward does not occupy a position.

(7) Mr Forward will consult for the Department of the Environment, Land and Planning with external agencies and sectors in the area of "Strategic Partnerships" and will not carry out representative functions on behalf of the ACIDS or the Minister.

(8) As stated at (6) above, Mr Forward is engaged under contract between the Department of the Environment, Land and Planning and himself,

(9) Mr Forward reports to the Secretary, Department of the Environment, Land and Planning.

1988

(10) Mr Forward is located with the Environment, Culture and Heritage Branch Head, Ms Cathy Parsons, at Tuggeranong. He will be working closely with the Arts.. and Special Events Section under Mr John.Stanwell and with the ACT Cultural Council..

(11) Mr Forwards duties do not include any activity that has a budgetary input..

(12) As stated at (6), above, Mr Forward does not occupy a position.

.(13) Mr Forward has not .travelled outside the ACT .in, pursuit of, his. duties

1989

20 August 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 272**

**Housing Trust - Narrabundah Properties**

MR CORNWELL - asked the Minister for Housing and Community Services  
In relation to Housing Trust properties in Carey Crescent and Captain Cook Crescent, Narrabundah

- (1) How many Housing Trust properties in each of these streets were allocated to tenants in May, June and July 1992.
- (2) In each street listed above, what position on the Trusts recommended list did each of these new tenants occupy prior to allocation and what was the registration date for each of these tenants on the waiting list.
- (3) What is the "social mix" of these new Trust tenants in these two streets, ie how many are of Aboriginal, Torres Strait Island or other ethnic background, how many are employed, unemployed or retired, how many receive rental rebate or other welfare payment.
- (4) Did the Trust decide the allocation of these properties to applicants, if not, who made the decision.

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

- (1) The ACT Housing Trust controls 24 properties in this area. There were no allocations to these properties during the period May, June or July 1992.
- (2) Not applicable.
- (3) Not applicable. Some of the information sought under (2) and (3) would impinge upon the personal privacy of tenants, and would not be released.
- (4) The Housing Trust makes all allocation decisions.

1990

**MINISTER FOR URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 275**

**ACTNET - Communication System**

Mr Kaine - asked the Minister for Urban Services: Can the Minister provide details of the costs and benefits of the implementation of the ACTNET communication system.

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

ACT Spectrum Telephone system which operates via the normal \*ecmn Network is a service purchased from Telecom and is designed to reduce telephone costs, improve service and allow full integration of voice and data network services across the ACT Government Administration.

On 1 December 1991 the ACT Government entered into a 5. year contract with Telecom to provide the service.

The system is expected to cost \$3.5m of which \$2.3m will be from additional funding. The balance will come from internal savings and the sale of existing equipment.

The benefits of the system will include financial savings achieved by eliminating the need for PBX equipment, reducing the number of operators required, simplified administration, bulk billing, and free government calls as well as additional features for staff.

The system will generate savings of \$1m in its first year, and an anticipated \$1.7m per year when fully installed.

1991

20 August 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 276**

**Housing and Community Services Portfolio -  
Public Relations Consultants**

MR KAINE - asked the Minister for Housing and, Community Services:

What consultants have been engaged in public relations, media, advertising, promotional and related tasks in

- (a) the Ministers office;
- (b) the Ministers Department;
- (c) each agency for which the Minister has responsibility in the period 1 April 1992 to 30 June 1992.

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

- (a) Nil
- (b) Nil
- (c) Over the period 1 January 1992 to 30 June 1992 the ACT Housing Trust contracted the services of the NSW Department of Housing to assist with the establishment of a program of home purchase information nights in the ACT. The cost of these services was \$4,200.

1992



**MINISTER FOR URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 280**

**Urban Services Portfolio - Public  
Relations Consultants**

Mr Kaine - asked the Minister for Urban Services: What consultants have been engaged in public relations, advertising, promotional and related tasks in (a) the Ministers Office; (b) the Ministers Department; (c) each agency for which the Minister has responsibility in the period 1 April 1992 to 30 June 1992.

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

(a) Nil

(b) Public Works and Services - Michael Gill and Associate\_s\_Pty Ltd  
Graeae Biscay Photographer

ACTION - Juliana Madden  
Media Marketing Group Pty Ltd

(c) ACTEW - Grey Advertising

1993

20 August 1992

**MINISTER FOR THEATRES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 290**

**Portfolio - Public Relations.Consultants**

Mr Cain asked the Minister - What consultants have been engaged in public relations, media, advertising, promotional and related tasks in. (a) the Ministers office;-(b). the Ministers Department; (c) each agency for.which the Minister has responsibility in the period 1, April 1992 to 30 June 1992 - . v

Mr Wood -.the answer to. the Member Is. question is As follows:

There have been no consultants engaged:in public .relations,:media;.advertising, promotional and related tasks in the ACT Arts and Special, Events Section or the Canberra Theatre Centre.

The Canberra Institute of the Arts expended \$3838.16 in the period 1 April to30 June .1992.on consultants C. James and C Kirk who were.engaged on a consultancy to provide promotional material.

1994

**MINISTER FOR SPORT**

**LEGISLATIVE ASSEMBLY QUESTION.**

**QUESTION NO 291**

**Sport Portfolio - Public Relations Consultants**

Mr Kaine = asked the. Minister for Sport

What consultants have been. engaged in public.relations,:media,advertising, promotional and related tasks in (a) the Ministers Office; (b) The Ministers Department; (c) each agency for which the Minister has responsibility, in the period 1 April.1992 to 30 June .1992. have been no consultants engaged in the abovementioned. .finds in the ACT Office of Sport and Recreation in the period 1 April 1992 to 30 June 1992.

1995

20 August 1992

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

**QUESTION NO 292**

**Treasury Portfolio - Public Relations Consultants**

MR KAINE - Asked the Treasurer upon notice on 13 August 1992.

What consultants have been engaged in public relations, media, advertising, promotional and related tasks in (a) the Ministers Office; (b) the Ministers Department; (c) each agency for which the Minister has responsibility in the period 1 April 1992 to 30 June 1992.

FOLLETT - The answer to the Members question is as follows:

- (a) Ministers Office - Nil
- (b) Ministers Department - Nil
- (c) Each agency for which the Minister - Nil  
has responsibility in the period  
1 April 1992 to 30 June 1992.

1996

Appendix 1: CSIRO headquarters

Electronic copy of this page is not available but it is included in the printed Hansard.