DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

15 October 1992

Thursday, 15 October 1992

Drugs - select committee 2647
Mutual Recognition (Australian Capital Territory) Bill 1992 2654
Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1992 2658
Planning Development and Infrastructure - standing committee 2659
Parental Leave (Private Sector Employees) Bill 1992 2660
Questions without notice:
- Agency heads - selection process 2675
- Australian Football League team 2676
- Supply and tender agency 2677
- Tourism Commission 2678
- New Legislative Assembly premises 2679
- Security industry regulation 2679
- Traineeships 2680
- Agency heads - selection process 2681
- Consumer affairs - business closure 2682
- Health services consultant 2683
- Cultural development consultant 2684

Conservation Heritage and Environment - standing committee 2684
National flag (Matter of public importance) 2685
Personal explanation 2688
Parental Leave (Private Sector Employees) Bill 1992 2690
Independent Health Complaints Unit 2697
Crown Proceedings Bill 1992 2700
Adjournment: Mr Phil Smyth 2701

Answers to questions:
- Speakers and staff - travel and hospitality (Question No 236) 2703
- Early intervention program (Question No 261) 2707
- Government schools - truancy (Question No 262) 2709
- Aborigines and Torres Strait Islanders (Question No 296) 2710
- High school and college students - personal portfolios (Question No 299) 2712
- Board of Senior Secondary Studies (Question No 319) 2713
- Board of Senior Secondary Studies (Question No 320) 2715
- Urban Services portfolio - public relations consultants (Question No 331) 2716
- Residential properties - land values (Question No 344) 2717
- Payroll tax (Question No 349) 2719

Appendix 1: Drugs and poisons scheduling 2721

Thursday, 15 October 1992

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

DRUGS - SELECT COMMITTEE
Report on Methadone Treatment Services

MR MOORE (10.31): Madam Speaker, pursuant to order, I present an interim report of the Select Committee on Drugs entitled "Methadone Treatment Services in the ACT", including a dissenting report, together with copies of minutes of proceedings, extracts of minutes of proceedings, and a copy of transcripts of evidence. I ask for leave to move a motion authorising the publication of the report.

Leave granted.

MR MOORE: I move:

> That the Assembly authorises the publication of the interim report of the Select Committee on Drugs entitled Methadone Treatment Services in the ACT.

Madam Speaker, it is with sadness that I have moved that motion today. I had expected this morning to come in and move a simple motion to deal with the tabling of this report. Instead, I have been forced to move a motion that is required really for the protection of members of the secretariat. That is required because, in her dissenting report, Mrs Grassby has chosen to deal with an issue that is most likely defamatory. As such, it is important that not only Mrs Grassby but also members of the secretariat who are involved in distributing this report have the protection of this Assembly.

I say that it is with sadness, Madam Speaker, because this is the first time that any member of a committee has chosen to make a personal attack on another member of the committee as part of a dissenting report. It is to be distinguished from another report that appeared in this Assembly from the Planning, Development and Infrastructure Committee and the Conservation, Heritage and Environment Committee in which I put a dissenting report, personally, containing the same heading "Conflict of interest". In that case there was a major difference because there was nothing personal about that conflict of interest. In that case I had chosen to draw attention to the difficulties that the committee were in because Mr Norm Jensen was an Executive Deputy and also chair of the committee. The difference is clear. At no stage did I question the probity of Mr Jensen. In spite of many differences, and quite strong differences, with Mr Jensen, at no stage have I ever questioned his probity. I believe that no member of this Assembly has.

In this case we have something that is very different indeed. We have a report that suggests, under a heading "Conflict of Interest", the following:

> Whilst the Committee was assured by pharmacy guild members and Ms Carnell herself that there was no commercial advantage to individual pharmacies in the dispensing of Methadone I would question this assertion as it is incumbent on small business owners to maximise their profit potential.
>
> The expertise that Ms Carnell brought to the Committee as President of the ACT Pharmacy Guild, a pharmacist and a pharmacy proprietor was welcome, however, her ability to objectively examine the potential role of pharmacies in the Methadone program could be questioned in the light of her personal interests.

I take this opportunity, Madam Speaker, to point out that at no stage in the committee, either in public hearing or at any other time, did Mrs Grassby formally raise this matter. The first time I became aware of this matter being formally raised was in this dissenting report, and I consider it entirely inappropriate.

Madam Speaker, more than anything, I consider it a very sad situation because even with the difficulties of the last Assembly, even with all those parties in that Assembly, there was never an occasion when the committees were used in this way and there was a personal attack within a committee report. I think it is very sad that I am in the position where I have to table such a dissenting report. Mrs Grassby raises some issues of dissent that are matters of her opinion, which she is entitled to raise and which are quite important in terms of the debate on methadone. I have no difficulty with that.

I do have a difficulty, though, with this: Madam Speaker, I draw your attention to what I consider to be breaches of standing orders, particularly standing orders 52 and 55. Standing order 52 relates to a reflection on a vote of the Assembly and standing order 55 relates to imputing improper motives. Madam Speaker, in drawing your attention to those I point out that this issue was raised in the Assembly and voted on. That brings us to something that is perhaps even more important, and that is section 15 of the Australian Capital Territory (Self-Government) Act. Section 15 deals with conflict of interest. Subsection 15(2) of that Act says:

> A question concerning the application of subsection (1) shall be decided by the Assembly ...

The Assembly has already decided that there is no conflict of interest. That being the case, Madam Speaker, this is entirely inappropriate, and I think it is a great shame in that it takes away from what should otherwise have been an important part of a dissenting report, an important part of the debate.

Mr Berry: It would have been all right if she had agreed with you, though.

MR MOORE: Madam Speaker, I have an interjection from Mr Berry, who says that it would have been all right had Mrs Grassby agreed with me. I have just spent three or four minutes pointing out that I accept Mrs Grassby having a different opinion. I have pointed out time and time again that that is fine in terms of the debate. I have no difficulty with people having a difference of

opinion with me. I am getting quite used to it. The point here is that Mrs Grassby and Mr Berry before her, often, have worked out that they are on the losing side in this particular debate. They do not understand the debate because they do not understand the issues. We will get on to why they do not understand the issues when we get to the debate on the question that the report be noted.

Madam Speaker, it seems to me that what we have coming into the committees here is ALP gutter faction fighting tactics. We do not want them in these committees. We are not interested in that style. I think Mrs Grassby should be terribly embarrassed by that. I point out, Madam Speaker, that at page 45 of the report Mrs Grassby puts her opinion. She says:

> It is my opinion that pharmacies are primarily a commercial enterprise and as such their focus is on volume of sales, customer service and supply. It is difficult to see where the relevance of dispensing methadone fits into the running of a commercially viable enterprise.

I suggest, Madam Speaker, that the reaction to this is still the sting of Stan Aliprandi. Mrs Grassby seems to claim that she has never been to her pharmacist and had a discussion about whether a particular drug is useful or may help in a particular situation. I will relate a personal experience from Sunday night. I phoned an after hours pharmacist and said that I had a particular drug that a doctor had recommended that I give to my son, but that this antihistamine was out of date. I asked whether it would be a problem. We had a quite long discussion, and the result was that I did not have to go to the pharmacy to buy that particular drug and his advice to me cost him some money. That is how pharmacists operate. That is why they are on the top of the popularity list and why, as we see here, politicians are so low or so damn far down on that confidence list, in the view of the community as a whole.

Madam Speaker, unfortunately, I have used quite a bit of my time in speaking to this part of the issue. I would have done far better had I spoken to the report as a whole in order to clarify where it is that Labor, in particular the Minister for Health, has failed in understanding health promotion. He seems to have misunderstood what the development of health is about.

Mr Berry: You have not seen my response yet.

MR MOORE: Madam Speaker, we have an interjection that we have not seen Mr Berry's response. Perhaps after my speech and after he reads the report he will realise that his earlier comments and the approach that he has taken so far to the methadone program indicate that he is way off beam.

Madam Speaker, I referred in my preface to this report to a speech by Professor McMichael. I did so because I think it is important to note the whole thinking in terms of population health and the development of an attitude to improvement in health. That attitude to change has been reinforced internationally. The World Health Organisation meeting in Russia in 1976, reinforced in Ottawa in 1986, accepted the notion that if we are going to improve people's health we need to empower people. I drew attention in my preface as well to the fact that this was recognised in the excellent report on Aboriginal deaths in custody by the royal commissioner, Mr Johnston, QC. He recognised the same sorts of things and took the action to which Ms Follett responded in a very positive and appropriate way.

I hope that, when Mr Berry has had time to think through his general approach and to apply that principle, he will realise that the most important thing that we can do is to give users of methadone, those with a health problem, the opportunity to make choices, and give them the broadest possible range of choice. Madam Speaker, Professor McMichael said:

> Health Development connotes an active participatory approach to achieving better health for all members of the community. This approach emphasises that, not only does good health not come commodity-like off the shelf of the medical care supermarket, but neither does it come, like manna from heaven, from decisions and policies of health authorities and government.

Mrs Grassby did agree with quite large parts of the report. It was with reference to the distribution of methadone that she has acknowledged her disagreement. What the Labor Party is missing in suggesting that the only solution is in line with the Bill that Mr Berry tabled is that that does not provide full choice for individual members. It does not empower those in our society who are most in need of having the opportunity to make their own decisions. Madam Speaker, the committee found that Mr Berry's Bill is a very positive move and that Mrs Carnell's Bill is also a very positive move, and that this Assembly should adopt both of those approaches and allow the people who are on the receiving end of this very difficult situation in their lives to make those choices, because that is what health development and health promotion is about.

Madam Speaker, it would be easy for me to continue and deal with the issues one by one, but members are able to read the recommendations and the report that explains why we have come to the conclusions that we have. In principle, Madam Speaker, it is about empowerment. We have heard the left wing of the Labor Party say again and again that it stands for empowering people. Even as I speak, Madam Speaker, I see Mr Lamont with a flag of the Aboriginal people on his desk. It is a flag that represents what Labor has done and the contribution they have made as a starting point to empowering Aboriginal people. There are others in our society who are also in need, others who have been made scapegoats - - -

Mr Cornwell: Social justice, isn't it, Mr Moore?

MR MOORE: Others are in need of social justice, Mr Cornwell. We have an opportunity here. Instead of looking at control, instead of looking at how we as a government - I am trying to express the sort of thinking that seems to come from Mr Berry - can make decisions about how these people who need and use methadone are likely to run their lives, we should say, "Yes, we will make this available and you can make a choice about your lives". That is what we should be on about and that is the way we can begin to change the ethos. That is the way we can begin to allow people to struggle to be proud of being themselves, to take great steps forward in terms of their own self-concept. You cannot do it by saying, "We will tell you to do this and you can do it, if you want, when you want, provided it is within our rules". Madam Speaker, the most important part of this, I think, from the point of view of the committee as a whole, is to deal with the issue that has required the motion relating to publication of the report.

MADAM SPEAKER: Members, we can debate this issue further, but I remind you that this is a motion to authorise the publication of the report. We will then move on to a motion that the report be noted, when the substance of the report will be debated. I wanted to put in that reminder before I called the next speaker. If there are no speakers, I will put the question on authorising the publication of the report.

Question resolved in the affirmative.

MR MOORE (10.47): I move:

> That the report be noted.

I now have the opportunity to speak, and I shall speak briefly, to what I consider is a very positive report. Madam Speaker, the first and most important thing I need to do as far as this report is concerned is to thank the other members of the committee, Mrs Carnell and Mrs Grassby, who worked very hard with me on this report. I would like to distinguish between those thanks, which are quite appropriate, and the issue of the dissenting report, because at no stage was the issue that I have just raised part and parcel of the debate or the committee's consideration. I do appreciate the time and effort put in by members of the committee. I would also like to use this opportunity to thank those people who prepared submissions for the committee, and to thank the secretariat, particularly Mr Ron Owens, the secretary of the committee, who worked tirelessly to ensure that we understood the issues and that the report was prepared in the way that the committee had decided that it wanted.

Madam Speaker, one of the most important things to happen, and one of the things that made me feel particularly positive about this report, was the fact that representatives from NODSSA and from ACTIV appeared before the committee and presented their opinions. Not only did they appear before the committee; they also appeared on radio, on television and generally in the media. Imagine four or five years ago somebody standing up and saying, "I am an intravenous drug user and this is my opinion". The first steps, as far as empowerment are concerned, have been taken. This is something that should enhance the work of this Assembly; that in this Territory, in this country, people who are drug users are prepared to stand up and say, "This is what I think; will you listen?". We have the opportunity, Madam Speaker, to listen. That is why in this report, and personally, I ask Mr Berry in particular to listen to what the users had to say, and to listen to the community in general. All people who came before us said to us that what we need as far as the distribution of methadone goes is to see as wide a possible range of choices as can be facilitated.

Therefore, Madam Speaker, this report, in recommending that we adopt not only Mrs Carnell's Bill but also the Bill tabled by the Minister for Health, responds specifically to the needs of those who are most in need. It responds specifically to the World Health Organisation's approach to the new health. It responds specifically to the Ottawa charter. It is a chance for a very positive step forward. More than ever, I urge the Minister and I urge members of this Assembly to read it carefully, to listen to what people are saying, and to lead the world in responding to the needs of people who have been the scapegoats of our community for too long.

MRS CARNELL (10.52): I will speak just very briefly, really to back up what Mr Moore has said about the report. I think the feeling of the committee was very positive most of the time. I will not speak about the dissenting report today. I do not think that is appropriate. There were, I think, six witnesses and nine submissions. The committee went to Sydney and spoke to the people who are really leading in this field. The committee has done a lot of reading and a lot of work outside the actual committee process.

I think the really positive feeling was a general feeling that we would be able, with this report, to lead in the area of methadone distribution; that we would be able to make the ACT and ACT health the envy of other States. I believe that the 12 recommendations in this report go a long way to creating a situation where the ACT really will be out in front. How does it do this? It does it quite simply. It does it by responding to the needs of the patients and not to the needs of the system or to the government of the day.

It was said to us regularly by the various people that we speak to that we have to normalise methadone treatment; that we have to treat people who are on the methadone program as we treat other users of our health system. We have to treat them as people who have rights, as people who have a goal in their treatment. That goal may be different, as it is in other forms of health treatment. For some of them the goal is to be totally free of methadone and all other drugs at some stage. For others the goals are somewhat different, and they stretch over a very large area. I am very proud of the recommendations in this report, and I urge the Government to take note.

MRS GRASSBY (10.54): I do not want to get down into the gutter like Mr Moore did and - - -

Mr Moore: You are already there, Ellnor.

MRS GRASSBY: Obviously, when you do not agree with Mr Moore, he gets very nasty. We know that. Mr Moore, you had better know that it is not defamatory under the Australian Capital Territory (Self-Government) Act, section 24. I suggest that you look it up. Obviously, you do not know it all. I checked that all out. I am not that stupid.

I would also like to say that, as for bandying Mr Aliprandi's name around in this house, I think it is a bit unkind. After all, enough damage has already been done to him by another member in this house. I think it is very unkind and unfair. What you say about us is fine, Mr Moore. We are paid to take as much abuse - - -

Mr Moore: Under section 24 you are protected. What about the secretariat? It is okay. "I am okay, thanks, mate".

Ms Follett: Do not debate.

MRS GRASSBY: The secretariat is protected too. You are right, Chief Minister; I should not be answering, really. It is not worth it. It is all right for us to take abuse; after all, we are paid for it. As for people outside, I think it is very unfair. I think Mr Moore is being very unfair in doing this; but then, that is his choice.

Mrs Carnell: What do you think you have just said about pharmacists? Care and attentiveness.

MADAM SPEAKER: Order, please! Mrs Grassby has the floor.

MRS GRASSBY: This is a new experiment and there will be changes in the present system. I feel that this will be a benefit to the clients already in the methadone program and those coming into the program for the first time. The committee spoke to a wide range of people and gathered much information that enabled it to make its recommendations. While I have disagreed with some of the recommendations in the report, I feel that the committee has been successful in confronting the issues and changes that need to take place for the program to truly reflect the needs of the clients of the methadone program. The methadone program is a vital service to the ACT community. For those wishing to enter the program, it offers opiate users a chance to escape the illegal act of obtaining heroin and perhaps the chance to be free of their addiction, and this is very important. I believe that the methadone program is essential to those wishing to address their addiction and to move beyond it.

I am grateful for the opportunity to be on this committee and to gain an understanding of the difficulties of people who have an addiction such as this. My sympathy is to them and I believe that we should do everything we possibly can for them. I think that the Minister's Bill will take care of that. If you cannot swim, you do not jump in at the deep end of the swimming pool; you jump in at the shallow end and move on. I think that the opening up of two clinics in Canberra, with a third one to come, is the way to go. As I have said in my report, I agree that somewhere down the line, when we know exactly what we are doing, we possibly could look at a private clinic.

I think that this is not enough, however; I feel that we should be doing much more. I think that we should be looking at the situation of the families involved. I think that we should have counselling available to the families too. I think that we should be trying to help the people who really want to get off drugs altogether. When I was on my trip I saw a program in Holland. In Holland it is very easy to get methadone. Anybody who wants to be on methadone can get on methadone, but for anybody who wants to get off it the amount of care given by the government there is incredible. Not only do they take care of the person who wants to get off it and give them time; they also pay employers to give them jobs and to make sure that they make a better go of their life. They also look after the spouses and the children of the people involved.

Beyond that, we should be looking at where it all really starts. We should be looking at the family and what we can do about that part of why people get onto drugs. While on my trip I also saw a program at Stanford University which I thought was one of the best programs I had ever seen. It deals with the child as from day one at school with a view to stopping children going down the track that leads to drug addiction. I think that that is what we should be looking at as well. I think that this is a good step by the Government. I think that the Bill that the Minister has put up is an excellent Bill. I think that the fact that methadone is going to be distributed by two government clinics, and that there is to be a third one, and maybe more after that, is a great step in the right direction.

I would like to thank my staff, who did a lot of research and typing up of interviews with people and my thoughts on the subject. I am very grateful to them. I also thank the members of the committee. It was enjoyable, especially speaking to all the people and getting so much knowledge that we could not have

got in any other way. It was interesting to go to Sydney and to hear exactly what was said. It was interesting that the Health Department there said that they are not sure that if they had their time over again they would agree to methadone going into pharmacies. They felt that it was rushed far too quickly in New South Wales. They felt that if they had their time over they would not rush it like that; they would give more thought to it and give more training in that area. As I say, I quite enjoyed talking to these people and learning about the program, and I am very grateful for that.

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

MUTUAL RECOGNITION (AUSTRALIAN CAPITAL TERRITORY) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (11.01): Madam Speaker, I present the Mutual Recognition (Australian Capital Territory) Bill 1992.

Title read by Clerk.

MS FOLLETT: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the purpose of this Bill is to enable the ACT to enter into a scheme for the mutual recognition of regulatory standards for goods and occupations adopted in Australia. The principal aim of mutual recognition is to remove the needless artificial barriers to interstate trade in goods and the mobility of labour caused by regulatory differences among Australian States and Territories. Mutual recognition is expected to greatly enhance the international competitiveness of the Australian economy and is a major step forward in the achievement of micro-economic reform. It involves a recognition by all governments that the time has come for Australia to create a truly national market which the parochial politics of successive governments have frustrated for almost 100 years.

Madam Speaker, at the Special Premiers Conference in Brisbane in October 1990 heads of government agreed to apply mutual recognition of standards in all areas where uniformity was not considered essential to national economic efficiency. This Bill is the result of extensive liaison between the Commonwealth, the States and the Territories involving the Commonwealth-State Committee on Regulatory Reform. A nationwide consultation process sought input from business, industry, trade unions, the professions, standards setting bodies, and consumer and community representatives on any necessary refinements to the mutual recognition models agreed to by heads of government. Some 200 written submissions were received.

It is important to note that mutual recognition is intended to complement the efforts of regulatory authorities in achieving nationally uniform standards. It will not impede those efforts where it is agreed that uniform national standards are necessary. On the contrary, it is likely that mutual recognition will hasten the successful resolution of such endeavours. It is an indication of the commonsense which underlies the concept of mutual recognition that these proposals have had the clear support of governments of all political persuasions from the outset.

By concluding a final intergovernmental agreement on mutual recognition in May 1992, heads of government endorsed a revised version of the Mutual Recognition Bill. It was agreed to aim for enactment of this legislation in all States and Territories by 31 October 1992 and in the Commonwealth by 1 January 1993. Proclamation of the Commonwealth Act will follow by 1 March 1993 after administrative arrangements have been put in place.

Madam Speaker, the legislation is based on two simple principles. The first is that goods which can be sold lawfully in one State or Territory may be sold freely in any other State or Territory even though the goods may not comply with all the details of regulatory standards in the place where they are sold. If goods are acceptable for sale in one State or Territory, then there is no reason why they should not be sold anywhere in Australia. To give you some examples of the difficulties we are trying to overcome, it was not so long ago that it was virtually impossible to market margarine nationally in one package. Western Australia required margarine to be packed in cube tubs, whereas the familiar round tub was acceptable everywhere else.

As a further example, the ACT has an open market for eggs, yet eggs produced in the ACT cannot be sold in Queensland without first being inspected, size graded and then stamped with a symbol issued by the Queensland Department of Primary Industries. Mutual recognition will mean that producers and importers in Australia will only have to ensure that their products comply with the laws in the place of production or importation. If they do so, they will then be free to distribute and sell their products throughout Australia without being subjected to further testing or assessment of their product. This ensures a national market for those products.

The second principle is that, if a person is registered to carry out an occupation in one State or Territory, then she or he should be able to be registered and carry on the equivalent occupation in any other State or Territory. A person who is registered in one jurisdiction will only need to give notice, including evidence of the person's home registration, to the relevant registration authority in another jurisdiction to be entitled immediately to commence practice in an equivalent occupation in that State or Territory. No additional assessment will be undertaken by the local registration or licensing body to assess the person's capabilities or expertise. Local registration authorities will be required to accept the judgment of their interstate counterparts of a person's educational qualifications, experience, character or fitness to practise.

It is ridiculous that under present arrangements lawyers, doctors and other professionals may have qualifications from the best universities in Australia or the world, and skilled tradespersons may have the finest training and on-the-job experience, but neither group can work outside their home State because of a multiplicity of bureaucratic obstacles and delays. In some cases, work experience in the home State is considered irrelevant. In others, they are required to spend months or even years retraining. Even then they may never succeed in gaining recognition without virtually starting from scratch. This often has little to do with ensuring competency. Much of it is simply motivated by a desire to protect local practitioners from competition. I am sure that everyone would agree that in Australia the existing regulatory arrangements of each State or Territory generally provide a satisfactory set of standards. Thus, on implementation of

mutual recognition, no jurisdiction will suddenly be flooded with products that are inherently dangerous, unsafe or unhealthy; nor will there be an influx of inadequately qualified practitioners. Indeed, mutual recognition could result in an elevation of standards in some instances.

The legal arrangements for introducing mutual recognition give due recognition to the creation of the ACT as a separate body politic, and are the result of representations put by the ACT to the Committee on Regulatory Reform. For the States, the mechanism for implementation of the legislation will be a referral of powers by the States to the Commonwealth to pass the Mutual Recognition Act. For the ACT and the Northern Territory it involves passing legislation to request the Commonwealth to pass the Act, as a referral of powers by the Territories is not required under the terms of the Constitution. Once enacted by the Commonwealth, the Mutual Recognition Act will override any State or Territory Acts or regulations that are inconsistent with the mutual recognition principles.

Let me stress that the additional powers of the Commonwealth will be extremely limited. States and Territories are not granting extensive new powers to regulate goods and occupations. The Commonwealth will be empowered to pass a single piece of legislation. Amendments to this legislation will require unanimous agreement among all participating jurisdictions, including the Commonwealth. There will be no new powers for the Commonwealth unilaterally to establish new standards or controls. Under the terms of intergovernmental agreement on mutual recognition, Commonwealth Ministers, like their State and Territory counterparts on ministerial councils, will be subject to the same controls and limits. A majority vote of Ministers in support of a new standard will bind all the parties.

The mutual recognition scheme is to last initially for five years and be subject to review before this time, after which any State or Territory may terminate its involvement. The legislation will not encroach on the ability of the ACT or the States to impose standards for locally produced or imported goods, nor for local people wishing to enter an occupation. Mutual recognition will not affect the ability of jurisdictions to regulate the operation of businesses or the conduct of persons registered in an occupation. Nor is it intended to affect the registration of bodies corporate. Its focus is on the regulation of goods at the point of sale, and on entry by registered persons into equivalent occupations in another State or Territory. Laws that regulate the manner in which goods are sold, such as laws restricting the sale of certain goods to minors, or the manner in which sellers conduct their businesses, are explicitly exempted from mutual recognition. For occupations, the legislation is expressed to apply to individuals and occupations carried on by them.

Mutual recognition is intended to encourage the development of uniform standards where these are considered necessary for reasons of protecting health and safety, or preventing or minimising environmental pollution. Provision is made for States and Territories to enact or declare certain goods or laws relating to goods to be exempt from mutual recognition on these grounds on a temporary basis - that is, up to 12 months. During that time the intergovernmental agreement provides for the relevant ministerial council to consider the issue and make a determination on whether to develop and apply a uniform standard in the area under examination. Wherever possible, ministerial councils are to apply those standards commonly accepted in international trade.

In respect of occupations, the Commonwealth Administrative Appeals Tribunal will hear appeals against decisions of local registration authorities and will have the power to declare an occupation to be non-equivalent. This would occur in instances where there is no technical equivalence in the sense that the activities a practitioner is authorised to carry out under registration from one jurisdiction to another are not substantially the same. Declarations of non-equivalence may also be made where there is technical equivalence but there are health, safety or pollution grounds for preventing practitioners from one State from carrying on that occupation in other States and Territories. Such declarations are to have effect for no longer than 12 months, during which time relevant State and Commonwealth Ministers have to agree on whether or not to develop and apply a uniform standard. If not, mutual recognition will apply.

The legislation provides for certain permanent exemptions in relation to goods. Heads of government have agreed that the exemptions schedules should be extremely limited, focusing on those products for which a national market is undesirable. Examples of exemptions include pornography, firearms and other offensive weapons, and gaming machines. In the case of firearms, heads of government agreed that the ACT Weapons Act be specifically exempted.

The mutual recognition principle in relation to occupations will mean that a registered practitioner wishing to practise in another State can notify the local registration authority of her or his intention to seek registration in an equivalent occupation there. The local registration authority then has one month to process the application and to make a decision on whether or not to grant registration. Pending registration the practitioner is entitled, once the notice is made and all necessary information provided, to commence practice immediately in that occupation, subject to the payment of fees and compliance with various indemnity or insurance requirements in relation to that occupation. No other preconditions can be imposed on the entitlement to commence practice. Conditions can be placed on the practitioner's registration in order to achieve equivalence. In addition, the interstate practitioner is immediately subject to the disciplinary requirements and other rules of conduct in the new jurisdiction applicable to local practitioners.

The Government is confident that participation in this legislative scheme will provide major benefits. The unnecessary costs for producers in accommodating minor differences in regulatory requirements of States and Territories in relation to goods will be removed. Genuine competition across State and Territory borders will be encouraged as a result of producers having more ready access to the Australian market as a whole. Labour mobility will be enhanced with the removal of artificial barriers linked to registration and licensing laws. As a result we will be able to make better use of our labour force skills.

Australia's international competitiveness will rise as producers capitalise on the economies of scale made possible by mutual recognition. This is a process that will occur over the medium to long term. More efficient standards brought about by competition among jurisdictions should result in community requirements being met at a lower overall cost. Wider consumer choice and a greater responsiveness to the needs and demands of consumers among producers and regulators should result. At the same time, as I pointed out earlier, the mutual recognition scheme is designed to ensure that there is no compromise on standards in the important areas of health and safety and environmental protection.

This legislative scheme is a historic initiative aimed at overcoming the regulatory impediments to the creation of a truly national market in goods and services in this country. I would like to acknowledge the positive contribution made by all heads of government in fostering and promoting this important development. It is a fine example of what can be achieved when all governments cooperate and work together in the national interest. I present the explanatory memorandum for the Bill.

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

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.16): I present the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

This Bill contains amendments which will complement the introduction of a high-tech automatic breathalyser instrument known as the Drager Alcotest 7110. The Drager Alcotest machine will enable the police to carry out breath analysis in a more efficient and cost-effective manner than is possible with the instruments that are currently in use. The instruments presently in use employ a wet-chemical technique which is slower and requires considerably more police time, effort and resources in both training and operation. The Drager Alcotest machine proposed to be introduced is already in use in all Australian jurisdictions except Victoria and the ACT. Consequently, the Australian Federal Police, who are responsible for policing in the Territory, not only will have the use of tried and tested equipment but also will benefit from the research and ongoing development carried out by police forces elsewhere in Australia.

The Bill removes the current requirement to have each breathalyser instrument individually approved by the Minister. Instead, it enables the Minister to approve breathalyser instruments by type, through a gazettal notice which is disallowable in this Assembly. The Bill also changes the method by which the Minister approves screening devices from a notice in writing to a notice in the *Gazette* - again bringing that approval of screening devices away from purely executive action and before the Assembly for scrutiny. This will reduce the delay and paperwork involved in having each instrument approved individually and will have the additional benefit of bringing the approval process before the Assembly.

At present the Act requires the police to take steps to ensure that it is not readily apparent to members of the public that a test is carried out. This creates certain difficulties for the police. The test subjects are under police custody and the police practice is to observe the test subjects for 15 minutes before testing, so that nothing is consumed which might interfere with the test - for example, ventolin or cough lollies - and to allow time for any alcohol present in the mouth

to disappear. Therefore, another procedural reform will remove the requirement to ensure that the tests are not readily apparent to members of the public in cases where the tests are carried out at police stations. This will enable the police to carry out the tests in the same room where the other test subjects are under observation.

The new procedure will allow more efficient and less labour intensive processing of breath test subjects by avoiding the need for a police operator to observe and test each subject in a separate room. It also produces significant efficiencies in that at the moment a single breathalyser unit operates the old-fashioned equipment from a series of rooms in the Civic Police Station, and it is necessary for a person detained as a result of a screening test to be individually brought into the Civic Police Station. This machinery will be able to be operated by patrol officers at police stations around Canberra.

The Bill makes two changes to evidentiary provisions in the principal Act. Firstly, a print-out of the readings and other particulars from an approved breathalyser will be acceptable as evidence. The Drager Alcotest machine issues print-outs which detail information relevant to the test. The scope of this information in the print-out is prescribed in the regulations. It includes matters such as the date, start time and location of the test, particulars of the test subject and the police involved, test results, and so forth. Secondly, the words "prima facie" and "and of the facts on which they are based" will be omitted from the Act wherever they occur. The words do not add to or detract from the standard of proof otherwise required for establishing evidence under the relevant provisions of the principal Act. The Bill also makes provisions for retaining approval for those instruments already approved under the Act. I commend the Bill to the Assembly, and I present the explanatory memorandum for the Bill.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report on New Capital Works Program 1992-93

Debate resumed from 17 September 1992, on motion by **Mr Lamont**:

That the report be noted.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.21): Mr Deputy Speaker, pursuant to standing order 77(d), I move:

That executive business be called on forthwith.

This is to enable the Standing Committee on Planning, Development and Infrastructure report on the 1992-93 new capital works program to be considered in the context of the Appropriation Bill 1992-93.

Question resolved in the affirmative.

PARENTAL LEAVE (PRIVATE SECTOR EMPLOYEES) BILL 1992

Debate resumed from 20 August 1992, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR DE DOMENICO (11.22): Mr Deputy Speaker, "parental leave" is a composite term used to describe maternity leave, paternity leave and adoption leave, and now has been extended to include part-time work. The draft parental leave clause allows employees of both sexes to take unpaid leave to care for their newborn or newly adopted child. The maximum period of leave is 52 weeks, which may not extend beyond the first anniversary of the child's birth or placement with its adoptive parents. The draft clause also makes provision for part-time work to the second anniversary of the birth or the adoption. There is also an important interaction between maternity leave and paternity leave, as the taking of one depends on whether the spouse is taking the other.

Whilst acknowledging the general community benefits of universal parental leave, the way it is being adopted in the ACT not only is inappropriate but also restricts the individual freedoms of the employer and employee in sitting down together and determining an outcome that best meets the needs of the business and the individual circumstances of the employee. To prove this point let us look at how it is being applied in both Federal and State jurisdictions. The draft parental leave clause is being inserted into the Federal and State, in particular Queensland and Victoria, award systems via individual award variations. New South Wales is the exception that has legislated provisions.

The principal rationale of the Full Bench of the Australian Industrial Relations Commission in introducing parental leave as a draft clause was that it was to provide scope to meet the individual circumstances of the parties to industrial awards and agreements. Thus, negotiated variations to the draft clause were to be encouraged. The Bill introduced into the ACT Assembly, however, does not encourage variations, but instead includes a superseded draft clause - in other words, regulation with no purpose - with no latitude to meet enterprise needs. The Full Bench of the Queensland Industrial Relations Commission refused a general ruling so as to allow individual modifications to be effective. As part of its argument it stated that a general ruling precludes a close examination of specific circumstances which may need to be addressed in particular awards and agreements, and prohibitive costs were also said to be involved in giving effect to general rulings.

Prior to the incredible and fantastic victory of the Kennett Government, the Industrial Relations Commission of Victoria in full session also argued that the flow-on of the Federal draft parental leave clause should be instituted by individual award variations to meet special circumstances. This does not occur in the Bill before the ACT Assembly. Rather than legislate for approximately 70 per cent of the ACT work force - the private sector and award free part - and note that this figure is at best an estimate, for parental leave via Mr Berry's Bill, which has proven to be not only technically flawed but also restrictive in limiting choice in the way parental leave is to be taken, would it not be best to introduce a draft code of practice?

Let us look at the Bill and see where it is technically flawed. It has three fundamental flaws. Clause 3 of the Bill broadens the definition of "employee" beyond one that exists within an employment relationship; that is, an employee can be taken to be a person who is employed under a contract for services. As Mr Berry might be aware, very recently a court decision suggested that a contractor is perhaps not subject to things such as the superannuation guarantee levy. This is outside the legal bounds of what constitutes an employment relationship between an employer and an employee. Let me give an example, and some people might consider it to be a ridiculous one. You contract a builder to do an extension to your house and that extension takes 13 months. Under the provisions of this Bill, the builder may then be entitled to parental leave provisions, even though he has no direct employment relationship with you. I will be moving an amendment to delete that clause.

Let us look at the second area where the Bill is deficient. Clause 5 entitles an employee to the full provisions of the draft parental leave clause, set out in Attachment A - Mr Berry's Attachment A - to the parental leave case decision of the Full Bench of the Australian Industrial Relations Commission, given in Melbourne on 26 July 1990. Mr Berry might be aware that this provision has already been superseded by a subsequent decision by the Full Bench of the Australian Industrial Relations Commission - the reference is 1990 AILR, at page 284 - on agreed changes to the draft clause by the ACTU and the CAI. Therefore, the Bill refers to a draft clause that has since been revamped. The Bill will always remain technically faulty when it refers to a draft clause that is continually changing.

Mr Berry: That is rubbish.

MR DE DOMENICO: You had better make sure of your facts.

Mr Berry: It is rubbish to say that.

MR DE DOMENICO: Rubbish to say the truth? Let us look at the third area where the Bill is faulty. The Bill refers to a draft parental leave clause that encompasses provisions for part-time work. This automatically institutes part-time work provisions where they previously may not have existed. This is an intrusion into the way the private sector conducts its business. The provisions for part-time employment must be negotiated between the individual employer and employee and not be subject to legislation.

Mr Berry: Hewsonspeak, it seems.

MR DE DOMENICO: No. There are ways of fixing this, Mr Berry. For example, you can overcome the fact that it has been superseded by other decisions of the Australian Industrial Relations Commission in three ways. You can either amend clause 5 to capture all subsequent changes to the draft clause, as per the Full Bench decision of the Australian Industrial Relations Commission; or the entire clause can be read into the Bill, so that it becomes part of the legislation, as per the New South Wales Industrial Relations Act 1991; or, preferably, and this is what the Liberal Party will be saying, you can put in a draft code of practice instead of legislation.

Mr Berry: A code of practice by agreement.

MR DE DOMENICO: That is right, a code of practice by agreement between employers and employees. That means consultation - something your Government prides itself on. For all those reasons, Mr Berry, the Liberal Party will not be supporting your Bill. It is a faulty Bill.

MS SZUTY (11.29): Mr Deputy Speaker, as a former employer in the community sector, I am aware of the need to ensure that workers not covered by awards receive equivalent treatment to their fellow workers who have award coverage. At times this is not easy. However, I believe that most employers at least try to give their employees the benefits expected in the wider community. It is important that as a society we ensure that there is support for employees whose employers do not feel compelled to provide benefits. I am therefore pleased to see this Bill come before the ACT Legislative Assembly for consideration.

By providing both men and women with parental leave, we as an Assembly reassert the idea that men and women both have a part to play in the early lives of their children, and that we no longer hold archaic views about which parent is responsible for the rearing of children. In the 1990s we are seeing increasing evidence that men also want to share in the parenting of their children. It is important in the emotional development of children to see the role of parenting shared and to perceive that both parents take an active interest in their well-being. Sharing of child-rearing duties should be encouraged, as it breaks down barriers that have been erected in the past by our society's former strict rules on employment.

It is important that we disregard stereotypes so that male and female roles in a relationship are seen as capable of being shared equally. It is not uncommon nowadays to find men who take on more of the nurturing role with their children. Whereas a house husband was once an oddity, males who choose to take a major part in their children's early development are now more common. The support this Bill gives to that joint responsibility for child rearing, as well as its recognition that men and women have a right to enjoy both their place in the work force and their parenting responsibilities, will be appreciated by many in our community.

Adoption leave is an important part of parental leave provisions, as it recognises the needs of parents of children who are not born into families but come at some later stage. Adopting a child is a tumultuous time for families, when they open their homes to a newcomer, often with a much longer time to wait than the nine months of pregnancy. I am pleased that this important element of our society's way of caring for children is given the recognition it deserves as true parenting. We will deal with adoption issues in more detail at a later time. However, at this time it is important that it be recognised as parenting.

Other issues were also considered with some sensitivity in the parental leave case decision of 26 July 1990 by Justice Cohen, Deputy President Moore, Deputy President Polites, Commissioner Griffin and Commissioner Turbot. Circumstances including where the pregnancy does not end happily with a live, happy baby, and the issues of miscarriage and stillbirth, are given explicit treatment, which gives parents support at an extremely stressful time in their lives. If I have one criticism of this initiative by the Government, it is that it has taken some two years to adopt the recommendations of the Full Bench of the Australian Industrial Relations Commission with regard to this matter.

Some 25 per cent of the private sector work force in Canberra has had to wait 27 months before it has gained the legislative support needed to confer on it the same rights enjoyed by the public sector under awards which incorporate the parental leave provisions. We as an Assembly must look more carefully at the mechanisms we use to implement such decisions as they are handed down and without undue delay. As I have said before on other occasions, it is important that, as a self-governing Territory, the ACT set an agenda for itself in the areas of enhancing community life that Canberrans regard as important. Mr Deputy Speaker, I commend the Bill to the Assembly.

MR STEVENSON (11.33): The media release put out by the ALP on this matter has the heading "Leave to be a right". It does not talk about the fact that it creates an obligation on all businesses, and this is usually the situation. We hear about rights; but very rarely do we hear about responsibilities or, in the case of business, the obligation. If business has an obligation to do these things, where did it come from?

One of the things I ask about this legislation is: Who called for it in Canberra? What problem is it trying to solve? Where was the consultation with employer groups? We have been contacted by many employers and employer groups, and they tell us, as unfortunately is usually the case, that they were not consulted. It seems that the ALP supports some unions, but not all unions. They will support employee unions, but ignore employer unions. So, it is not the principle of unionism, the principle of association, that is agreed with here. It is just the principle of the unions they happen to agree with, that are part of the ALP, that are an arm of the ALP. That is perfectly acceptable. I make no claim whatsoever that there are not useful activities achieved by unions, and I would never state that there were not some horrendous casualties caused by the actions of some unions. The point is that the ALP does not support unionism, because it largely ignores employer unions.

This type of legislation is the sort of impost on small business that has created the situation we have in the ACT and Australia at this time, where we have vast unemployment; where we have business after business closing down; where you can go in off the street and ask any business person in the ACT how he is doing, and the vast majority of them say, "Things are bad". Many of them are charging 1987-88 prices and working longer hours. I talked to a person in a fish shop yesterday. I said "How is it going?", and he said, "It is not good". They are now working longer hours for less money than they made previously.

How many more signs will we see saying "Closing Down Sale", as we saw yesterday from a well-known menswear company which is closing down in Belconnen? More and more. Yet some politicians, with their heads in the clouds, blissfully sail on, creating more unemployment and creating a business environment that prevents businesses from employing people, that forces people onto the dole, that forces them to feel bad about themselves because they do not have a job, that takes more and more money from the productive element in society to give handouts that result in fewer people having the money to expand their businesses and fewer businesses being able to employ people.

Let us look at some of the effects of this legislation. First of all, there is the injustice that is done to the person who has to be taken on part time. That person knows in no uncertain terms that the employer is obliged to fire him in a period of time. We do not know what that period of time may be; it could be up to a year. Is this the sort of activity that is going to encourage an employee to work

hard, to put his heart and soul into a business for a long-term benefit? Is it the sort of activity that is going to encourage an employee to create a career in a particular business, or will it encourage him to look for full-time work? Naturally enough, an employee, unless he wants to go on the dole, would have to start looking for full-time employment because he would know that this was only a part-time job. That is a tremendous injustice to the worker.

Ossie Kleinig of the Canberra Business Council has said that it will need a separate work force to replace people on parental leave. It will create a separate work force of part-time people. Although many members of the ALP may not know this, when you put on a new employee it is highly likely that that employee is not particularly productive for some months. It is held in many quarters that it takes six months for an employee to become fully productive. The employer has a choice here. He can decide not to put anybody on and try to struggle through with the staff he has, working longer hours. I think employers working longer hours is a common thing in Canberra, as it is around Australia. What concerns does this create? Employers do not spend as much time at home with their family, with their children. They do not spend as much time in other community activities as they might like. Why? Because of economic necessity. It is called "no choice". How is it created? It is created by coercive utopians who know better.

Let me read from *The Australian Achievement: From Bondage to Freedom* by Professor Mark Cooray, who is associated with Macquarie University:

> The most dangerous enemies of civilisation are not necessarily evil people. They are idealists (subject to qualifications stated below) who wish to use the police power of big government to impose their views and perspectives on others. They often do not enjoy majority support among the public. They reject the evolved experience of the ages.

He goes on:

> The phrase "coercive utopian" is a more apt description than "reformist". It does not however apply to all reformists. It applies to those who seek to use the power of the law beyond acceptable limits ... It does not apply to those who seek to remove necessary restrictions on freedom. Reformists (so-called) often do not enjoy community support for their legislatively imposed and bureaucratically or judicially enforced changes. They therefore hide their real aims and introduce coercive measures gradually and incrementally so that people do not know what is happening and the opposition is divided and diluted. Modern coercive utopians have developed to a fine art the ability to hide the reality of what they are doing under the cloak of moderation. Their efforts in this respect have been assisted by the general failure of liberal and conservative politicians (a few exceptions apart) and people who believe in liberal values, to mount an effective counter attack. Thus, the coercive utopians are idealists (subject to qualifications stated below), who wish to impose their views and perspectives on others. They want to use the authority of government to achieve their ends.

> An important distinguishing mark of the coercive utopian is his preference for regulation as against education. The preference of the true liberal is for education (not indoctrination) and public debate which can bring about change.

I think that is well put. Many people do not understand the coercive utopian changes, the gradualism that is a mark of some politicians in Australia. People do not understand that the horrendous situation we have in Australia - unemployment, the rural industry largely being destroyed, with a farm going down every 15 minutes, the business sector under tremendous attack - is a result of the actions of government.

When these things are mentioned, some people simply have a bit of a smirk on their faces. They know what they are on about. They do not care what is happening. They blithely state, decade after decade, "We have in place these programs that are going to solve this problem, this recession we are having, these crises we are having. We are going to do this, that and the other. We are going to take more taxpayers' money, this never-ending pool of money, and we are going to spend it on correcting the problem". This is what you get from people who know better, who understand that they know what should be done. They know that it is not a matter of gaining agreement from the community; it is not a matter of education; it is simply a matter of creating laws backed up by very stiff penalties and more and more police-type power towards government.

When a person leaves a job, the owner of the business has to keep that job open. He has no choice; he has to. We well understand that many parents who leave to look after children, particularly mothers, do not come back into the workplace, certainly not before 12 months; they may change their minds. What happens then? We may have a situation where an employee has been hired part time, if one is available - although one would not think that would be so difficult, looking at the level of unemployment created by government actions. The employee has finally got a reprieve from the injustice of working with the sack hanging over his head.

Fancy an organisation that says that it supports workers saying, "We are going to have a situation where they are going to be sacked after a period of time". What do the parental groups say about these things? What about the Australian Family Association, the Australian Federation for the Family? Do these organisations ever get consulted by these coercive utopians? This leaves the ball game totally in the hands of the employee. The employer gets no say in the matter. It places a great hardship on the employers, the people who create jobs, the people who make the world go round, as it were. It may be a surprise to people in government; but it is not they who make the world go round, it is people who create production and productive employment. There may be a situation where the business owner is sick or overseas, where there is a downturn in business or even an upturn in business. It may be something that places tremendous hardship on the business owner. We heard yesterday that many business owners already have not been able to take these imposts by government - the various taxes and so on that are required, the time spent on regulations, the worry about all these things as they are created.

As I mentioned in the Assembly recently, some time ago we had a situation in Australia where one per cent of the wealth of Australia was held by, I think, 10 per cent of the population. Now 10 per cent of the wealth is held by one per cent of the population, or some incredible turnaround of that degree. I think it could be said that the ALP under its agenda could not do more to create hardship for business, to create unemployment, if it were doing it deliberately.

MR LAMONT (11.47): Madam Speaker, it is with great pleasure that I rise to participate in this debate today. I believe that it is incumbent upon those of us who have worked extensively in the private sector over a great deal of time to correct the misimpressions that have been given by speeches such as the one we have just had the unfortunate experience of hearing.

The realities are far different from those espoused by Mr Stevenson and, indeed, the Liberal "frightpack" policy that was debated by Mr De Domenico a little earlier. The realities are that we are talking about 12 per cent of the work force in the ACT who are not currently covered by the same or similar provisions. That 12 per cent of the entire work force in the ACT are currently denied that which 88 per cent of the work force have been able to avail themselves of for a considerable period of time. It is not creeping utopianism, as Mr Stevenson would have us believe, that brings this matter before the Assembly today. It is an improvement to what is the community standard for 12 per cent of the work force. It is no more and no less than that. It is bringing a very small minority of the work force into a proper position of equality with the rest of the work force in the ACT.

What may surprise Mr Stevenson is that this is a process that has seen the standard of living enjoyed in this country, and generally around the world, brought to the level it is. Through debate and discussion by forward thinking people, conditions or standards of living have been determined and maintained and improved since the Industrial Revolution. The process Mr Stevenson elaborated on and discussed would have seen us still with 12-year-old children in the pits of England. That is what Mr Stevenson is suggesting should be the way we as a community treat these matters.

Mr Stevenson: On a point of order, Madam Speaker: Has not the member to relate his remarks to what I have said and not present mistruths about what I have said?

MADAM SPEAKER: I am sorry, Mr Stevenson; I do not understand that point of order. Would you please continue, Mr Lamont.

MR LAMONT: I was drawing a quite proper conclusion, which is the only conclusion I believe can be drawn from the way Mr Stevenson has presented his argument this morning, as to why we should deny 12 per cent of the work force in the ACT these quite proper provisions in the Government's Bill. I believe that it is a Bill that any government in this country would be proud to have on its legislative program.

Where the quite proper net of the Industrial Relations Commission has failed to pick up a group of workers in the ACT, we as a government have seen the obligation we have, and the legislation before us has been introduced to right that quite improper wrong. That is what this argument is all about. It is not about small business, because those areas that are award free in the ACT are, in general,

not just small business. There are a number of employers who will be covered by this legislation - as an example, those who employ more than 20 employees. In the arguments put forward in this house yesterday on another Bill, they were not regarded necessarily as being small employers. This Bill goes across a wide range of organisations in the ACT. Nevertheless, it covers only 12 per cent of the total work force. There are many reasons why that 12 per cent of the work force is not currently covered. It could be that there are simply no awards in the ACT to which the parental leave provisions could be attached.

Madam Speaker, I digress for a moment, hopefully, to educate at least Mr Stevenson about the way the Industrial Relations Commission works. Here in the ACT, unlike all other States - - -

Mr Berry: Give up on Tony. He will never understand.

MR LAMONT: Yes, I have given up on Tony. Unlike all other States, except for the Northern Territory, we have a provision which allows awards to become common rule awards. That means that, once the award has been determined and negotiated, it can be determined a common rule to apply to everybody covered by the incidence clause of the award. That opportunity is not taken up, however, by all employer organisations and trade unions with coverage in the ACT. It may be that they are named respondent awards, whereby every single employer covered by that award needs to be named in the award. That happens rarely, but it happens. To give an example, and that is all it is, it may be that in one part of the hospitality industry an award may not be a common rule for a particular area, so each employer in that area needs to be covered by name. If somebody starts up or somebody closes down or there is a change within that part of the industry, they are not covered by the award; they are award free.

This Bill proposes to pick up the interests of the employees in those circumstances, to make sure that they have the benefits of the Parental Leave Act extended to them. That is what we are proposing to do - a quite proper position for government to adopt. We have debated in this Assembly over the last three years a whole raft of legislation that applies to a minority within the community, specifically directed to correcting a wrong that exists for a whole host of reasons. It could be that national legislation does not cover a particular issue. That is the role of this Assembly. The role of this Assembly is not only to look after the strong and the powerful but also to look after the weak and the unprotected, and that is what this Bill proposes to do. It says that, where there is a procedure that all employer organisations in Australia have participated in over the last six or eight years - that is, the parental leave provision - and the processes have not picked up that provision here, this Bill will do so.

It cannot be argued that the parental leave provisions in general are not universally supported in this country. The Business Council of Australia, in general and on principle, supports parental leave. The Confederation of Australian Industry, in general and on principle, supports parental leave. The Australian Road Transport Industry Association, of which I have some knowledge, in what is predominantly a male industry, supported parental leave provisions in transport industry awards around this country as long ago as 1985. We are fortunate that in most of our awards here the common rule provisions I alluded to earlier allow for the extension of these award conditions and the decisions of the commission to be extended to all employees.

It is absolute nonsense and piffle for anybody to suggest in this Assembly that this Government is going out to create an impost on private employers which will send them out the door backwards, when it already applies to the overwhelming majority of employers in the ACT. Some could say, if they were unkind, that there may be some - a very few, but some - employers who deliberately attempt to stay out of the award system to absolve themselves from the proper responsibility of award wages and conditions. I note that you look at me askance, Mr Cornwell, and in general I would have to say to you that the majority of employers in Canberra are honourable employers.

Mr De Domenico: Through the Speaker, please, Mr Lamont.

MR LAMONT: Madam Speaker, thank you for allowing me to address my remarks directly to Mr Cornwell on that matter. The majority of employers in the ACT are good employers. Yesterday when we were debating the Occupational Health and Safety Bill and the reduction of numbers for the designated work groups, Mr Westende indicated the history of the company with which he is associated. Mr Westende has a right to be proud of the health and safety record of Instant Office Furniture and its associated companies. Members of the Transport Workers Union whom he employs are also proud of their record at Instant Office Furniture.

Mr Westende's company is also a respondent to the Transport Workers Award 1982. That award has parental leave provisions contained within it, and Mr Westende's companies and associated organisations have since 1986 been respondents to that award. But what happens if one of his associated companies is in direct competition with somebody around the corner who has slipped through the net and does not have to pick up those entitlements? It may be small, but there is a commercial advantage against Mr Westende and to his competitors in that circumstance. That is another matter that should be taken into account.

The parental leave provision and similar provisions have been supported over a number of years for exactly the reason Mr Westende has been able to say that he has a very stable work force over very many years. Mr Westende**,** through Instant Office Furniture and its associated companies, has a highly expert work force who have been trained over an extensive period in the nature of Mr Westende's business. He has about seven employees directly in Instant Office Furniture, as I understand it.

Mr Kaine: Are you telling him that or are you telling us that?

MR LAMONT: I am telling you that.

Mr Westende: I thought I had 32.

MR LAMONT: I thought you had seven in the transport industry, Mr Westende. The TWU may check that information. I draw no further conclusion from that. What has happened is that Mr Westende in his company has been able to build a highly efficient work force, as he has indicated, with a great deal of expertise built up over a long period. Mr Westende, on a permanent basis, could have had that pool of expertise denied to him. Under previous provisions, if one of his workers became pregnant it was, "Bang, you are out the door. See you later". That is it. You have lost them.

Mr De Domenico: Especially if it is a man, I tell you.

MR LAMONT: It is that sort of ridicule that I would expect from you, Mr De Domenico, because that is about your depth of understanding of these issues. A great deal of expertise has been able to be retained in the work force to make our industry more efficient. The costs associated with employing people are less because the level of training is reduced. You have expert workers, trained workers, able now to re-enter the work force, whereas before that opportunity was quite often denied.

A permanent employee might be taken on and there would be no slot for these people to come back in at the end of the period of parental leave. Without doubt, there have been some difficulties experienced in that situation, but the interesting thing is that they have been worked out between employers and employees - exactly the process you were suggesting, Mr De Domenico. They have been worked out within the framework of the regulations, either under the Conciliation and Arbitration Act or under State Acts around the country. We are suggesting that, if there are difficulties, there is the opportunity for them to be worked out between the employer and the employee.

I welcome back to the chamber the Leader of the Opposition, who I know has a longstanding commitment to the issue of parental leave. I have heard him speak in the past on the merits of this matter, and it will be heart-warming to hear him support the Government's legislation on this day.

MR MOORE (12.03): Madam Speaker, I rise with pleasure to support this Bill. I am particularly delighted that it should be called the Parental Leave Bill rather than the Maternal Leave Bill. I have experienced the great pleasures of being the house spouse. I know that some people like to use other terms, but I rather like the term "house spouse". I liked it then, and I still like it. It has a nice ring to it. I was fortunate enough to be able to get back into work. However, one of the major factors in making a decision as to whether a particular parent can spend some time at home with the children is the ability to find work at the end of the time.

By legislating in this way, I believe that we are providing people with the opportunity to spend more time with their families in bringing up their children. I would have thought that, with that in mind, the Liberal Party in particular, who are so keen on family values, would have taken the opportunity to support such a positive move. It ensures that the family has the sort of support the legislature can provide for it. It is therefore with great pleasure that I offer my support to this Bill.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (12.05), in reply: Madam Speaker, I will deal with Mr Stevenson's contribution first. He asked, "Where does it come from?". I must say that that was a contribution that was aimed to mislead, as if there is something wrong when we move to improve the rights of working people out in the community. Mr Stevenson might not have noticed, but the history of this country has been about trying to improve the living standards of Australian people, and we will continue to do that. After all, we have the responsibility, as people in government, to improve the living standards of people wherever we can. We are merely caretakers of the existing wages and working conditions and general living conditions in the community. It is our obligation to move to improve them at all times.

To call the improvement of workers' wages and conditions utopianism is an absolute joke. It is an attempt by Mr Stevenson to create disquiet and discomfort in the community about something that is not wrong. It is a perfectly ordinary thing for governments to do. It is a perfectly ordinary thing for people generally to do. What is not acceptable is to create the impression that something is wrong when people move to improve the lot of others. If Mr Stevenson used more of his time improving the lot of other people instead of trying to create disquiet and discontent in the community about matters with which government is concerned, we would be better off. I am sure that he relies for his electoral support on creating that sort of disquiet and unrest.

I point out to Mr Stevenson, too, that it is not only Australia that is concerned about the improvement of wages and working conditions. On this particular issue I refer to my introductory speech, where I dealt with International Labour Organisation Convention 156. Mr Stevenson has never been a supporter of international conventions; he describes them as big government, I think, and tries to create the impression that internationally people are doing things to others which are wrong. In the area of wages and working conditions, ILO convention 156 makes it very clear. I am a supporter of this convention, and I suspect that all Australians would be. Clause 1 of article 3 states:

> 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.

I am proud to support that. Mr Stevenson obviously does not. Article 7 is even more specific. It reads:

> 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.

Mr Stevenson would have pregnant women sacked, as would the Liberals.

Mr Cornwell: What nonsense!

Mrs Carnell: I bet Lou has never sacked anyone who is pregnant, and I certainly have not.

MR BERRY: You are opposing the introduction of this legislation, and it aims to prevent women from being sacked. Article 8 states:

> Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

I turn now to ILO recommendation 165, which is associated with the convention. It refers directly to parental leave, as follows:

> 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.

What we also have to bear in mind when things are tough out in the work force is that it is in these times that people are most affected by loss of employment. Family responsibilities are not suspended during a recession, and this legislation aims to ensure that workers who need protection get it; that is to say, about twelve-and-a-half per cent of the work force perceive themselves to be award free and would be covered by this legislation. So, it is a very important and positive move to look after these people, to create a level playing field for workers who are not protected to the extent that this legislation sets out to provide.

Mr De Domenico carps about people coming to agreed positions in relation to what their conditions might be. You will understand, I trust, although it did not seem so evident in your speech, that, if workers argue for and achieve an award condition in the Industrial Relations Commission, that award condition will override this Act.

Mr De Domenico: Then why legislate?

MR BERRY: Because they are not covered now. They do not have the provisions that will apply when this law comes into operation. If people who are award free become covered by an award and that award later on contains provisions that relate to parental leave, it will override this Act. So, it is a very clear opportunity for employers and employees to get together and gain coverage where they are not covered at the moment, and it will override these provisions that we have set out to put in place.

One most important thing that I need to point out to members of the Assembly is the differing positions we have amongst the Liberals. The Liberal-led Alliance Government - Trevor Kaine's Government - supported parental leave. They said in the Industrial Relations Commission on 19 March 1990:

> If the Commission pleases, the Government of the Australian Capital Territory supports the ACTU claim for parental leave.

That is the very claim that led to the decision in the parental leave case which was tabled in this Assembly when I introduced the Bill. They went on to say:

> This leave would, of course, be unpaid, as is provided for in the Act, and would be available for up to 12 months for those male workers with not less than 12 months' continuous service with their employer. Such leave would be available in the period between the child's birth and its second birthday.

The Liberals supported it once, but do not support it now.

Ms Follett: That was before.

MR BERRY: That was before.

Mr Kaine: We still do. We just do not like your Bill.

MR BERRY: The Bill is faulty now!

Mr Moore: Where are the amendments?

MR BERRY: Where are the amendments to bring it up to speed? The facts of the matter are, Madam Speaker, that this is a progressive Bill aimed to level the playing field for all workers in the Territory. We have an obligation to improve wages and working conditions for all of our constituencies, not just a few - not just the powerful ones, as has been said, but also the weak ones. The Labor Government has moved not only on this matter but also on occupational health and safety, to ensure that people in the community who are unable to protect themselves have a form of protection that hitherto they did not have.

The Industrial Relations Commission in July 1990 established a national standard for parental leave. In terms of the Bill, the provisions can be amended from time to time to catch up where it is considered necessary, and that will be the case. Where conditions outstrip the provisions, then catch-up provisions will be put in place from time to time. I would consult, as I did with this piece of legislation, with the members of my Industrial Relations Advisory Council, where employers were represented.

Mr De Domenico: How many employers were on it?

MR BERRY: A significant number of employers.

Mr De Domenico: How many?

MR BERRY: I think, three employer bodies, and they represent employers in the Territory. If the employers do not like what their representatives are doing, I say to you, Mr De Domenico, that they ought to get rid of them and put some new ones on.

Mr De Domenico: Did you consult them also on occupational health and safety?

MR BERRY: Indeed.

Mr De Domenico: You did, did you? Then, they are all lying? All those 140 people that were there last week were lying, were they?

MR BERRY: You are getting a bit agitated about it because you have been caught out. Employers have been consulted fully.

Mr De Domenico: Absolute garbage! Rubbish!

MR BERRY: The Liberal anti-worker agenda starts to sneak through. Attack the workers. It is always attack - - -

Mr De Domenico: It is just untrue. What you just said was untrue.

MR BERRY: Employers in the ACT were consulted fully. They had the opportunity - - -

Mr De Domenico: Untrue.

Mr Connolly: Madam Speaker, is Mr De Domenico going to withdraw that interjection, "Untrue"?

MADAM SPEAKER: Mr De Domenico, the veracity of a statement does not belie the fact of unparliamentary language. I have ruled on this before. You are not permitted to accuse anyone of lying. I ask you to withdraw.

Mr De Domenico: I did not accuse anybody. I said that the statement was untrue.

MADAM SPEAKER: If that was the intent of your statement, rather than accusing someone of being a direct liar, I will let it pass this time. I will allow no imputation of anyone being a liar to go through. Please continue, Mr Berry.

MR BERRY: Madam Speaker, only truth flows from my lips. Employers were consulted.

Mr De Domenico: That statement is untrue.

MR BERRY: That is an imputation.

Mr Kaine: Your earlier statement was that they were consulted fully. That is a different thing.

MR BERRY: Only the truth has been told, Madam Speaker, and the imputation is that an untruth was made. That imputation ought to be withdrawn in the interests of - - -

MADAM SPEAKER: Mr De Domenico, you are pushing a very fine line there. Saying that it is untrue directly after Mr Berry made a statement is a direct imputation that what Mr Berry was saying was untrue. That second statement was a direct imputation. I would like you to withdraw the second one, not the first one.

Mr De Domenico: Madam Speaker, I cannot - - -

MADAM SPEAKER: You are not permitted to debate points of order or rulings on my part, Mr De Domenico. I repeat: Mr Berry made the statement directly, "I am not stating an untruth". You then said, "It is untrue". The imputation is therefore directly clear that you are accusing Mr Berry of lying in that particular instance. In that particular instance, I will ask you to withdraw that comment.

Mr De Domenico: I will withdraw in that particular instance, Madam Speaker; no other instance.

MR BERRY: Good lad.

Mr De Domenico: On a point of order, Madam Speaker, can I suggest to Mr Berry that the words "good lad" might be replaced by "Mr De Domenico" or "the member opposite" or something.

MADAM SPEAKER: That is appropriate, Mr De Domenico. We should refer to one another by name.

MR BERRY: I withdraw. Good on you, Mr De Domenico. As I have already pointed out, the Alliance Government supported the ACTU position on parental leave, and it puzzles me that they would turn around on this legislation.

The Bill provides equal rights to parents adopting children; maternity leave - up to 52 weeks unpaid leave and six weeks compulsory leave following confinement; paternity leave - one week's unpaid leave at time of spouse's confinement and up to 52 weeks to be the primary care giver; 12 months' continuous prior service to be eligible; leave is a net entitlement to be shared between spouses and does not go beyond the first birthday of the child.

Again, I emphasise that in these times, when employment opportunities are difficult, it is most appropriate that employees who become pregnant or who otherwise wish to avail themselves of parental leave are provided with protection where they do not have it through the award system or the non-award system. In cases where those with award protection for these conditions become entitled by way of negotiation and either conciliation or arbitration in the Industrial Relations Commission, those provisions would override the Act. Indeed, in any award amendment that involved consideration by the Industrial Relations Commission, it is unlikely that the provisions that flowed would be any different from the national standard. This legislation picks up the national standard for non-award and award areas where there are no provisions in the ACT. I think the Liberals have been shown to have done a bit of a double dance on this one. They supported it once; Trevor Kaine supported the legislation. He supported the submissions that went to the Industrial Relations Commission and resulted in these very fine provisions that we are providing for ACT residents and those who work in the ACT by way of this legislation. We will carry out our role of improving the working conditions of workers and being the caretakers of those conditions already in place.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 9	*NOES, 6*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Ellis	Mr De Domenico
Ms Follett	Mr Kaine
Mr Lamont	Mr Stevenson
Ms McRae	Mr Westende
Mr Moore	
Ms Szuty	
Mr Wood	

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

Sitting suspended from 12.22 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Agency Heads - Selection Process

MR KAINE: I would like to address a question to the Chief Minister as the Minister responsible for the public service. Chief Minister, in response to a question yesterday the Minister for Education said that the inclusion of political staffers on interview boards for senior officer appointments was now the norm in the ACT. Do you support the Minister in saying that the politicisation of the appointment process for senior public servants is now the norm in the ACT? If so, when did it begin?

MS FOLLETT: Madam Speaker, members opposite have been trying to make a scandal out of the appointment of Ms Vardon for some five question times now. I would put it to them that if there is a scandal - they seem to believe that there is - then they ought to put it on the table. They really are flogging a dead horse on this issue. I think it is utterly disgraceful that they seek to denigrate an appointment of the person best qualified for that position - a position which is very sensitive and a position in which the community, the education system and, of course, this Assembly must have confidence. I think it is shameful that they continue to run this line. As I say, Madam Speaker, if they have a scandal, they have to put it on the table. We have been going on and on with this for five question times.

Madam Speaker, in June of this year the Government did recognise that there was a need to clearly spell out the processes that we would follow in making appointments to agency head positions. That need was highlighted clearly by the vacancies which had occurred - the Under Treasurer's position and also the Secretary of the Department of Education and the Arts - and the impending expiration of the appointment of the Secretary of the Department of the Environment, Land and Planning. We also recognised, Madam Speaker, that the fixed term statutory nature of the appointment of agency heads was a factor and, accordingly, the process for their appointment differs from the process for the selection of public servants.

The Government also agreed that the principles of openness, fairness and selection on merit should underpin the process for those appointments. Accordingly, we decided that a merit selection would be followed in those appointments, that positions in all cases were to be advertised, that the field of applicants could be augmented if that was seen as necessary, and that the responsible Minister should consult with me about the appropriate interview process. So, it was a conscious decision of the Government and that decision was put on the public record at the time that it was made by way of a press release, Madam Speaker, which went out on 24 July 1992.

I would like to add, Madam Speaker, that that approach was determined after we had examined the processes in other government services across Australia, because they have also needed to recognise the different nature of these sorts of appointments from the general public service appointment. There is, of course, as I am sure members opposite would recognise, a special relationship between an agency head and her or his respective Minister. So, Madam Speaker, we have agreed on that process. We have taken a conscious decision upon it and we have been very public about it.

I would like to say, Madam Speaker, that our approach is in marked contrast to that employed by Mr Kaine when he was in government. I ask members to recall the appointment of the Auditor-General. At the time that that appointment was made by Mr Kaine, Madam Speaker, I was in the Northern Territory with two of Mr Kaine's then colleagues, Mr Jensen and Ms Maher, from the Public Accounts Committee. We were there to study, amongst other things, the processes and procedures for the appointment of an Auditor-General. We were advised in the Northern Territory that Mr Kaine had made an appointment. There was no apparent advertising of that position, although it was vacant; there was no apparent merit selection process. Mr Kaine had simply chosen the person he thought was best for the job. Of course, he had a right to do that, but whether that is seen as an open and fair process is another matter indeed.

I think it is also fair to say that at the time, and after that appointment was made, the then Opposition refrained from casting aspersions upon the incumbent because there was clearly a need for the community, for the parliament and for everybody concerned to have confidence in that position. I commend that course of action to members opposite. Madam Speaker, I think it is shameful the way they have continued to run this issue, although they quite clearly have nothing of substance on which to run.

MR KAINE: I have a supplementary question, Madam Speaker. The Chief Minister outlines a process which, prima facie, is a very fair and proper one; but she did not answer my question. The thrust of my question was the politicisation of the interview process, the intrusion of political appointees into the selection process. I again ask the Chief Minister: Is it the norm now for interview boards for senior officers of the public service to have a political appointee, a watchdog on the public servants and the other people conducting this interview process, appointed to such a board?

MS FOLLETT: Madam Speaker, I would say that it is the norm in some other States for the Minister herself or himself to sit upon such a selection panel. That is the norm. It is not in any way uncommon for that to occur, and, as I say, there is a special relationship between an agency head and the Minister. Mr Kaine, quite clearly, recognised that when he, without any sort of a process, made the only appointment to a vacant position made while he was in office as Chief Minister. As I have said, the question of the interview process and the selection panel is one which is decided between me and whichever Minister is concerned, and I stand by Mr Wood's comments. It is, in fact, the norm for that kind of situation to occur. The alternative is for the Minister to sit on the board. We have decided that that should not occur.

Australian Football League Team

MS ELLIS: My question is directed to the Deputy Chief Minister in his capacity as Minister for Sport. Being a keen fan of Australian rules football, I ask the Minister: What is the Government doing to support a Canberra bid for an AFL team?

MR BERRY: Madam Speaker, the full board of directors of the Australian Football League met on the evening of Wednesday 14 October, and deferred consideration of the future of the Sydney Swans for a week. Members would have seen that widely reported on television and would have seen it in

the papers. Until the AFL board has reached any decisions about the Swans, it would be premature to speculate about the possibility of a Canberra team in the AFL. The Government, of course, would be supportive in the event of a Canberra bid being made. It has been clearly demonstrated, Madam Speaker, that Bruce Stadium is suitable as a venue for AFL games. The Government has been providing advice and assistance to the committee preparing a Canberra bid. An existing solid base of Australian rules in the ACT and the southern region of New South Wales would be expected to result in significant public support for a Canberra based AFL team.

It is important, whilst considering the issue of a high-level team, that we also give some consideration to the local Australian Football League. The Government has been providing some assistance to the ACTAFL in order that it can develop further. Without that sort of development work, the league is in some difficulty in developing at the top level. It is most important that the league develop strongly, and there is evidence to suggest that that is occurring.

For any bid to be successful in relation to the Swans or any other team that might find their way to Canberra, it would be necessary for the bidding parties to demonstrate substantial private sponsorship and that a Canberra team could operate on a financially viable basis. There is a limit to the corporate sponsorship that is available in the Territory, largely because of its size. There is only so much money out there available for private sponsorship. I am sure that there would be a range of sponsors out there who would be willing to support an AFL team in the ACT. I certainly would like to see it happen. I am only a recent convert to the game. I have enjoyed a couple of good games.

The Government will continue to monitor progress on the development of a Canberra bid and the deliberations of the AFL. Discussions have been held this week with the AFL for Canberra Committee, and further discussions will be held as necessary. Madam Speaker, we are keen to see a high-flying AFL team, if I can call it that, in the ACT, and we would be happy to support the continuing growth of the game to that level in the ACT. Meanwhile, largely, we have a watching brief as people work out their own positions a long way from here. We will continue with that brief and maintain our support for the sport in the ACT.

Supply and Tender Agency

MR WESTENDE: Madam Speaker, my question is directed to the Minister for Urban Services, Mr Connolly. The Minister recently announced that he would be considering setting up a supply and tender agency. Could the Minister indicate the timeframe for setting up such a supply and tender agency, and when would it be likely to commence operating?

MR CONNOLLY: I thank Mr Westende for his question. This proposal was announced during the budget and it received quite warm endorsement from the Canberra Chamber of Commerce. My understanding of where the matter is to date - I had this checked this morning after Mr Westende had the courtesy of mentioning to me that he was interested in the matter - is that officers of the Department of Urban Services have been in preliminary contact with the chamber with a view to sitting down and working out together how we might approach Canberra business with a view to getting expressions of interest from producers of goods or services.

The concept of the supply and tender agency is a way of encouraging local business while at the same time complying with the intergovernmental agreement which prevents us from having a conscious policy of preference in purchasing for local business. While we cannot give a conscious preference to local business, we can ensure that local business is fully aware, in advance, of the ACT Government's purchasing requirements for both goods and services, and that ACT government agencies are fully aware of the production possibilities of ACT business in relation to goods and services. Compiling the list of our needs and what the local business community can provide should, at least, put local business on a footing where they can compete equally or more than equally with interstate business and mean that, all things being equal, in most cases the local business would win the tender fairly, we hope.

Tourism Commission

MS SZUTY: Madam Speaker, my question without notice is to the Chief Minister, Ms Follett, in her capacity as Minister for tourism. As the Chief Minister is no doubt aware, the ACT Tourism Commission comprises a number of commissioners representing various sectors of the tourism industry who meet together regularly to discuss matters of interest and concern regarding tourism in the ACT and the region. What is the future of the ACT Tourism Commission, and particularly the terms of office of current commissioners, as it is currently structured?

MS FOLLETT: Madam Speaker, I think Ms Szuty, to an extent, is asking me to speculate on the future of the Tourism Commission. I can only say that I am pleased with the way it is currently operating. I do not have it in mind to change that. I realise that there are a couple of vacancies on the board of the commission. They will be filled as soon as is reasonably possible. I think the Tourism Commission has done a particularly fine job in streamlining its own operation, in living within its budget last year, which was a reduced budget, and in maintaining its effort on its prime task of marketing the ACT despite the fact that it was operating with a reduced budget.

As I say, Madam Speaker, I am satisfied - indeed, pleased - with the way the commission has been performing its function. The current budget adds to the Tourism Commission's functions a special new unit for events and the development of new events for the ACT. Other than that growth of the role and funding of the commission, I do not plan to make any changes to the structure.

New Legislative Assembly Premises

MADAM SPEAKER: I call Mr Cornwell.

MR CORNWELL: Thank you, Madam Speaker.

Mr Stevenson: I raise a point of order, Madam Speaker. I believe that the standing orders require that the person first on their feet get the call.

MADAM SPEAKER: Mr Stevenson, I am aware of the standing orders. It depends entirely on who the Speaker sees.

MR CORNWELL: Madam Speaker, my question is directed to you as the chairman of the Administration and Procedures Committee and relates specifically to the reference on the provision of new Assembly premises. Has a contract been let or has any agreement been reached with any local art gallery to supply paintings for the new Legislative Assembly building?

MADAM SPEAKER: No, Mr Cornwell, no contract has been let; nor has anyone been asked to supply. There certainly has been a lot of interest in it, but nothing has been done along that line.

MR CORNWELL: I have a supplementary question. Could you advise when a decision may be made on this matter? I presume that it will be further down the track.

MADAM SPEAKER: Much further down the track and after much more consultation, Mr Cornwell.

Security Industry Regulation

MR STEVENSON: My question is to Mr Connolly. Would the Attorney-General please state whether he has an intention to legislate to license or otherwise control security system installers, bouncers and other people involved in that trade? If action is contemplated, would he indicate what problem or problems exist in this area which require legislative solution and who called for such action? If there is any evidence available, I would appreciate it if he could present it to the Assembly.

MR CONNOLLY: Madam Speaker, I indicated publicly some weeks ago that this was an area that was causing me some concern as a result of representations I have received. I have convened a working group within my department to look at the issue of regulation of the security industry. There have been problems in Canberra. Bouncers have been involved in quite serious assaults against individuals.

Mr Kaine: They have been doing too much bouncing.

MR CONNOLLY: Indeed, Mr Kaine. People have been quite seriously injured as a result of some of these incidents. There is nothing in the ACT which regulates this industry. A person with a long criminal record of serious assault could be lawfully employed as a bouncer in this town. A person who recently emerged from prison with a long record of housebreaking could set up as a burglar alarm consultant and people could ring a number as a result of a newspaper ad for advice on
- - -

Mr Cornwell: Are you going to deny them employment, Mr Connolly?

MR CONNOLLY: No. There is the old maxim "It takes a thief to catch a thief". Maybe a reformed person could offer some constructive comments in relation to security. It does seem that this is an industry where there is concern. I have discussed the matter with the Australian Federal Police. They have concerns because they often have to deal with the results of assaults on individuals by people who are employed as bouncers. They also have some concerns at the burgeoning size of the local security industry and the fact that a number of people in the security industry do, for example, make application to carry firearms around the community.

The New South Wales Government a couple of years ago did legislate in this area, in particular in relation to controlling bouncers in the Sydney city area. We are unregulated. I think that is an area which could put some ACT citizens at risk. We are consulting with industry at the moment and the department is preparing some policy options for me. They will be carried through the government process in the ordinary way. In due course I will come back to this Assembly, perhaps, with a proposal for stand-alone legislation, or less rigorous measures to control this industry under, for example, a code of practice under the Fair Trading Act, which this Assembly will be debating probably next week. At the moment the matter is under active review and I will come back to the Assembly with a result of that consultative process.

MR STEVENSON: I have a brief supplementary question, Madam Speaker. Mr Connolly mentioned that the area is licensed in New South Wales. If there is going to be a licensed situation in the ACT, would he be good enough to take on board some solution to the problem of people requiring two licences to operate in the ACT and Queanbeyan or other close parts of New South Wales?

MR CONNOLLY: The avoiding of duplication of licences is a sensible policy initiative. Indeed, the Chief Minister this morning introduced the landmark piece of legislation to deal with this at a national level. Yes, that is a very sensible thing to bear in mind.

Traineeships

MR LAMONT: My question is to the Minister for Education and Training. Minister, I understand that yesterday morning you attended a breakfast in relation to traineeships in the ACT at which the principal speaker was Kim Beazley. There were a number of statistics discussed at that breakfast in relation to the take-up rates of traineeships in the public and private sectors. Mr Beazley described some of those statistics as disappointing. Would you please comment in relation to the extent to which those statistics are disappointing?

MR WOOD: Madam Speaker, I noted Mr Beazley's remarks as they appeared in the paper today, and I also took a copy of his speech with me yesterday. He is correct in the sense that he relates those quarters' figures. The figure from the September quarter last year of 101 new trainees was reduced to 67 in the September quarter of this year. If we take a year's perspective, the longer perspective, in fact traineeships have increased in the ACT over the full year.

For example, last year the total number of traineeships was 380. For this year, since all the traineeships for the December quarter are in, we now know it to be 433, or very close to that figure. The latecomers to this scene were the Commonwealth Government. It was their strong inflow with trainees in the December quarter that gave a good balance to the year and which shows that increasing number of traineeships.

MR LAMONT: I have a supplementary question. I note from your answer that there is some suggestion that the private sector take-up rate of traineeships is less than what it may otherwise be or could be. Could you comment on the issue surrounding the establishment of traineeships and the benefits provided to private sector employers?

MR WOOD: Mr Lamont and I have been discussing this matter. He maintains his enthusiasm for increasing numbers of apprentices and traineeships. The private sector plays a role in the ACT in taking on trainees, and so they should, because it is a very good deal for them. The trainees receive 75 per cent of the junior award, so it is a very cost-efficient means of taking on an employee. I understand that there is no payroll tax, so that is an added incentive and perhaps says something about the Opposition's claims that they would employ many more people if payroll tax did not exist. So, the private employers get a very good deal on this. I suppose the statistic says something; that with a 50-50 employment basis in Canberra, 50 per cent public and 50 per cent private, the public sector still provides two-thirds of all traineeships, with the remaining one-third coming from the private sector. I think it is fairly clear that the private sector, with this very attractive offer, could do a great deal more yet.

Agency Heads - Selection Process

MR DE DOMENICO: Madam Speaker, I ask a question of the Chief Minister. I refer the Chief Minister both to her reply to Mr Kaine's question today and to Mr Wood's reply to Mr Kaine yesterday claiming that in the ACT it was common practice for political officers to sit on selection panels for senior executives in the ACT public service. Can the Chief Minister indicate what senior executive selection panels other than the recent panel to select the Secretary of the Department of Education and Training have had political staff as members?

MS FOLLETT: Madam Speaker, I repeat the point that I made before; that if members opposite want to make a scandal out of this they really do have to put their cards on the table. Madam Speaker, I believe that appointments which are made like this and which are on public record speak for themselves. I think that Mr Kaine's and Mr De Domenico's colleague Mr Greiner found that out with his appointment of Dr Metherell. The quality of the candidate is usually apparent, Madam Speaker.

I have answered the question before, Madam Speaker. As I say, if they want to make a scandal, they have to say what it is. The contrast again, as I will say again, Madam Speaker, is with Mr Kaine's appointment of the Auditor-General. Far from having any staffers involved, he did it on his own. He did not even consult his own government colleagues at the time. If the then Chief Minister unilaterally making such a decision is not politicisation, then I do not know what is. You have to bear in mind, Madam Speaker, that the Auditor-General answers

to this Assembly, not to the Government. In respect of that position, where it was quite clearly a matter which should have been attended by the greatest objectivity, I think Mr Kaine fell down. I really do. On making the permanent appointment to that position, this Government took a very different course and did, in fact, have an independent selection panel and merit selection process, and an open and fair process, unlike Mr Kaine.

If members want to go through all of the selections that have been held, then I need to get advice on that; but I can certainly say, Madam Speaker, that there was no hint of politicisation in any of these positions.

Mr Kaine: Well, why are they on the interview boards?

MADAM SPEAKER: Order!

MS FOLLETT: Madam Speaker, the interview panels are made up of a number of people, not including the Minister. Madam Speaker, in Mr Kaine's one and only case, he as the Minister was the only person who had anything to do with it. I think you are shooting yourselves in the foot with this issue. I really do. Madam Speaker, the question has been answered, and, as I say, if members opposite have a scandal they have to come up with it.

Mr Ian Warden has tried his very best to help you out there. I am surprised that you do not take up a few of his excellent suggestions as to what the underlying scandal might be. They really are, I think, wasting question time on this issue, and, what is worse, they are attempting to bring into disrepute a person who is about to take up a very sensitive, very senior and very difficult position. They are doing so for no apparent reason. I cannot detect any reason at all in it. I would suggest to them that they desist, because they make themselves ridiculous.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. I preface the question by suggesting that we are also interested in the process. I agree with the Chief Minister that it should be an open and fair system. I remind the Chief Minister that, like the Auditor-General, she also reports to the Assembly. In light of that, will the Chief Minister provide for members of the Assembly what senior executive selection panels since 30 June 1991 have included members of ministerial staff?

MS FOLLETT: Madam Speaker, to the best of my knowledge, the selection for the head of the Department of Education and Training included one such person, as did the selection of the Under Treasurer.

Consumer Affairs - Business Closure

MRS GRASSBY: My question is to the Attorney-General. Can the Minister inform the Assembly what action consumers in the ACT can take in light of the close of Chris Marshall's business in Sydney?

MR CONNOLLY: Thank you, Mrs Grassby, for the question. Chris Marshall's Sydney business went into receivership on 22 September. It conducted an extensive mail order and telephone order business, retailing electrical goods and the like, which particularly focused on daytime television advertising, no doubt

targeting a particular audience. We have advised ACT consumers who may have ordered from this company to get in contact with the Consumer Affairs Bureau as quickly as possible. To date, some 90 ACT consumers have done so.

Many consumers have paid many hundreds of dollars for goods from this company and there is real doubt as to the extent to which they will recover any of that money. Fortunately, those consumers who paid by credit card have some protection, as the credit providers, under a bank agreement, are able to cancel many of those card orders. Consumers who paid by cheque or money order may have some further difficulty. In order to enable the Consumer Affairs Bureau to make the best possible case to try to assist consumers, I would urge any ACT residents who have ordered goods from this company and not received them to register that purchase with the Consumer Affairs Bureau as soon as possible so that we can do our utmost to try to recover some money for these people.

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

Health Services Consultant

MR BERRY: Madam Speaker, I would like to respond to a question which was raised by Mrs Carnell in relation to an officer in the Department of Health. I undertook to take advice in relation to this matter. May I say at the outset that it is not always pleasant for officers to have their names raised in the Assembly; but, as it has been done, the information has been put together. I am advised that the appropriate response is as follows: Ms Austin has been engaged by ACT Health on a professional services contract since May 1991. That was in the period of the Alliance Government. Her initial role was to assist with the management of the hospitals redevelopment project and to assist with the implementation of some of the recommendations of the Enfield report. Since May this year she has been undertaking tasks associated with the development of new corporate management strategies. In this role she has also continued to advise the secretary on the management of the hospitals redevelopment project and on the management of important change projects in ACT Health.

The general manager (corporate) is one of five jobs reporting directly to the secretary and is not a sole deputy position. I am advised that it is not particularly unusual to employ expert professionals on contracts. People can be engaged under a contract rather than under the Public Service Act. This occurs when functions are performed for particular purposes or for limited time periods, or when particular skills and expertise are required for a limited time. The Head of Administration's endorsement must be obtained to the establishment and functions of senior positions, as well as for the contract period and for the recruitment process.

Cultural Development Consultant

MR WOOD: Madam Speaker, I too have a response to a question asked by Mr Kaine, I think on Tuesday. He asked about the appointment of Mr Roy Forward. In response to Mr Kaine's question, the answer is no; Mr Forward has been contracted as a special adviser, cultural development, for a 12-month period. The duties of a special adviser are to provide policy advice on specific issues on a full-time basis for a given period and usually in an exclusive contractual relationship. As such, these contracts do not fall within the ambit of the Consultancy Review Committee. The Office of Public Service Management was informed of the engagement and approval from the Head of Administration was obtained.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE
Report on the Environmental and Heritage Aspects of Rural Leases - Government Response

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.04): Madam Speaker, I present, for the information of members, the Government's response to report No. 5 of the First Assembly's Standing Committee on Conservation, Heritage and Environment entitled "Environmental and Heritage Aspects of Rural Leases in the ACT". I move:

> That the Assembly takes note of the paper.

Madam Speaker, it gives me much pleasure to table the Government's response to this report which was tabled in the previous Assembly in December 1991. The report contains 38 recommendations and the Government's response gives its agreement to the great majority of those recommendations. For some time there has been concern among our rural lessees about aspects of rural land administration in the ACT. The Government's policies on rural land are clearly delineated in the response to this report. We propose to consult with rural lessees on the development of policies and guidelines for determining appropriate lease terms, and I am sure that our rural lessees and the community will gain considerable encouragement from our approach. In essence, the Government will move to define clearly areas of rural land that can be held under short-, medium- and long-term lease. Generally, short-term leases will be for less than 10 years; long-term leases will run for 25 to 50 years. Land will be identified as long-term rural land on the basis that it should be maintained in the foreseeable future for rural activities, and this will give lessees much greater security of tenure. Land will be classified into the other categories according to the likelihood of it being required for the ongoing growth of Canberra.

We are looking at more equitable arrangements for rural lessees, and this may require legislation to manage the compulsory acquisition of land by the Government. We will provide equitable compensation rights to lessees whose land is compulsorily acquired. Issues such as the withdrawal clauses in current rural leases - an area of great concern to lessees - will also be examined, particularly in respect of longer-term leases. Removing withdrawal clauses and utilising land acquisition legislation when necessary is a far more appropriate mechanism for those rural leases not likely to be required for government use in the long term.

In addition to the issues raised in the report, we will also be examining opportunities for issuing leases over land that is currently held under short-term agistment arrangements. This process, by placing rural land on the open market, could see the first releases for some considerable time of new ACT rural land. By means of rural leasing guidelines, management plans and agreements, we will ensure that ecologically sound practices are followed and that activities on the land will provide for sustainable development. We will also continue the existing practice of ensuring that prospective rural lessees meet eligibility requirements and management standards. Madam Speaker, our rural policies, in concert with our landmark legislation, the Land (Planning and Environment) Act, will place the ACT in the forefront of land management in Australia.

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

NATIONAL FLAG
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received letters from Mr Lamont and Mr Stevenson 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 Stevenson be submitted to the Assembly, namely:

> The need for the ACT Parliament to support the national flag.

MR STEVENSON (3.09): Australia has a proud history and a heritage worth preserving. I could say much about the Australian national flag and the need for the ACT parliament to support it, but I could not say it better than to read this story titled "The Voice of the Australian Flag":

> I am the National Flag of the Commonwealth of Australia.
>
> I belong to you and every Australian, equally and freely.
>
> I was conceived before the dawn of the century. Designed by Ivor Evans, I was chosen over and above some 32,000 contenders.
>
> Although I was never an orphan, I was adopted on that sparkling spring day, the 3rd of September, 1901. I was raised proudly above the Exhibition Building in Melbourne.
>
> I was hailed and celebrated by people standing on the threshold of nationhood. They took me to their hearts.
>
> In that official ceremony, in the presence of our first Prime Minister, I became the chief symbol of a new Nation, embracing the ideals of self-determination, national sovereignty and personal freedom, under God.
>
> I have been hoisted aloft over many buildings - from humble homes to the Houses of Parliament.
>
> I have listened to every Prime Minister declare his allegiance to me, to our Monarch and to our Constitution.

I have witnessed the pledge of each one to protect and defend those freedoms we all cherish, even above life itself.

I am carried with pride in ceremonies and processions.

I have draped the caskets of your National heroes, carried to their last resting place the caskets of Kings and Queens, eminent statesmen, Generals, Admirals, humble Privates and the Unknown Soldier. Wherever free men gather, wherever there is justice, faith, hope, charity and truth, there too am I.

At the tender age of 14 years, I received my Baptism of Fire in World War I. I flew proudly in those early days as we heard the call to do battle alongside those of our own kin. I was carried up the steep hills of Gallipoli and I was there with the men in the trenches - I watched Simpson bring out the wounded on his doughty little donkey ... I breathed the dust of the deserts and rode in glory with the Lighthorse Brigade. I saw our finest sons fall and lie still, in death they had given their last full measure of devotion.

The War was over for them forever, but I kept my lonely vigil over their graves and stayed to watch the flowers grow, amid the crosses, row upon row, in Flanders Fields. Oh, young Australia, I was there with your fathers whom I longed to comfort - look at me again ... lest you forget.

You know me by my distinctive emblems - the Union Jack is the tie that binds us to your ancestors and rich heritage down through the centuries. The upright red cross on a white field is the Cross of St George, patron saint of England. This cross was there when King John set his Royal Seal on Magna Carta in 1215. And it was there when Simon de Montford brought together the very first Parliament in 1265, making England truly the "Mother of Parliaments". I proudly wear 2 other crosses - the white diagonal cross on a blue field is the Cross of St Andrew, patron saint of Scotland. The red diagonal cross on a white field is the Cross of St Patrick, patron saint of Ireland.

These 3 crosses, which perhaps you scarcely understand, unite our heritage in this wonderful land and forge our future in an unseparable bond. The blazing Southern Cross marks our way ahead, while the seven pointed Federation Star joins our states and territories in a single, yet united Commonwealth, all this, set in a field of blue, the blue of our southern skies and of the endless ocean washing our golden sandy beaches and coral shores. We are the heirs to a culture, rich and diverse, we are the offspring child of a great Empire. We have a glorious tomorrow, we are one. Lest you forget!

I have been to many places. I have seen many things.

With our explorers I crossed the icy wastes of Antarctica, and climbed the heights of Mount Everest.

I look down with pride on our mighty sports men and women as they win honours for their country, all over the world.

At every official or memorable event in this land, I hold the position of honour.

Following World War I, we frolicked in our new found liberty ... growth, prosperity, increase and our common wealth. But far to the north in Russia, a new tyranny spewed forth, slaughtering the rich and regal, the lowly and humble, usurping the sovereignty of nations not of its own. We watched from afar, protected by the border of oceans. Then came 1939, and once again we heard the beat of the Warmonger's drums. Again, my heart went out to our brave soldiers, sailors and airmen. I was there with them, in the Middle East, in New Guinea, Malaya, Borneo and many other places. I was trodden in the mud, red with the blood of those brave young Australians, so ruthlessly murdered in POW camps. Lest you forget!

Finally, in '45, peace at last, so we thought. With just a few short years rest, I was again carried into battle, caught up in further hostilities by those promoting war. I watched and praised the endurance and spirit of our volunteers in Korea. I, too, felt the sufferings of our brave sons and daughters in the forces in Vietnam ... Lest you forget!

I am well known and remembered in many places. I am flown every day in the school at Villers Bretonneux in France where grateful children and teachers do not forget their debt to Australian soldiers.

I am many things to many people. To some, I am yesterday, today and tomorrow - an inseparable link in the chain that binds men to God and Country. And because I am on the side of God through our great heritage, there are the godless who seek to destroy me and replace those 3 Christian crosses with plants or animals.

But, they dare not. Why? Because today I am everywhere - in the homes of the humble and the mansions of millionaires. I am in the cities, the suburbs, and in country towns. From coast to coast, right across this great nation, I am raised with pride and dignity.

Oh, my people, you have given so much to be Australian and I am proud that we are one, bonded through trial and triumph. Look at me and remember our heritage and realise our great future. Together we will grow, and all the world will know. You must never allow those who seek to reduce adversity into dust, to grind our treasures into a melting pot. And as you consider the future of your own true identity, remember - I was there in your every hour of loss ... your every moment of glory, so, too, I will be there in all your tomorrows.

Tho proud, loyal and glorious through all my short history, there is one thing for which I need you most of all - I cannot fasten myself to the flagstaff. Lest you forget!

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.16): Madam Speaker, the Government has no difficulty at all in supporting the principle of the MPI that Mr Stevenson has proposed, namely:

> The need for the ACT Parliament to support the national flag.

We do support the national flag. We do that as a government, and I believe that members of the Government individually support the national flag. It is fair to say that national flags are important. They become a recognised symbol that should be valued and respected. There are also other flags of significance in our community - the Aboriginal flag that is on a desk behind me and the Eureka flag, although it is somewhat overly associated with other groups now. Another flag that is perhaps more internationally recognised for Australia than the Australian flag itself is the boxing kangaroo. We need also to remember that national flags change. Indeed, as Mr Connolly said, the basic background colour of the Australian flag has changed in its lifetime. Should Australia's flag change in the future, our support for that flag, however it may emerge in the future, will continue.

So, we agree with this clear statement by Mr Stevenson. It is a simple and moderate and acceptable statement. I will not comment on the flamboyant rhetoric of the speech he read into the record. I believe that generally Australians adopt a sensible attitude to the flag. In this country I do not think there is any significant amount of jingoistic nonsense in politics generally. We do not beat our breasts unduly. We take a practical and sensible approach to things. I do not see in Australia any excesses of flag waving. I think we put the Australian flag into the perspective of Australia as a modern, practical and realistic country. I am sure that that will continue, as will our support of the national flag, whatever its design of the day.

MR DE DOMENICO (3.19): Madam Speaker, I also rise to support in principle the words of Mr Stevenson and Mr Wood. I think there is very little else for me to say. There was a motion on the notice paper, as people are aware, along the same lines. People of all political parties are going to get together and discuss that, and to try to settle it in a sensible way. All I can say is that, for once, we can all agree with Mr Stevenson and Mr Wood, and we have tripartisan support. Is that a word, Mr Wood? You are the former schoolteacher. I think there is tripartisan support.

MADAM SPEAKER: The discussion has concluded.

PERSONAL EXPLANATION

MRS CARNELL: I seek leave to make a personal explanation under standing order 46.

Leave granted.

MRS CARNELL: Thank you. Mr Berry's allegation yesterday that I had misled parliament - - -

Mr Berry: I raise a point of order. This is a personal explanation, not a debate about things that were said in the course of debate yesterday.

MADAM SPEAKER: Mr Berry, I will listen carefully. Mrs Carnell, please proceed.

MRS CARNELL: Mr Berry misunderstood the document I tabled and placed the wrong emphasis on what I had said. What I was trying to do was show that the vast percentage of the accidents listed would not have been stopped by the implementation of the occupational health and safety legislation - that is, that they were not due to an unsafe workplace. I do not believe that it is appropriate to use Assembly time now, though, to have an argument on which of the accidents listed happened to be inside and which happened to be outside the workplace. I can assure the Assembly that it is more than the four Mr Berry quoted. In my view, it is a large percentage.

Mr Connolly: You did not say "a large percentage". You said - - -

Mr Berry: You said that the vast percentage of those happened on the way to or from work.

Mr Connolly: It was four out of 30; now nine out of 30. Liberal mathematics.

MRS CARNELL: The Assembly may also be interested to know that the total cost of those accidents was in excess of 60 per cent of the total paid out.

Mr Cornwell: Think of it in terms of the unemployed, Mr Connolly. You will understand what we mean.

MADAM SPEAKER: Order!

Mr De Domenico: I take a point of order, Madam Speaker. I am finding it very difficult to listen to what Mrs Carnell has to say.

MADAM SPEAKER: Yes, Mr De Domenico, I was in the process of trying to sort out just who has the floor. Order!

MRS CARNELL: Unfortunately, these figures do not give great hope to Mr Berry's statements that workers compensation premiums will reduce due to fewer payouts. I certainly restate that I had absolutely no intention of misleading the Assembly.

There is one other area that I would like to bring up at this stage. Mr Berry stated:

> Mrs Carnell is prepared to sack her workers so that she does not have to have a safer workplace.

I would like to make it clear to the Assembly that the workplace that my employees work in is safe at this stage. In fact, we have never had an accident at Red Hill Pharmacy, which makes Mr Berry's statements stupid.

PARENTAL LEAVE (PRIVATE SECTOR EMPLOYEES) BILL 1992
Detail Stage

Clause 1

Debate resumed.

Clause agreed to.

Clause 2 agreed to.

Clause 3

MR DE DOMENICO (3.23): Madam Speaker, I believe that a number of amendments have been circulated in my name. Should my first amendment fail to get up, I will then remove Nos 4, 5 and 6 on that list, because they are all interlinked. I move:

> Page 2, insert the following new definition: "'code of practice' means a code of practice that is negotiated between the officers of the relevant Government department, employers and employees groups.".

The amendment inserts a definition of "code of practice". The draft code of practice, in the opinion of the Liberal Party, would meet individual needs while not being restrictive. It would be a constantly changing provision that meets changing socioeconomic work force requirements and can be enforced through jawboning; that is, employers who fail to institute parental leave provisions could be mentioned in the Assembly as not complying with the draft code, for example. We think it is an eminently better way of putting in a piece of legislation than the way the Government has done it.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.24): Madam Speaker, the Government will be opposing the amendment. The amendment sets out to insert a definition of "code of practice". If this change were made, the legislation would be invalid; it would have no operation. There is no code of practice of which we are aware, and therefore the Bill would become essentially meaningless. There is no provision in the Bill to develop a code of practice, to give the clause meaning later. Under the rules of interpretation, the Bill must be given meaning by assuming that it refers to a code of practice existing at the time of making it, and there is none.

Major changes would be needed to the Bill to enable the parental leave test case decision to be regarded as a code of practice or to enable a code of practice to be developed under the Bill. Quite simply, the Bill proposed by the Government picks up the parental leave test case and that becomes the code of practice by law. It is a nonsense for Mr De Domenico to suggest that the parental leave test case be replaced by a code of practice, yet to be resolved by people jawboning.

As I explained to Mr De Domenico this morning, if workers who do not have award coverage now gain award coverage, they will be able to have an award clause that will pick up parental leave provisions that will override the Act.

Mr De Domenico: Only if they are in an existing award. If they are not in an award, the Industrial Relations Commission has no jurisdiction.

MR BERRY: If they gain coverage under an award, they would be able to achieve that conciliated or arbitrated aim. It is a nonsense to suggest that this is an alternative to what the Government has proposed. What Mr De Domenico has set out to do is to gut the legislation and make it entirely unworkable, to ensure that none of those twelve-and-a-half per cent of the work force who are intended to be given these extra conditions will actually ever receive them. This is the aim of Mr De Domenico's amendments, and therefore the Government will be opposing them.

Question put:

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

The Assembly voted -

AYES, 6	*NOES, 8*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Kaine	Ms Follett
Mr Stevenson	Mr Lamont
Mr Westende	Ms McRae
	Ms Szuty
	Mr Wood

Question so resolved in the negative.

MR STEVENSON (3.31): I move:

Page 2, definition of "employee", line 19, omit the definition, substitute the following definition:

"'employee' means a person who is employed under a contract of service or apprenticeship on a full-time or part-time basis for an employing organisation or entity which employs not less than one hundred persons.".

I mentioned in the in-principle debate that this legislation could place hardship on businesses, mainly small businesses. Obviously, a larger business has far more capacity to reinstate someone or, with a larger number of employees, to have someone come and go without the same sort of problem. A three-person business, say, would have great difficulty. It would also be more difficult to find a person with the particular skills or abilities needed. It is quite often the case that in smaller businesses a wider ability is needed; people in larger businesses may be able to specialise more readily.

I have moved the amendment to provide a situation similar to what we have with occupational health and safety, where we acknowledge that there are situations where it is impractical to require all businesses to fulfil a particular requirement. It is reasonable to acknowledge that as a principle. Then it gets down to the cut-off point for the number of employees in a business. I have suggested in my amendment 100 people. If this Bill is going to go through, businesses with 100 or more staff would be far more able to support this sort of legislation. I seek the support of other members for the amendment.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.33): The Government will be opposing this proposal. What Mr Stevenson sets out to do is to destroy substantially the effect of the legislation. Employers with more than 100 employees have employees who are usually working under awards and to whom the legislation would probably not apply anyway because of the effect of the Industrial Relations Commission. The change would leave the small-scale employers with non-award, covered employees untouched. Essentially, what he is trying to do is to make the legislation ineffective.

Mr Stevenson: Less onerous for small business.

MR BERRY: No, ineffective by sleight of hand is the way I would describe it. Why should not people working for small employers have this entitlement? Is it not the case that they also have families? That is the question that has to be answered, and Mr Stevenson made his position clear this morning. He would be prepared to sack pregnant women.

Question put:

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

The Assembly voted -

AYES, 1	*NOES, 13*
Mr Stevenson	Mr Berry Mrs Carnell Mr Connolly Mr Cornwell Mr De Domenico Ms Ellis Ms Follett Mr Kaine Mr Lamont Ms McRae Ms Szuty Mr Westende Mr Wood

Question so resolved in the negative.

MR DE DOMENICO (3.37), by leave: I move:

Page 2, definition of "employee", line 22, omit paragraph (b).

Clause 3 broadens the definition of "employee" beyond the one that exists within an employment relationship; that is, an employee can now be taken to be a person who is employed under a contract for services. This is outside the legal bounds of what constitutes an employment relationship between an employer and an employee. I cited this morning a ridiculous example where a builder who is contracted to do extensions which take over 12 months is now automatically entitled to parental leave. That is not an employee-employer relationship; it is on a contract basis, which is different.

Mrs Carnell: You would have to pay Annie Austin if she went off.

MR DE DOMENICO: That is right, and that is why I have moved the amendment. I invite people to support it.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.38): The Government will oppose this amendment, Madam Speaker. People who are engaged under the terms described in paragraph (b) can be engaged for a long time. Why is it that people such as these are being focused upon by the Liberals to prevent them from receiving particular conditions?

Mrs Carnell: That is why you have contracts.

MR BERRY: That is exactly right. The Liberals would prefer to use people to prevent them from - - -

Mrs Carnell: No, the contractors prefer it.

MR BERRY: The Liberals seek to have an environment where more people are on contracts than on wages and salaries, and they will work to use any terms under which they can avoid these sorts of conditions. This Bill sets out to broaden the net to ensure that people on long-term arrangements are able to avail themselves of the sorts of conditions that other workers are entitled to. What the Liberals set out to do is to narrow the net. What the Government proposes is to widen the net for all sorts of people - people who might be working alongside each other in a given workplace.

Question put:

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

The Assembly voted -

AYES, 6	*NOES, 8*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Kaine	Ms Follett
Mr Stevenson	Mr Lamont
Mr Westende	Ms McRae
	Ms Szuty
	Mr Wood

Question so resolved in the negative.

MR DE DOMENICO (3.42), by leave: I move:

> Page 2, definition of "parental leave", line 24, omit the following words: "including an entitlement to engage in part-time employment in connection with the birth or adoption of a child,".

Madam Speaker, once again the Bill refers to a draft parental leave clause that encompasses provisions for part-time work. This automatically institutes part-time work provisions where they previously may not have existed. It is an intrusion, once again, into the way the private sector conducts its business.

There is no doubt about that. The provisions for part-time employment must be negotiated between the individual employer and the employee, and not subject to legislation. Under this legislation, if I were to work for Mr Westende and my wife decided to have another child, instead of using parental leave provisions and taking leave, I can say to Mr Westende, "I will work part time for you". That might not satisfy Mr Westende, who is my employer; but under the provisions of this legislation, as I understand it, that is what can be done.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.42): It seems to me that the intention is to exclude part-time employees from the proposed parental leave, when the legislation does not do this. The relevant definition states:

> "parental leave" means an entitlement in respect of maternity leave, paternity leave or adoption leave, as the case requires, including an entitlement to engage in part-time employment in connection with the birth or adoption of a child, being an entitlement of the kind provided for in the Parental Leave Case decision;

You are seeking to undermine parts of the parental leave case decision, and that is just outrageous.

Mr De Domenico: You read the words: "... including an entitlement to engage in part-time employment in connection with the birth or adoption of a child". That means that a full-time employee can opt to do part-time employment, whether the employer agrees and is satisfied with that or not.

MR BERRY: I have read the words. It is in relation to an entitlement of the kind provided for in the parental leave case decision, and the Government will oppose any attempts to undermine that, including this amendment.

MR STEVENSON (3.44): Madam Speaker, Mr De Domenico brings up a question that has not yet been answered. I ask the Minister to be good enough to answer it. What Mr De Domenico was suggesting is that the Bill as it exists, without amendment, would require a business owner to put on part-time work a person who was previously on full-time work. We still have not had an explanation as to whether or not - - -

Mr De Domenico: By law.

MR STEVENSON: Yes, by law.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.45): No. I will read it again:

> "parental leave" means an entitlement in respect of maternity leave, paternity leave or adoption leave, as the case requires, including an entitlement to engage in part-time employment in connection with the birth or adoption of a child -

we come to the punch line -

> being an entitlement of the kind provided for in the Parental Leave Case decision.

What Mr De Domenico sets out to do is to undermine the parental leave case decision, which flies in the face of what the Government sets out to do. It sets out to lock in holus bolus the parental leave case decision and what Mr De Domenico sets out to do is to undermine its effect.

Mr De Domenico: No; I am just seeking to remove certain words from that definition.

MR BERRY: Only certain words. Now we are getting to the bottom of it.

MR CORNWELL (3.46): Madam Speaker, we still have not had an adequate response from the Minister. What Mr De Domenico has stated is that by putting in this definition it is making it mandatory for the employer, whether it is convenient or not, to employ a full-time employee on a part-time basis. It will be mandatory, under the circumstances set out in the definition. We still have not obtained an explanation from the Minister as to why the Government will not accept this perfectly reasonable amendment. Mr De Domenico wishes not to make it mandatory but to make it negotiable between the employee and the employer. We still have not had an explanation from the Minister - not an adequate explanation but an explanation at all - as to why the Government is opposing this perfectly reasonable amendment.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.47): No; this clearly sets out to undermine provisions in the parental - - -

Mr De Domenico: No, it does not.

MR BERRY: You do not know what it does, in that case. I think you should go back and have another look at the legislation.

Mr De Domenico: What it does is give the employer a chance to negotiate with his employee whether it is satisfactory for the employee to - - -

MR BERRY: They will have that entitlement if they are covered by an award.

Mr De Domenico: What if they are not covered by an award?

MR BERRY: Precisely. If they are not covered by an award, they will be covered by the parental leave case decision, because that is what this Bill requires. You are setting out to undermine the effects of the parental leave case decision. You just said that you were. You are trying to make it negotiable in the workplace, but it is not negotiable. What this amendment sets out to do is to undermine the parental leave case decision, and the Government will be opposing it.

Question put:

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

The Assembly voted -

AYES, 6	*NOES, 8*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Kaine	Ms Follett
Mr Stevenson	Mr Lamont
Mr Westende	Ms McRae
	Ms Szuty
	Mr Wood

Question so resolved in the negative.

Clause agreed to.

Clauses 4 and 5 agreed to.

Title agreed to.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 8	*NOES, 6*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Ellis	Mr De Domenico
Ms Follett	Mr Kaine
Mr Lamont	Mr Stevenson
Ms McRae	Mr Westende
Ms Szuty	
Mr Wood	

Question so resolved in the affirmative.

Bill agreed to.

INDEPENDENT HEALTH COMPLAINTS UNIT
Ministerial Statement and Paper

Debate resumed from 16 September 1992, on motion by **Mr Berry**:

That the Assembly takes note of the papers.

MRS CARNELL (3.52): Madam Speaker, designing a system to handle complaints in the health system is a perennial problem. It is an issue that, I am sure, all administrators face at one time or another. But, when Mr Berry announced a new independent complaints unit as the flagship of his election promises in health, I had to admit to being a little perplexed. Is this really what Mr Berry believes is a top priority issue when ACT Health is facing many serious problems, such as lengthening waiting lists, insufficient bed numbers, workload problems for our nurses, and non-availability of domiciliary services for our elderly, just to mention a few? Yet Mr Berry has chosen to establish a complaints unit, at significant cost, ahead of solving pressing problems in our system. Perhaps Mr Berry envisages that the future, under his regime, will be such that a very large complaints unit is a must. I certainly hope not.

My concern over the timing of Mr Berry's new complaints unit has paled into insignificance now that I have read the discussion paper. I believed, as I am sure most people did, that Mr Berry planned to reorganise and rationalise the current complaints mechanism before setting up a new unit. Wrong again. Mr Berry plans to establish a new bureaucracy which will operate as well as all of the existing structures. If any of you believe that the current complaints mechanisms are not extensive enough, let me explain the present situation.

ACT Health already has an information and complaints unit, with its own office, staff, et cetera. There is a Health Care and Complaints Subcommittee of the Board of Health, with an independent member of the board as chairperson and a number of secondees. There is a complaints officer at Woden Valley Hospital. Other health facilities also have their own complaints officer. There are eight professional boards, whose responsibilities include handling complaints against professionals. There are internal complaints mechanisms to the provider or managers directly. There is, of course, the police, the Board of Health or the Minister himself. There are professional organisations. There is the Consumer Affairs Bureau. There is the Community Advocate in certain circumstances and, of course, the Ombudsman.

What is amazing is that all of these bodies will continue to operate, and Mr Berry is proposing to add not one but two new bodies - the Independent Complaints Unit and the new Complaints Advisory Council. In addition, Mr Berry talks about setting up a Patient Advocate. He will have to find funding and the appropriate person or organisation to take on this role. Has the Government gone absolutely crazy? I suppose that that is a bit of a rhetorical question after the last couple of days. We know that the answer is yes, and the Independent Complaints Unit proposal shows just how bureaucracy mad they really are. Mr Berry is simply proposing to add two new organisations without sorting out the current infrastructure. The discussion paper does not provide any reassurance that duplication will be avoided. The confused structures being developed for health complaints are not the result of some sophisticated game plan, but a sure sign of bureaucratic creep.

It would appear that all the organisations will spend a large amount of time advising each other. For example, the Independent Complaints Unit will use its database to advise in policy-making. The Complaints Advisory Council will advise the Minister on the operation of the Independent Complaints Unit itself. Just as an aside, the Complaints Advisory Council will supposedly have six people on it; to quote the discussion paper, two health providers, two consumers, and two non-affiliated people. I am totally bemused as to what non-affiliated people there are who are not consumers or providers. Still, I am sure that we will find out.

The Advisory Council, in turn, will receive advice from a panel of interstate experts. Apparently the ACT is too small to provide such experts. Complaints officers at Woden Valley Hospital and other health facilities will report back to the Independent Complaints Unit and, of course, to the Information and Complaints Unit itself. Complaints officers will also report back to the Board of Health's Health Care and Complaints Subcommittee. The Health Care and Complaints Subcommittee will continue to assess trends in complaints and will advise the Board of Health. The Board of Health will continue to advise the Minister on trends in complaints, as will, of course, the Complaints Advisory Council.

Presumably, the Health Care and Complaints Subcommittee will also liaise with the Independent Complaints Unit, with the Complaints Advisory Committee, and with ACT Health's own Information and Complaints Unit which, to quote the discussion paper, "will be maintained and enhanced". Somewhere in this mess fit the Ombudsman and the complaints officers established at private health facilities. Through the thick of this, the responsibility of the registration boards seems very unclear. In other words, I think you will all agree, the picture is somewhat confused.

The discussion paper says that the ACT model needs to avoid the ambiguous relationships contained in the Victorian legislation. It would appear that what is being advanced is still as clear as mud. A lot of work remains to be done. I sincerely hope that this paper is truly a discussion paper open to comment. Mr Berry's other so-called consultations have merely been him telling others what he is going to do, heedless of what the community may feel. Occupational health and safety has been a very good example of this.

At the present time we should be getting back to basics in our health system, at the same time as managing the Grants Commission induced cutbacks to our health system. This is not helped by loading onto the ACT structures which are appropriate to larger States but not necessarily to our smaller health system. The Victorian Health Complaints Unit upon which the ACT model is gauged has an annual budget of $800,000, only four times larger than the unit proposed for Canberra. Yet Victoria has about 150 public hospitals to manage, a substantial number of private hospitals, and a recurrent health budget some 14 times the size of the ACT's. Victoria obviously has the economies of scale to support many structures and procedures which it would not be efficient to provide in the ACT. We need to think differently about how we do things in the ACT. We should not merely mirror what is going on in larger States. This is why the ACT has such a problem with overexpenditure in Health and is one of the reasons why there will be such pain in meeting Commonwealth reductions.

In summary, we need to think differently about ACT requirements and not merely imitate what is going on in larger States. Mr Berry must sort out the current complaints mechanisms, not just establish two new bodies to add to the confusion. The ACT needs an efficient, cost-effective complaints mechanism designed to meet ACT needs, not those of Queensland or Victoria.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.01), in reply: One of the things that I think Mrs Carnell overlooked in the course of her contribution to the debate was the most important aspect of the Independent Health Complaints Unit, and that is its independence. She talked about what went on in the public health system; but, of course, she did not talk about what happens in the private sector, because nothing happens there. That is also an important focus of the proposal for the ACT. But again, it is a discussion paper, and I dare say that there will be a lot of comment about the various provisions, some of which will be acceptable to the Government and some which will not be. That is the nature of discussion about these sorts of controversial issues.

There will be people who would prefer not to be under the umbrella of an independent complaints unit. They would prefer to be in a deregulated environment when dealing with complaints. As far as I am concerned, I think we owe it to the people of the ACT to have in place a complaints model which very clearly demonstrates to the community that it is capable of investigating complaints in all areas, not just those that are in the public sector.

It has to be capable of investigating complaints in all of the areas, such as complaints against institutional corporate health providers; complaints against registered health practitioners and professionals, irrespective of whether they are employed in the public or private sectors; complaints against members of non-registered professions such as homoeopaths and acupuncturists; complaints against those providing or purporting to provide health services such as alternative providers, including natural therapists and, as I have mentioned, acupuncturists. So, people who hitherto were not subject to a complaints system which could be described clearly as independent will, with the advent of this model, be covered. I think that will be a positive thing for the people of the ACT.

The provision of a complaints model does not come for nothing. It is true that the ACT does not have the luxury of the same economies of scale as the other States, but at the same time we do have complaints about our public and private health services. Within the public network there will be a necessity to maintain an in-house complaints unit and arrangements whereby complaints are dealt with. Whilst we always look for a complaint free environment, in a big organisation, in an area such as health, I think it would be a wild dream to expect that there would never be any complaints about service. It is the very nature of large health systems that complaints occasionally emerge and there has to be a way of dealing with them in-house. That process within the organisation cannot be abandoned.

I can say to Mrs Carnell here and now that where the burden on the internal unit is decreased as a result of the Independent Complaints Unit there will be a rationalisation of the energy that goes into it within the public system; but we must continue to maintain our internal complaints unit while the proposed unit develops. It is not something that will happen within five minutes; it has to develop and be cranked up, so there will be a period when there is some overlap. I think rational thinkers would understand that.

Madam Speaker, despite some of the questions that have been raised by Mrs Carnell, once we get through the consultation phase of this truly independent complaints unit we will be able to put together a package which I think will serve the people well in accordance with the very clear commitment we gave the people of the ACT when we ran for the last election. We see our election promises as important. This is another of the election promises that we have delivered since coming into government. We intend to follow this one through. I trust that I will have the cooperation of all members of the community, both people who, unfortunately, may need the attention of health providers from time to time and those who provide the services, in the development of this very important feature of the delivery of health services in the Australian Capital Territory. I look forward to the support of members opposite as we develop this process.

Question resolved in the affirmative.

CROWN PROCEEDINGS BILL 1992

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

That this Bill be agreed to in principle.

MRS CARNELL (4.07): This Bill facilitates ordinary citizens bringing suits against the Crown in respect of various Australian governments. An esoteric point of law has arisen concerning the capacity of a citizen in one State or Territory to sue the Government, that is the Crown, in court proceedings. It has been suggested that without legislation difficulties might be incurred. This Bill is a response in accordance with a national model Bill which will remove these doubts. The Bill also clarifies the right of the ACT Attorney-General to intervene in judicial proceedings to represent the interests of the Territory, particularly where other governments are involved. It also recognises the rights of other Attorneys-General to intervene similarly in proceedings of ACT courts. On that basis, the Liberal Party will support the Bill.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.08), in reply: I thank the Opposition for their most constructive contribution. The main point of this Bill is that it clarifies the rights of citizens to sue other governments apart from their own, and therefore is an advance in citizens' rights.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

Mr Phil Smyth

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.09): I move:

That the Assembly do now adjourn.

Madam Speaker, I rise to talk about the departure of a great athlete from the Australian Capital Territory. Last evening I was given one of the more pleasurable duties in undertaking my ministerial responsibilities, and that was involvement in a function attended by one of Canberra's great sporting stars, Phil Smyth. Phil will be missed on the playing arena in the ACT, and everywhere else that he played for the ACT and Australia, and in community life here in the Territory.

Phil joined the Cannons in 1983 after playing a season in the NBL with the St Kilda Saints in 1982. Since that time he has played in excess of 250 games for the club, the majority as team captain. He led the team to three national titles, a record unmatched by any other club in the country. He was the Cannons' most valuable player in five of his 10 years with the club. He was awarded the league's Best Defensive Player Award on six occasions, and was elected to the NBL All Star Five on seven occasions. That is a truly magnificent record. Internationally, Phil has represented the country at three Olympics and three world championships, after being selected for the national senior team at the age of 17. He has played for his country on more than 250 occasions, making him the most prolific player for the country in basketball history.

He is married to Ms Jenny Cheesman, an international athlete with a reputation and history almost as impressive as Phil's. Jenny has a national career covering the sports of basketball, netball and softball, and was appointed by this Government to the Bruce Stadium Trust when it existed.

In the community, Phil has a reputation as a public speaker and an endless worker for charity which is second to none. I should also add that I have had the pleasure of some association with Phil on health promotion matters. He has presented himself as an excellent role model to the community, both young and old. He is a non-smoker, non-drinker and non-partyer, according to his own description. He also described himself as somebody who would be prepared to stay out until 2 o'clock in the morning. The healthy image that he presented to the people of the ACT was an excellent role model and it is something that will be a loss to us.

I would like to take this opportunity, Madam Speaker, to wish him and his family every success with his future career in South Australia. I trust that he takes to South Australia all of the skills and benefits which he brought to the ACT.

Question resolved in the affirmative.

Assembly adjourned at 4.13 pm until Tuesday, 20 October 1992

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ANSWERS TO QUESTIONS

SPEAKER OF THE LEGISLATIVE ASSEMBLY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 236

Speakers and Staff - Travel and Hospitality

MR HUMPHRIES - asked the Speaker:

(1) What is the amount each Speaker has spent on official travel during the 1991-92 financial year and 1992-93 financial year to date.

(2) What was the destination and purpose of each trip made by the Speakers during the 1991-92 financial year and 1992-93 financial year to date.

(3) When travelling by air, what class of travel was used for each trip made.

(4) What is.the amount each Speakers personal staff has spent on official travel during the 1991-92 financial year and 1992-93 financial year to date.

(5) What was the destination and purpose of each trip made by the Speakers staff during the 1991-92 financial year and 1992-93 financial year to date.

(6) When travelling by air, what class of travel was used for each trip made.

(7) How much was provided to (a) the. Speakers and (b) his/her staff in travel allowances during the 1991-92 financial year and 1992-93 financial year to date.

(8) How much does (a) the Speaker and (b) her personal staff expect to spend on travel and travel allowance during the current financial year.

(9) What amount has each Speaker spent on official entertainment during the 1991-92 financial year and 1992-93 financial year to date and what proportion of this amount was spent on alcohol.

(10) Who were the recipients of the Speakers official hospitality.

MADAM SPEAKER - The answer to the Members question is as follows:

Speaker Prowse
(1) Official travel in financial year 1991-92:
$1728 in airfares.

Acting Speaker Stefaniak

Official travel in financial year 1991-92:
$250 (all airfares)

2703

(2) The destination and purpose of each trip for Speaker Prowse and Acting Speaker Stefaniak are as follows:

Speaker Prowse

New Delhi, India - Attending 1991 Annual Conference of the Commonwealth Parliamentary Association as the ACT Branchs Delegate

Kuching, Malaysia - Study trip

Hobart, Tasmania - Attending a meeting of Presiding Officers concerning the draft regional constitution of the CPA and the establishment of the Regional Trust Fund.

Launceston, Tasmania - Study trip

Acting Speaker Stefaniak

Sydney - Attending a meeting of Presiding Officers concerning the draft regional constitution of the CPA and the establishment of the Regional .Trust Fund.

(3) Speaker Prowse
Business class or full economy, except for one occasion when Speaker-Prowse flew economy class. However, on some occasions the Speaker was upgraded to First Class by the airlines concerned.

(4) Speaker Prowse
Nil

(5) Speaker Prowse
Nil

(6) Speaker Prowse
Not applicable

(7) Financial year 1991-92 $2435 in travel allowance.

In each case the Travel allowance was provided at the rate prescribed by the Remuneration Tribunal.

(8) Not applicable

(9) Financial year 1991-92

Speaker Prowse - $3697 was spent on official entertainment. The way in which the figures are recorded does not permit a totally accurate calculation of sub categories of food, alcohol, etc.

(10) The recipients of Speaker Prowses hospitality include visiting Members of overseas Parliaments, leaders of community groups, the business sector, church representatives, Members and Secretariat staff, other agency officers and presiding officers and other MLAs.

2704

Speaker McRae

(1) (a) Official travel in financial year 1991-92:

Speaker McRae - $2431 in airfares. Deputy Speaker Cornwell - $618 in airfares.

(b) Official travel in financial year 1992-93 to date:

Speaker McRae - $639 in airfares.

(2) The destination and purpose of each trip for Speaker McRae is as follows:

Financial year 1991-92

Brisbane and Darwin - Visit by the Standing Committee on Administration and Procedures relating to its inquiry on the new Assembly premises.

Sydney - Visit as Presiding Member of the Standing Committee on Administration and Procedures relating to its inquiry on the new Assembly premises.

Melbourne - Visit as Presiding Member of the Standing Committee on Administration and Procedures relating to its inquiry on the new Assembly premises, and to discuss CPA matters and standing orders.

Adelaide - Attending the 1992 Presiding Officers and Clerks Conference. (Also Deputy Speaker Cornwell).

Financial year 1992-93

Hobart - Meet with the Tasmanian Presiding Officers and Clerks concerning Parliaments facilities and the role of the Speaker.

(3) Business class or full economy. However, on some occasions the Speaker was upgraded to First Class by the airlines concerned.

(4) Financial year 1991-92
$606, comprising $360 airfares and $246 travel allowance

Financial year 1992-93
$1848, comprising $1000 airfares and $848 in travel allowance.

(5) Financial year 1991-92
Melbourne - Accompanying Speaker on visit to Victorian Parliament
Financial year 1992-93
Melbourne - Professional development
Hobart - Accompanying Speaker on visit to Tasmanian Parliament.

(6) Business and economy class.

2705

(7) Financial year 1991-92

Speaker McRae - $2400
Speaker McRaes staff - $246
Deputy Speaker Cornwell - $190

Financial year 1992-93 to date

Speaker McRae - $600
Speakers McRaes staff- $848.60

In each case the Travel allowance was provided at the rate prescribed by the Remuneration Tribunal or the APS rate for the officers classification.

(8) No travel is planned at this stage, although it is possible that there will be meetings interstate of Presiding Officers on parliamentary and CPA matters.

(9) financial year 1991-92

The Speaker spent $933 on official entertainment. The way in which the figures are recorded does not permit a totally accurate calculation of sub-categories of food, alcohol, etc.

Financial year 1992-93

Speaker McRae has spent $1,114.00 on official entertainment to date.

The way in which the figures are recorded does not permit a totally accurate calculation of sub-categories of food alcohol, etc.

(10) The recipients of the Speakers hospitality includes visiting Members of overseas , Parliaments, leaders of community groups, the business sector, church representatives, Members and Secretariat staff, other agency officers, presiding officers and other MLAs.

2706

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTIONS
QUESTION 261

Early Intervention Program

MRS CARNELL -asked the Minister for Education and Training on notice on 8 September 1992:

(1) Who oversees the Early Intervention Unit.

(2) How are children referred to the unit.

(3) What is the waiting time for services.

(4) How is the early intervention program structured both in terms of outcomes and capacity to target "at risk" children.

(5) What support does the Early Intervention Unit teacher(s) receive in the co-ordination of other services provided through the unit, eg speech pathology, occupational therapy and physiotherapy.

MR WOOD - the answer to Mrs Carnells questions are:

(1) Four Early Intervention Units were established at the beginning of the 1992 school year. The Units are supervised by School Services Section of the Department of Education and Training. An officer with experience in the area of early intervention provides support and supervision to the Units.

(2) Children are referred to the Unit by parents, Child Health Medical Officers, General Practitioners and other Professionals working with young children.

In addition children are placed into the Units following intervention and referral from the Early Intervention Service at Holder.

(3) Nearly all children have been placed in the Units within four weeks from the time of referral. Generally children are placed within two weeks from the-time of referral.

2707

(4) Each child has an Individual Education Program (IEP) which is developed jointly by parents, teachers and health professionals. Goals and objectives are developed as part of the IEPs. All programs aim to provide for the individual needs of children and their families.

Parent information groups and parenting skills programs have been offered by social workers and counsellors to meet the needs of children "at risk". In addition the individual needs of the children and their families are catered for through the Individual Education Program.

(5) Each Unit has support from a team of professionals from ACT Health consisting of a physiotherapist, occupational therapist, speech pathologist, medical officer and social worker.

Health professionals work together with teachers and families to provide a co-ordinated program which will prepare the children to enter mainstream preschools-and primary schools where possible.

2708

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 262

Government Schools - Truancy

MR CORNWELL - asked the Minister for Education, and Training on notice on 11 August 1992:

(1) How many truants were there in ACT Government (a) primary schools; (b) high schools; and (c) colleges in (i) from May 1989; (ii) 1990 and (iii) 1991.

(2) If such records are kept , how many days did these truancies represent in each of the years in each level-of education.

MR WOOD - the answer to Mr Cornwells question is:

(1) Central records covering truancy are not maintained for ACT Government Schools. Accurate recording of absences from school is handled on an individual school basis.

(2) Not applicable.

2709

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 296

Aborigines and Torres Strait Islanders

MR HUMPHRIES - Asked the Chief Minister upon notice on 18 August 1992:

1n relation to the Chief Ministers press release of 8 July 1992 which refers to the fact that the ACT Government has made "a number of positive and practical commitments in such areas as law and justice, health, housing and education and was generally encouraging better awareness of and access to ACT Government services in line with recommendations of the Royal Commission into Aboriginal Deaths in Custody" -

(1) Will the Chief Minister detail each of . these commitments.
(2) Does the Chief Minister acknowledge that a bipartisan approach to matters affecting the Aboriginal and Tomes Strait Islander community-in the ACT has been established.
(3) Given that the Opposition has had a limited participation in the development of policies in this area, will the Chief Minister undertake to consult with the Opposition about the Governments actions on all matters affecting the Aboriginal and Torres Strait Islander community in the Territory.

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

(1) Each of the commitments referred to in the above press release are detailed in the ACT Government response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody. This response was released nationally on 31 March 1992 and was tabled in the ACT Legislative Assembly on 8 April 1992. All members received copies of the ACT response. Several of the most significant commitments were highlighted in the tabling statement delivered at this time and Mr Humphries should refer to these sources for further information about the commitments made by the Government.

(2)&(3) I welcome the Oppositions renewed interest in a bipartisan approach to matters affecting Aboriginal peoples and Tomes Strait Islanders in the ACT as I have always supported bipartisan cooperation in this area. I initiated discussion to this effect when in opposition and I have continued to actively pursue this approach while in Government.

2710

I wrote to Mr Humphries in his capacity as leader of the Opposition on 19 July 1991 regarding the development of the national response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody. I expressed my belief that a bipartisan approach to the issues raised in the Royal Commissions Report would be valuable in writing the ACT response and sought the support and cooperation of the Opposition in this matter.

Mr Humphries replied, as the Liberal spokesperson on Aboriginal Affairs, supporting the suggested process for the development of the ACT response and welcoming a bipartisan approach to the issue. Mr Humphries added that the Opposition would need to be provided with a copy of the full response in order to endorse it.

I wrote back confirming the Governments commitment to a bipartisan approach and agreeing to contact the Opposition when the document had been drafted. _ In. line with this agreement, 1. wrote to Mr Kaine as Leader of the Opposition in Mesh 1992; attaching a copy of the ACT response as approved-by Government. In this letter I stated my belief that the document was well balanced and most suitable for bipartisan endorsement and I offered to arrange for the Opposition to attend a private briefing on the ACT response if required. The Opposition did not respond to my letter and the invitation was never acknowledged.

I am disappointed that the Opposition has failed to take up my offer of a more active role in activities surrounding the Royal Commission into Aboriginal Deaths in Custody. The ACT response was prepared in consultation with the local Aboriginal community and covers a wide range of issues. As part of the national response to the recommendations of the Royal Commission it sets directions for positive action in Aboriginal and Torres Strait Islander Affairs now and in the future.

I remain strongly committed to a bipartisan approach to matters affecting Aboriginal peoples and Torres Strait Islanders in the Territory. I believe that cooperation is vital if we are to properly address the issues facing Aboriginal peoples and Tomes Strait Islanders and achieve a real and lasting reconciliation within Australian society. I maintain my willingness to work with the Opposition in this area and continue my commitment to a bipartisan approach

2711

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 299

High School and College Students -
Personal Portfolios

MR CORNWELL - asked the Minister for Education and Training on notice on 13 August 1992:

For what purpose will the "personal portfolios" valued at $13,500 (ACT Gazette 12 August 1992, Contracts Arranged) be used and by whom.

MR WOOD - the answer to Mr Cornwells question is:

The purpose of a Personal Portfolio is to enable a student to build up a portfolio of academic certificates, references, awards and any other useful documents for employment and other uses. ..

A Personal Portfolio consists of a plastic rind folder containing 20 plastic envelopes. It is also issued with a number of printed inserts, which include explanatory brochures and a message from the Minister for Education and Training..

Portfolios are issued each year to Year 10 high school students, as well as to any students attending Years 11 or 12 who had not previously received a Portfolio from the Department. Students may be assisted in the use of their Portfolios through Careers Education programs and other sessions structured within their schools.

The Portfolios have been produced and issued each year since 1989. Most other state Education Departments produce and issue similar Portfolios.

2712

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 319

Board of Senior Secondary Studies -

MR CORNWELL - asked the Minister for Education and Training on notice on 15 September 1992:

In relation to certification assessment and credentialling arrangements and curriculum development for senior secondary education in the ACT

(1) What body has control of these functions.

(2) Is that body a statutory authority.

If that body is not a statutory authority, what assurances have the community at large, employers, universities and

higher education institutions that appropriate curricula is being presented and that the credentials issued reflect appropriate standards and are not subject to departmental or ministerial direction:

MR WOOD - the answer to Mr Cornwells question is:

(1) The ACT Board of Senior Secondary Studies

(2) No.

(3) The community, employers, universities and higher education institutions can be assured that appropriate curricula is being presented and that the credentials issued by the ACT Board of Senior Secondary Studies are not subject to departmental or ministerial direction because of the composition of the membership of the board. Membership of the Board comprises:

the Chair, an independent appointment (Mr Selwyn Cornish Senior Lecturer, Economic History, Australian National University); the Secretary of the Department or his/her delegate; . a member active in senior secondary education from outside the ACT (Mr Richard Warry, Deputy Director-General, Queensland Department of Education);

2713

a nominee of each of
the Australian National University;
the University of Canberra;
the ACT Institute of TAFE;
the ACT Branch of the Australian Teachers Union;
the Secondary College Principals Association;
the Association of Independent Schools;
the ACT Vocational Training Authority; and
the Catholic Education Office.

Courses are accredited through a rigorous panel process which determines the appropriateness and standard of courses submitted. Panels include higher education representatives for consideration of courses for tertiary entrance and TAPE and industry representatives for consideration of vocational courses. Panels recommend accreditation to the ACT Board of Senior Secondary Studies.

The integrity of assessment and credentialling arrangements is supported by the policy of-the ACT Board of Senior Secondary Studies that all processes are open to scrutiny and to appeal. All policies and processes are fully documented and published through a series of brochures which provide information to students, parents, teachers and the wider community.

2714

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 320 -

Board of Senior Secondary Studies

MR CORNWELL - asked the Minister for Education and Training on notice on 15 September 1992:

In relation to the ACT Board of Senior Secondary Studies -

(1) What are its statutory powers and responsibilities.

(2) What is its relationship with the Department of Education and Training.

MR WOOD - the answer to Mr Cornwells question is:

(1) Nil.

(2) The Secretary of the Department (or his/her delegate) is a member of the ACT Board of Senior Secondary Studies.

The Secretariat of. the Board comprises the Accreditation Section of the Department of Education and Training. The Accreditation Section is staffed by members of the ACT Teaching Service and the Australian Public Service.

The Department is responsible for the budget related to the Boards accreditation and certification functions.

The Curriculum Section of the Department has a close association with the Board through membership of the Boards accreditation panels.

715

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 331

Urban Services Portfolio - Public Relations Consultants

Mr Kaine - asked the Minister for Urban Services:

In relation to your reply to Question on Notice No. 280 will the Minister indicate, for each consultancy (a) the duration; (b) the purpose; and (c) the cost of consultancy. .

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

Michael Gill and Associates Pty Ltd
(a) 4 months
(b) organise and conduct a workshop on marketing and provide advice to Management on marketing issues for the Asset Management Area Staff.

(c) $26 800:00

Graeme "Bluey" Thompson Photographer
(a) 1 day
(b) photograph plant, equipment and lighting modifications at the Erindale Centre and other locations in relation to the energy management program.

(c). $510.00

Juliana Madden

(a) 12 months .

(b) production of ACTION staff magazine.
(c). During the period 1 April 1992 to 30 June 1992 the total payment was $3 600

Media Marketing Group Pty Ltd
(a) 12 months
(b) marketing services for ACTION.
(c) During the period 1 April 1992 to 30 June 1992 the total payment-was $8 169.99

Grey Advertising

(a) engaged from 16 October 1991 for a. duration of 2 years
(b) assist ACTEW with public relations, education, advertising, media, all printing, promotion and related tasks. .
(c) During the period 1 April 1992 to 30 June .1992 the total payment was $306 683.93.

2716

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 344

Residential Properties - Land Values

MR MOORE - Asked the Treasurer upon notice on 17 September 1992:

(1) How many residential properties in the ACT are (a) 1.5 hectares; and (b) 0.25 hectares.

(2) How many residential properties in the ACT have a land value of (a) $500,000; (b) $400,000; (c) $300,000; (d) $200,000 and (e) $150,000.

(3) What is the combined value in each of the above categories.

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

(1) The number of residential properties in the ACT in each of the above categories is as follows:

1.5 hectares and over: 111 properties
0.25 - 1.5 hectares: 943 properties
less than 0.25 hectares: 86 830 properties

TOTAL: 87 884 properties*

(2) The number of residential properties in the ACT in each.of the above categories is as follows:

(a) land value $500,001 and over: 170 properties
(b) land-value $400,001 - $500,000: 110 properties
(c) land value $300,001 - $400,000: 291 properties
(d) land value $200,001 - $300,000: 495 properties
(e) land value $150,001 - $200,000: 1 235 properties

(f) land value $ 0 - $150,000: 80 481 properties

TOTAL: 82 782 properties*

2717

(3) The combined land value in each of the above categories as identified in Question 2 is as follows:
(a) $ 200,669,250
(b) $ 49,237,000
(c) $ 98,296,500
(d) $ 122,753,000
(e) $ 211,530,000
(f) $4,758,713,800

* Data relating to the size of the blocks is maintained-by the Department of Environment, Land and Planning. Land values are determined by the Commissioner for ACT Revenue and recorded on the rates data base in the Revenue Office. Variations in the figures occur because not all land in Tuggeranong and Gungahlin which has not yet been leased is included on the rates data base. Also properties leased for unit title plans, diplomatic residences and religious residences have not been included in the response to Question 2.

2718

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 349

Payroll Tax

Mr Moore - Asked the Chief Minister upon notice on 17 September 1992 What is the cost to ACT Revenue if the threshold of payroll tax is (a) lifted from a turnover of $500,000 to $1 million; (b) lifted from a turnover of $500,000 to $1.5 million; and (c) lifted from a turnover of $500,000 to $2 million;

Ms Follett - The answer to the members question is as follows It is estimated that in 1992193 the cost to the ACT would be (a) 8.66 % ($7.8 million) of payroll tax revenue; (b) 13.40 % ($12.1 million) of payroll tax revenue; and (c) 16.93 % ($15.3 million) of payroll tax revenue.

2719

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APPENDIX 1:

(Incorporated in Hansard on 14 October 1992 at page 2596)

FROM PHARM. SOC. OF AUST (TUE) 08.18.92 10:02

A.C.T. GOVERNMENT

WAYNE BERRY MLA

DEPUTY CHIEF MINISTER
MINISTER FOR HEALTH
MINISTER FOR SPORT

1 Constitution Ave Canberra ACT 2601

Mr Peter Holder
Chairman
ACT Sub Branch
Pharmaceutical Society of Australia
44 Thesiger Court
DEAKIN ACT 2600

Dear Mr Holder

Thank you for your letter of 29 July 1991 concerning amendments to the Poisons and Drugs Act 1978.

The proposed amendments are to control exceptionally dangerous Schedule 7 poisons, including pesticides and industrial chemicals, and to adopt by reference Schedules to the National Health and Medical Research Councils Standard for the Uniform Scheduling of Drugs and Poisons. .

I am pleased to be able to advise you that the Government Legislation Program for the current sitting of the Assembly includes these amendments. I would expect to introduce them into the Assembly later in the year.

I trust this information satisfies your main queries.

Yours sincerely

Wayne Berry
29 AUG 1991

2721

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