



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

18 November 1992

## Wednesday, 18 November 1992

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

### **PETITIONS**

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

By **Mrs Grassby**, from 21 residents, requesting that the Assembly reject any attempt to permit the establishment of a free-standing abortion clinic in the ACT.

By **Mrs Grassby**, from 12 residents, requesting that the Assembly ban X-rated videos.

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

#### **Abortion Clinic**

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

ACT law prohibits free-standing abortion clinics;

Your petitioners therefore request the Assembly to:

Reject any attempt to permit the establishment of a free-standing abortion clinic in the ACT.

#### **X-Rated Videos**

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that

Your petitioners therefore request the Assembly to:

Ban X-Rated Porn Videos

Petitions received.

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## PAPERS

**MRS GRASSBY:** Madam Speaker, I ask for leave to present a petition from interstate petitioners.

Leave granted.

**MRS GRASSBY:** I present a petition from 156 interstate residents requesting that the Assembly prohibit the availability of all X-rated material and the possession of child pornography.

**MR HUMPHRIES:** Madam Speaker, I seek leave to present an out-of-order petition from interstate petitioners.

Leave granted.

**MR HUMPHRIES:** Madam Speaker, I present a petition from 462 interstate petitioners asking the Territory to ban X-rated videos and the possession of child pornography.

## BUILDING (AMENDMENT) BILL (NO. 2) 1992

**MR MOORE (10.33):** Madam Speaker, I present the Building (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

**MR MOORE:** I move:

That this Bill be agreed to in principle.

First of all, I congratulate Mr Connolly for acting so quickly in releasing to the media his intention to amend the regulations regarding insulation. I believe that it was exactly an hour-and-a-half after I revealed to a Labor member that I was intending to present a Bill on this issue.

**Mr De Domenico:** Did it take that long?

**MR MOORE:** That has to be a record in anyone's terms, although we have seen some pretty fast things.

**Mr Connolly:** I can show you the documents going back to June that we were doing this.

**Mr Wood:** It has been on the go for a long time. You know that.

**MR MOORE:** I am sure that it means that we can look forward to other lightning changes in the future. I have interjections from Mr Wood and Mr Connolly that it has been on the go for a long time. I do understand that these things do not happen quickly. In fact, I have been working for two-and-a-half months on preparing this legislation.

The impetus behind the presentation of this Bill has come from those concerned about energy conservation. The information regarding minimum R values came from Mr Wood's draft energy guidelines from his Department of the Environment, Land and Planning. The recommendations come from a need to take energy conservation into construction seriously. In that document the proposal for insulation and improving energy efficiency is on a voluntary basis. The Government had set out there its intention to make the system voluntary. That is why I decided, having read that document, that this part of the energy system should be compulsory. I see that Mr Connolly and Mr Wood agree with me that it ought to be a compulsory part of building rather than relying just on the voluntary system that Mr Wood had presented. In no way do I mean to demean that system, because it has a place as well.

Perhaps if the Minister were a little more concerned with ensuring effective insulation, and taking his time to get it right rather than pipping others at the post, the regulations would reflect an understanding of heat loss through walls, ceilings and floors, and the savings consumers could expect in energy terms, and thus in dollar terms, if insulation were done properly at the time of construction. Where houses have not been insulated at construction, within a couple of years those who can least afford it are paying more. So the legislation that you have in front of you is based on social justice.

All too often homes have been constructed in the ACT with little insulation, thus creating an excessive drain on energy resources for both heating and cooling. Where consumers wish to upgrade the insulation to minimum R values, they often do so after the house has been built, incurring approximately double the cost of insulation installed at the construction stage; and the money has to be paid up front, not at mortgage interest rates, further disadvantaging those who can least afford it. According to the insulation industry, after-construction installation can be not only very costly but also largely ineffective as insulation materials can easily lose their R values through installation procedures which often allow moisture seepage. Mr Connolly's offer to give new home owners the option of having their ceilings done later suggests that he does not appreciate the logistics of installing insulation into a completed building, nor the added costs. There certainly is little option to install insulation into flooring after construction.

Heat can be lost from the inside of a dwelling to the outside by conduction and radiation through walls, ceilings and floors. The proportion of heat loss for a typical uninsulated detached brick-veneer dwelling in Canberra is 29 per cent through the walls, 26 per cent through the ceiling, 20 per cent through the floor, 14 per cent through all windows and 11 per cent through all filtration, not other filtration. Houses being built in Canberra are mainly spec built and as such use traditional construction materials which have low insulation values. The installation of additional insulation material is usually necessary to reduce heat loss through the building elements. This is something that is obviously recognised by Mr Wood and Mr Connolly and by me. In fact, we have similar approaches to dealing with it. I do not think we should lose sight of that.

Insulation is measured in R values - that is, the measure of thermal resistance of an element of the building. The higher the R value, the greater the resistance to heat flow and, thus, a better insulator. Instead of calling it the R value we could talk about square metre kelvin per watt, but I think the term R value is easier to use. That is actually what it means. The R value can be the combined insulation

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value of all materials in a building section plus air spaces, or it can be the insulation value of a particular material. The recommended insulation requirements for the ACT have been calculated according to the local climate and are as follows: Ceilings, a minimum R value of 3.4; walls, a minimum R value of 1.7; and floors, a minimum R value of 1.0. The saving in energy terms that can be expected from this level of insulation, assuming a 20-degree temperature differential, is 18.25 kilowatts per hour. This represents not only a significant saving in energy consumption but also a huge saving for consumers, who would recover the added insulation costs of their homes within approximately two to three years.

The Bill being presented today will ensure an extra potential 46 per cent improvement on energy conservation over Mr Connolly's regulation saving of 29 per cent energy loss through walls only. So we are talking about an extra 46 per cent over and above the regulations being suggested by Mr Connolly, and that is made up of 26 per cent through ceilings and a further 20 per cent through floors. We cannot afford to just sit with the soft option suggested by the Minister on this issue. The public have been encouraged to insulate their homes for many years now, with the result that the level of insulation is inadequate and the cost of heating of an average home in environmental terms is really crippling for many, particularly those who can least afford it.

We cannot on the one hand commend and applaud the builders of houses that rate well in an energy audit, disparage those that do not, and not take action available to us to ensure that houses are constructed with integrity when we can so easily do it. If we are serious about the responsible use and conservation of energy in the ACT and if we are serious about providing homes that are cheaper to maintain, I believe that the minimum R rated insulation requirements that I propose in this Bill, making it compulsory for all builders to comply, is a step in the right direction. In tabling this Bill I recognise the bipartisan approach that has been taken on the Prostitution Bill and on the Electoral Bill. I suggest to the Ministers, Mr Wood and Mr Connolly, that since our intentions are similar perhaps it is time to sit down again in the same way with the Liberals, Ms Szuty, and Mr Stevenson if he wishes, and to confer and see whether we can agree on what will be in the best interests of the environment and the people of Canberra.

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

### **REMAND CENTRES (AMENDMENT) BILL 1992**

**MS SZUTY** (10.42): Madam Speaker, I present the Remand Centres (Amendment) Bill 1992.

Title read by Clerk.

**MS SZUTY**: Madam Speaker, I move:

That this Bill be agreed to in principle.

Madam Speaker, I present the Remand Centres (Amendment) Bill 1992 to offer a solution to a problem that has existed for some time at the Belconnen Remand Centre. The passing of this amendment Bill by the ACT Legislative Assembly will also have national implications in that this legislation may well be the forerunner of similar legislation in other States and the Northern Territory.

The question that this amendment Bill addresses is: How do we protect people who are in detention from the spread of HIV/AIDS and sexually transmitted diseases? While official statistics claim otherwise, sex between detainees does occur, and drug taking and needle sharing do occur. It is unfortunate that thus far governments have been reluctant to acknowledge that drug taking and sexual encounters do take place while people are in custody.

What I hope will be recognised in this amendment Bill is the fact that we are not asking custodial officers to be proactive in carrying the safe sex and drug use message to inmates. That would not be appropriate. What this amendment Bill asks is that custodial officers allow counsellors access to detainees to distribute AIDS and STD kits. These kits contain specific items - water-based lubricant and condoms to promote safe sex, and bleach for cleaning syringes that are used for intravenous drug taking. These kits also contain information about the transmission of the HIV/AIDS virus to give people in remand more knowledge of what behaviours place them at risk and what they themselves can do to minimise that risk. Counsellors will also be able to discuss at the detainees' request their own risk of HIV/AIDS infection.

It is important to recognise that the kits I have just described are already handed out to detainees, but at the end of their period of detention. What use is this to current detainees? What I am seeking to do through the passage of this amendment Bill is to make these kits available for detainees at the beginning of the process and not at the end, after they may already have engaged in behaviour which may have placed them at risk.

In "HIV/AIDS: Education and training" Alan Grimsley states that intravenous drug users are disproportionately represented in prison populations and implies that the ACT would not be an exception. It would be fanciful to suggest that dependent drug users in custody would be able or are able to give up drug taking. It is much more likely that they will continue to procure drugs and continue their habit. There may not have been many charges laid or proven by authorities; however, drug taking and sexual intercourse incidents do occur. The reality is that a person can go into remand HIV negative and leave having been exposed to the virus. Not all remandees, not even most, but some, will be exposed to the virus. Equally, a person can go into remand HIV positive but be unaware of that fact and could expose another person to the virus. The people currently in detention in Canberra may have come from many walks of life and have different backgrounds, but all deserve protection, especially when it can be so easily provided

A study in South Australia in 1989 conducted by that State's Health Commission found that, while the percentage of HIV infected prisoners in the prison system was not high, prisoners tested HIV positive tended to be clustered in particular prisons. The study estimated that about 42 per cent of all prisoners in that State indulge in risk taking behaviour at least once during their time in detention. The prisoners in the study estimated that 36 per cent of all their fellow inmates injected drugs and 12 per cent indulged in anal intercourse, at least on one occasion, while in gaol. Sixty per cent of former prisoners, who had histories of intravenous drug use, interviewed by the study team had shared needles and most did not clean needles adequately. That, Madam Speaker, sounds to me like a recipe for tragedy.

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The two-line summary of the South Australian Health Commission study concluded that:

The conditions for spread of HIV within the prison system exist but at the current prevalence of infection, transmission can be expected to be infrequent. The opportunity exists now to improve and expand preventative measures.

That statement is most important because it highlights the need for the ACT to improve and expand preventative measures to reduce the spread of HIV and AIDS infection.

Madam Speaker, I would like to comment now on what the Remand Centre in the ACT does and its function as part of the ACT legal system. It was built in 1976 for a capacity of 18 detainees and at that time set national standards for the condition of cells. Since then its capacity has been expanded to cater for 24 males and five females. People are held at the Remand Centre while they are awaiting trial or sentence on a range of major charges. As well, juveniles are held on remand where Quamby is deemed to be not suitable. Illegal immigrants are also held on remand at Belconnen. Many of these inmates are in and out in a matter of days or weeks, but a significant number spend longer periods there because of the complexity of their cases, the length of time they need to wait before their cases are heard, or the lack of alternatives. We have heard only recently of a situation where a magistrate had to release a woman with slight intellectual disability and psychiatric problems who had been in the Remand Centre for eight of the past 12 months because of a lack of other suitable facilities.

Recent trends identified in the *Paying the Price* report of the ACT Corrections Review Committee in December 1991 indicated an increase in the number of remandees who spent more than a month in the centre. Numbers have risen from 59 in 1988-89 to 84 in 1989-90. The committee also noted with concern that several detainees spent more than a year in the Belconnen Remand Centre, while one person had been there for 18 months. This is especially alarming when compared to the fact that only one in 10 Australian prisoners remain incarcerated for more than 12 months, while the average prisoner is released in a little over five months. These are the people who have actually been convicted of crimes. Whether the stay in the Belconnen Remand Centre is 18 months, 18 days or 18 hours, there still exists a percentage of remandees who are engaging in risk taking behaviour, and these people have yet to have been proved innocent or guilty of the crimes they have allegedly committed.

Another issue identified by the ACT Corrections Review Committee report that causes concern in public health terms is overcrowding and the actual design of the complex. The 1991 study quoted Keith Brightman, superintendent of the Belconnen Remand Centre, as saying that the facility was "small, inhumane, provides poor working conditions for staff and is structurally incapable of providing any up to date custodial programs". Without the capacity for these programs to operate effectively, and with limited space for recreational activities available for detainees, the time spent in custody awaiting trial or judicial decision can be frustrating, boring and, indeed, frightening. Duncan Chappell, in "Issues in HIV/AIDS in the Prison System", wrote:

In some prisons, the closed, generally overcrowded, understaffed and stressful environment of the prison is conducive to a number of high-risk activities that are associated with the HIV virus.



He identifies intravenous drug use, unprotected sex, and violent assault and tattooing as some of those activities.

The custodial environment is one that we as members have a limited understanding of. However, we need to act responsibly to extend to Remand Centre detainees the same assistance and information about the prevention of HIV/AIDS and the transmission of other sexually transmitted diseases that is available to members of the public. The dilemma, as I have previously stated, is that custodial officers do not see themselves as having that role, but see their role as ensuring that only legal activities take place within the centre. Unless we are to isolate people and keep them separate from each other, allowing no personal contact or interaction, we cannot prevent all those ingenious or desperate enough from taking drugs. Similarly, sexual intercourse has occurred in the most unlikely places since time immemorial and will not be stopped from occurring in the Remand Centre, however valiantly the staff may try to enforce current rules prohibiting sexual activity between remandees.

Concern exists that by distributing condoms they could in turn be used as weapons or to conceal contraband in body cavities. These fears need to be addressed but should not ultimately prevent the urgent need to bring AIDS awareness to the attention of Remand Centre inmates. The added benefit, of course, is that custodial officers are also at reduced risk if the Remand Centre population is better informed and protected against HIV infection.

What we can do by the passage of this amendment Bill is set an example - to show those prison systems that do not provide protection for inmates in the rest of the country that it is not irresponsible to have detainees provided with condoms, lubricant and bleach so that if they do engage in risk taking behaviour they can protect themselves. Some States, such as New South Wales and Victoria, have gone to some lengths to make drug taking less risky by providing bleach to inmates, and New South Wales has introduced a peer education scheme which has been of benefit in teaching prisoners about AIDS and risk taking activities. These steps go part of the way to addressing the issues of risk taking behaviour but still deny that sexual activity takes place. Ultimately, of course, when detainees return to the community, there is less likelihood that they will have been exposed to the AIDS virus if they are able, while in custody, to protect themselves.

Madam Speaker, thus far I have focused on HIV/AIDS in referring to sexually transmitted diseases. However, HIV is only one of these and, while considered to be the most lethal, it is not as contagious as hepatitis A, B or C. So, for example, by taking no action to distribute AIDS/STD kits on arrival we leave the people in detention, who are still innocent in the eyes of the law, at risk of disease during their time in the centre.

Madam Speaker, this amendment Bill could have required that custodial officers be forced to distribute condoms, lubricant and bleach which have been identified as necessary elements of the AIDS/STD kits. As has been shown in New South Wales, this would be against the general wishes of the custodial officers themselves, some of whom see this role as a conflict of interest - a condoning of what they see as illicit or illegal activity. By adopting this approach there undoubtedly would be much acrimony and possibly industrial action and overall ill will generated. Custodial officers are not counsellors, so by ignoring the

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counselling function there may not be much point in just providing the materials to help people protect themselves. People on remand may also feel even more under scrutiny if they have to approach a custodial officer for condoms or bleach. The relationship is a complex one and increased surveillance of remandees by custodial officers could prevent some remandees from requesting the kits.

Madam Speaker, this amendment Bill before us today allows third parties to distribute the available AIDS/STD kits to remandees. What I have sought to do with the introduction of this amendment Bill is to find the commonsense way around a current stalemate. Custodial officers will need to concede that what they see as illicit and illegal behaviour is taking place and has taken place. However, they do not have to be proactive in this regard. Their role in these changes is to facilitate contact between remandees and counsellors. In fact, the onus is generally on their not preventing that contact.

I can almost anticipate one criticism of this amendment Bill, and that is that if these kits are provided in the Remand Centre detainees will see their distribution as open slather for taking drugs and having sex. This will not be the case, as the drugs will still be illegal and their detection on a remandee still an offence. As for sex, the use of the contents of the kits can only make sexual intercourse safer.

It will probably be difficult for some people to accept that there is a need for these measures, but we have seen that in the general community the appearance of the HIV/AIDS virus has caused a lot of taboos to be removed and accepted moralistic attitudes changed in the interests of public health. Remand Centre inmates are members of the community who have been removed, mostly temporarily, because of allegations made against them. Their cases are yet to be proven, and their time in custody could well end with a return to the community.

The Corrections Review Committee report states that only 17.5 per cent of detainees received a prison sentence, while 8.8 per cent received non-custodial sentences. There is a risk, as there is in the general community, that if detainees indulge in risk taking behaviour they can be exposed to the AIDS virus and other sexually transmitted diseases. Members of the community have access to counselling on risk taking behaviour and access to clean syringes, bleach to clean used needles, and condoms and water-based lubricant for safer sex. People in the Remand Centre deserve the same consideration.

Madam Speaker, I urge members to examine this amendment Bill closely and to give it their support. Whatever individual opinions members may have about activities that have been described as taking place in prisons and remand centres around Australia, the appearance of the HIV/AIDS virus has ensured that moralistic arguments about drug taking and sexual activity are no longer sufficient in themselves to prevent risk taking behaviour from occurring. Members, we have the opportunity to minimise that risk taking behaviour occurring through the passage of this amendment Bill. Madam Speaker, I commend the amendment Bill to the Assembly and seek leave to present the explanatory memorandum for the Bill.

Leave granted.

**MS SZUTY:** Thank you, Madam Speaker. I present an explanatory memorandum for this Bill.

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

**PROSTITUTION BILL 1992**

[COGNATE BILL:

PROSTITUTION (CONSEQUENTIAL AMENDMENTS) BILL 1992]

Debate resumed from 8 April 1992, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

**MADAM SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Prostitution (Consequential Amendments) Bill 1992? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.59): I will be moving a series of amendments to these two Bills. I will be reading a formal speech, something by way of a second reading speech to those amendments. Before embarking on that formal process I would like to make some brief introductory remarks. I think the process by which this Assembly has dealt with this very difficult issue of the way in which society regulates prostitution is a method which reflects credit on this Assembly. As members would be aware, in the First Assembly an all-party committee met and provided some recommendations that we look at decriminalising prostitution. Mr Moore was the chair of that committee. While there was a little confusion towards the end of the last Assembly, with a couple of Bills coming in quick succession, what happened in the Second Assembly was that Mr Moore, earlier this year, introduced a substantial private members Bill which provided, in effect, for the decriminalisation of prostitution and some significant public health safeguards to coincide with that decriminalisation.

The Government said at the time that we did not want a quick and hasty debate on that issue; it was far too important. We took that private members Bill to the ACT Government Law Office and used the resources available to the Law Office, which always are rather more than the resources available to private members, to produce a major discussion paper listing a series of recommended changes. Those recommended changes, essentially, are consistent with the broad approach of Mr Moore's decriminalisation Bill, but we think that they improve the Bill, with some substantial additional public health safeguards and some additional safeguards in relation to the way in which we do regulate this industry, in essence saying that this is an industry that needs perhaps, at least in the early stages, to be dealt with more cautiously than any other lawful industry. We also had in mind when we were preparing those amendments a recommendation that had been made around the country in relation to the way in which we deal with this issue of prostitution.

I have circulated to members a list of amendments; but, as will become apparent from the debate, there has been a series of both bilateral discussions between Mr Moore and me and all-party discussions involving the two relevant opposition spokespersons, Mr Humphries and Mrs Carnell. I think we are at a point where we have general agreement on a piece of legislation which could otherwise have been very contentious and on which a lot of cheap political points could have been made.

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I think it is apparent to everyone that if members of the Assembly had felt so inclined we could have turned this into a real political football. Everyone could have had a great old time, making inflammatory press releases and kicking this issue around, and public health in this Territory would have been prejudicially affected. I think it reflects credit on everyone involved that, instead, everyone has taken a mature approach to this, has acknowledged that prostitution has been part of society for as long as recorded history applies, that attempts to outlaw it will simply never work and, therefore, we are better to accept the reality of commercial sexual services, without condoning that, and to ensure that it operates in a manner which is controlled and in the public interest. Given the emergence of HIV and AIDS in the last decade as a major public health issue, it is particularly commendable that we are able to adopt a mature approach to this, in keeping with the generally mature approach to that issue that has been adopted throughout Australia.

Madam Speaker, the amendments I am going to move on behalf of the Government today are essentially designed to achieve the position outlined as the Government's position on this issue in the discussion paper tabled in this Assembly on 18 June 1992, and to make some additional improvements based on public comment on the paper. The Government's position is basically one of agreement with the general thrust and policy of Mr Moore's Bills. Those Bills arose from the work and recommendations of the Select Committee on HIV, Illegal Drugs and Prostitution, of which Mr Moore was the chair, which released its report in 1991.

Madam Speaker, we took the view on the introduction of the Bills that they should be looked at to see whether they could be improved. My discussion paper suggested a range of improvements and the Government's legal advisers have suggested a range of technical changes. The amendments I am introducing today incorporate all of these matters, but the essential policy of the legislation which will result is one on which I believe most of us in this Assembly are agreed. That policy is to remove the criminal laws based on an outdated and failed policy of prohibition of prostitution and to replace them with laws designed to ensure that the community is protected from harm in relation to public health and in respect of children, and to ensure that people in the industry meet appropriate standards in respect of health and other matters.

Madam Speaker, let me emphatically say that the Government does not intend to support or condone the prostitution industry, but we do believe that the Government has a responsibility to ensure that the law of the ACT is the best possible in the general public interest, and by that yardstick we support Mr Moore's Bills in their general thrust and policy. It is in accordance with that yardstick that we seek to introduce these amendments to those Bills. The details of the amendments are set out in the explanatory memoranda, but I intend to outline the main changes to the Assembly.

The amendments provide for a register of brothels and escort agencies. Brothels and escort agencies will not have to be registered to be legally established as in a licensing system, that is, the Victorian system; but there is a criminal penalty for failing to provide information to the register. By this means the location of businesses can be known and the identity of persons owning and running the business can also be known. This information will facilitate the regulation of the industry and also enable the Assembly and the public to be satisfied that it is open and above board.

The obligations of operators of brothels and escort agencies will include an obligation to take reasonable steps to ensure that persons infected with a sexually transmitted disease, an STD, do not work in the operator's business. This replaces a provision in the Bill, clause 12, which seeks to achieve a similar result in an indirect and, in the Government's view, impractical way. We also propose to insert a new clause, clause 12A, imposing a safe sex obligation on individuals, clients and prostitutes because we believe that it is not only incumbent upon operators to have some responsibility in this area but also a matter ultimately of personal responsibility.

Madam Speaker, as a result of the round table discussions involving both the Opposition and the Independents, we have expanded that to make it clear that these safe sex requirements apply to commercial sexual activity, whether in a brothel or otherwise. We make it clear that those public health safeguards apply whether the sexual activity occurs in a brothel as defined in the Act or from an escort agency or in any other circumstances. We want to be as broad-ranging as possible in that safe sex requirement.

Madam Speaker, some people will object that such a personal obligation is unenforceable. Such an objection can be made about many criminal offences that already exist; but that does not stop evidence of non-compliance from coming to light through complaints and information made available to the police, and I am confident that the same will apply to this matter. Such an objection is also one which underestimates the symbolic and educative role of the law. We do not all obey the law merely for fear of being caught by the police. The fact that the parliament has seen fit to prohibit certain conduct is an important signal to individual members of the community that the community as a whole strongly disapproves of that conduct. The vast bulk of the community obeys the law voluntarily because of a recognition of the community's attitude to conduct prohibited by the law.

Madam Speaker, we also propose to remove the clear inconsistency which exists between clauses 12 and 13 of the Prostitution Bill. In the former clause a brothel or escort agency operator is obliged to take steps to ensure that STD infected people do not work on the premises, and in the latter the operator or a prostitute may be committing an offence by using the result of a medical examination to indicate a worker's health status. We also have included amendments to ensure that only qualified medical practitioners nominated by the Chief Medical Officer of the Health Department are able to operate in this field.

Madam Speaker, we have modified the Prostitution Bill's provision on controlling the location of brothels in two limited respects. We have provided for the permitted locations to be designated by regulation, rather than name them in the Bill. This means that changes will be simpler to make, but it retains the important opportunity for the Assembly to scrutinise and disallow the changes. Secondly, we do not require escort agencies to be in these permitted locations. What is the point of requiring a telephone answering service - perhaps, in many cases, merely a telephone answering machine - to be located in Fyshwick? Mr Moore's Bill would require an escort agency to do so by virtue of clauses 3 and 5.

The Government's position on the location of brothels remains the same, basically, as that in the Bill and as stated in the discussion paper. They should be confined to the localities where they are at present, that is, Fyshwick and Mitchell. We believe that in the longer term we will have to look at other areas, if only for the reason that in the longer term limiting the permitted locations to only those

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two areas will result in an undesirable accumulation of brothels in those areas. But for the purposes of establishing the new regime we believe that a policy of minimal disruption to the present pattern of business in this respect is the best approach. Indeed, there is a clear community perception that people do not want brothels to operate in suburban areas near schools, near churches, near child-care centres, and that is a perfectly understandable community concern. We have included an objects clause, clause 3, which will concisely set out the purposes of the legislation. The existing clause 3 will be unnecessary as a result of a range of technical amendments also proposed by the Government.

Madam Speaker, I believe that it is important to place the legislation in the context of the other government proposals in this area which are designed to support and complement the legislation but which are administrative in character. These matters were also outlined in the discussion paper issued earlier this year. The most important of these is the establishment of a consultative committee, made up of industry representatives, community representatives and government officials, which will monitor the establishment of the new scheme for the industry and advise the Government, through my department, on relevant issues.

I also indicate that I would be keen to keep the dialogue that has been operating across the chamber on this issue as we develop this monitoring regime. This initiative has been welcomed by all sections of the industry and we look forward to hearing from the committee on some of the issues identified in the discussion paper as issues which it might address. Other changes will flow from the removal of the taint of illegality from the industry. Workers and operators will have access to the justice system and to proper insurance and financial arrangements in respect of matters arising from prostitution, and the industry will come under occupational health and safety legislation.

Madam Speaker, I wish to conclude by congratulating Mr Moore for the work of his committee, represented by the original Bills before us today; by reiterating the Government's support for the Bills in their general terms; and by saying that our amendments are put forward in a constructive spirit to make what we are convinced will be improvements to the legislation on the basis of legal and policy advice from the Government Service and of comments from the community. I confidently expect that the process by which we have carried this, by way of discussion with the relevant opposition spokesperson and Mr Moore, who has primary carriage of the Bill, will result in prostitution legislation in Canberra which will be seen as a model for the rest of the community.

There have been moves in relation to this industry in other States. Victoria has adopted a highly regulatory licensing model which is now seen by virtually all commentators to have failed; to encourage, in effect, a dual system of legal brothels and an underground system of illegal brothels, and to have not addressed the overwhelming public health concerns. Some other States have moved to a broad deregulatory approach. The concern with that approach is that it does not address the public health issues. I believe that the consensus approach which is represented by the original Bill, the government amendments in the discussion paper, and the subsequent modification of those amendments as a result of round table discussions, will give this Territory legislation in this contentious area which will be seen as a model for the rest of the country. Perhaps it will be seen as a model for the rest of the country in reaching agreement on this contentious area of social policy.

**MRS CARNELL (11.11):** Madam Speaker, I would like to add to Mr Connolly's statements about the process that was undertaken with this piece of legislation. The process was very appropriate from our side of the house because, in the first instance, we did have a number of problems with the first Bill as it was put forward. As time has gone on and in consultation with Mr Connolly and Mr Moore, those quite severe problems, in some cases, with the original Bill have been overcome. We now support the Bill in full, with the amendments to be put forward by Mr Connolly.

One of the major positives of this Bill is that it covers all forms of prostitution, not just in brothels. It does not discriminate directly against brothels. It takes on board the quite substantial problems that have occurred in Victoria, where legislation was brought in which proved to be unworkable and which proved to discriminate against some parts of the industry. Those problems, we believe, have been overcome with this legislation. We were also pleased to see the advertising ban removed from the original legislation.

Most importantly, though, the public health requirements, that obviously are central to this legislation, now cover all forms of prostitution and cover all forms of STDs. They will protect the prostitute, the brothel owner and the client. They will produce very definite obligations on all three parties in this transaction, which we on this side of the house believe is very appropriate. The area of police powers was one of contention, but we have come to an agreement. We believe that it is appropriate for police to be given the power to enter without a warrant, but only when they suspect that child prostitution is involved.

Again, I would like to fully support the process that was undertaken. I believe that this legislation will be the best and most progressive legislation in this area in Australia. It will go a long way to convince the public, or I hope it does, that this Assembly is working appropriately in the interests of the public and in the interests of public health.

**MS SZUTY (11.14):** Madam Speaker, I am pleased to add my support to the Prostitution Bill 1992, which is presented for debate today by my colleague Mr Moore. The impetus for moves to bring prostitution into the circle of acceptable businesses and occupations around Australia has been the spread of HIV. It is interesting to note that, once this reason for addressing the issue of prostitution was accepted, research showed that in fact prostitutes are less likely to be infected and to transmit HIV than was previously thought. As the 1991 report to the Federal Department of Health, Housing and Community Services on legal issues relating to HIV, AIDS, sex workers and their clients states:

Fearful public images of sex workers as purveyors of disease derive from the social position of sex workers which has developed through history. The myth of female pollution was linked to moral blame from which male clients were remarkably immune.

The report states that a study conducted over four years showed that, of 1,100 sex workers visiting Sydney metropolitan sexually transmitted diseases clinics, none were HIV positive. Another survey of prostitutes in 1989, which covered three cities including Canberra, again found no incidence of the virus. In Victoria yet another study found a low incidence of STDs of all types among prostitutes. That study identified overseas so-called sex holidays as being more risky than a visit to an Australian brothel.

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So, what are we hoping to achieve with this legislation? We are attempting to make the industry legitimate in the eyes of the general community and to introduce safeguards against the spread of HIV by putting an onus on clients as well as brothel operators and workers not to spread sexually transmissible diseases. What are the pluses for the community? There will be the quantifying of the profession and, hopefully, recognition of the fact that another survey quoted in the Commonwealth report showed that more than 95 per cent of prostitutes used condoms all the time. Community usage of safe sex practices is accepted to be far below this level. We cannot sustain myths about prostitutes being disease carriers if they are seen to be acting responsibly. The Bill before us will also prevent any community perception of police corruption, as it now removes the offence of running a brothel. The police are now responsible for both prostitutes and the public, and their only punitive function with regard to brothels should be to police the provisions banning child prostitution and general crime prevention.

What, then, will be the minuses for the community? I think these are perceptual. People need to accept prostitution as a fact of life, and many people may not like that. But, Madam Speaker, even the Catholic and Anglican churches during the hearings of the Select Committee on HIV, Illegal Drugs and Prostitution offered no real resistance to the decriminalisation of brothels. Another difficult concept for people to come to terms with is that these women are in fact professionals and that they deliver services to their clients. They cannot any longer be blamed in isolation for the moral issues surrounding prostitution. This Bill makes both prostitute and client responsible for disclosing any possibility of disease transmission.

In achieving the decriminalisation of brothels and the regulation of the prostitution industry, we have had to be careful to avoid making the mistakes that have occurred elsewhere. For the past few years the Victorian police force has had to deal with inadequate prostitution laws which have done nothing to stop illegal prostitution and indeed have seen the proliferation of illegal activity. The scope of the ACT's legislation has to be wide enough to cover all workers employed in the sex industry, male and female. To this end, escort agencies are included with brothels.

Resulting from the passage of this legislation today, there will be occupational health and safety implications, and the organisations representing workers in the sex industry may also want to consider taking up the issue of the relationship between prostitutes and brothels or escort agencies. Are prostitutes employees or are they independent contractors who use the agency or brothel premises? I applaud the concept inherent in the legislation that women and men who work in the sex industry have rights. It is important that they are protected from duress and supported in their insistence on the use of prophylactic devices such as condoms when providing sexual services.

Madam Speaker, the legislation we are debating today and which has been discussed at length in the community is landmark legislation, as has been commented on by Mr Connolly. I congratulate my colleague Mr Moore on his work on the Select Committee on HIV, Illegal Drugs and Prostitution and on his work in stimulating wide community debate and discussion which have ultimately led to the appropriate reform of the ACT's prostitution laws.



**MR HUMPHRIES** (11.19): Madam Speaker, I rise also to support the Bill before the house today, together with the amendments which are a product of discussions between members of the Assembly. The debate today is in some senses an occasion for a mixture of pleasure and disappointment. The pleasure comes firstly from the fact that finally the Assembly will be able to deal legislatively with the matter of prostitution, which has been around for quite some time and has caused some debate in the community. It is time that that community debate was brought to a head. Today's legislation, when it passes, I believe, will be a good way of doing that.

I endorse the comments made by Mr Connolly, Ms Szuty and others that this legislation puts in place an effective regime which will be a model for other jurisdictions to follow. It deals with the matter in a workable way by establishing a robust and realistic scheme for the regulation of prostitution in the ACT. Having carefully examined this legislation over a period of months, I believe that it will provide for a check on damage which might be done within the industry to individuals, particularly the health of individuals. I endorse the comment that this legislation should be emulated in due course by other States, particularly those that have attempted other forms of regulation with varying degrees of success.

This is also an occasion for some disappointment. It is unfortunate that legislation is necessary to regulate an industry of this kind in the Federal capital. Prostitution is an activity which many of us have much cause to regret. It is possible, obviously, to do certain things in relation to the way in which it might operate in the Territory or indeed anywhere else, but it is not possible to legislate it out of existence. It can and will exist irrespective of what law makers or law enforcers happen to decide about it. The evidence for that statement is the many attempts made historically to ban prostitution in a variety of societies, all of which, to the best of my observation, have been entirely unsuccessful.

Today is not a day to moralise about prostitution, but rather a day to act on the question of prostitution, to protect those who are, for whatever reason, caught up in the industry. It is a day to put aside also the potential to make political capital out of an initiative which has been taken by the crossbenchers and which, in other jurisdictions, has so easily been the subject of intense political point scoring. We do the citizens of the Territory a service by putting those considerations aside and proceeding to enact legislation which we believe will effectively deal with the problems in this industry.

I want to refer briefly to some of the strengths I see in the legislation as now amended. Madam Speaker, the legislation now widens the scope of control over the activities of prostitution. This is not merely a Bill about brothels, which I think it could reasonably be said was the scope of an earlier version of the Bill. It is now very much a Bill about prostitution. It applies in most respects to both escort agencies and individual prostitution. Here I refer particularly to the important provisions dealing with the knowing infection of another person with a sexually transmittable disease, to provisions dealing with the use of prophylactics in a brothel or elsewhere and to the restrictions on child prostitution. All of those things apply equally, irrespective of where the activity takes place. That is a very important consideration in making this an effective piece of legislation.

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I believe, moreover, that we have in place here an effective regulatory regime for those who operate brothels. It is perhaps unfortunate to focus on elements of business efficacy in dealing with a matter as sensitive as prostitution, but here we have a regime which is very simple. It covers only a page or so of legislation. It provides for a registrar of brothels and escort agencies, a person who receives easily supplied information from potential operators. It is simple, straightforward and easy to administer. A complex regime of regulation, from a business point of view, would run the serious risk of being sufficiently unattractive to many potential operators in the field as to make them want to avoid it, and that would be unfortunate. This regime will work well. It might not in other circumstances, but it certainly will in this context.

The role we have settled on for police enforcement of the provisions set down in this legislation is an effective one. There was concern about the extent of police powers and the capacity for police to enter brothels, and of course there was an eye to the historical relationship between police and prostitution, that is, between police and brothels. Madam Speaker, I think that we strike a happy balance in this role. I understand that this role will be revisited from time to time to see whether it should be modified in light of the circumstances.

The final strength I see in the legislation is the regime for testing. It provides a reasonable expectation that those who work as prostitutes, particularly in brothels, will from time to time submit themselves to testing, to medical examinations, to ensure that they have not contracted diseases which might be transmitted. Obviously there are no guarantees. Nobody can rule out entirely the possibility of unprotected sex in these places or the transmission of disease; but I think we have here about as effective a regime as we could have, to minimise the risk of that taking place - short of government inspectors in every room.

Ms Szuty talked about the drawbacks in the legislation. She said that they were, if anything, perceptual. I am not sure whether that word exists; but, if it does, I agree that the problems are perceptual. The risk we run by passing legislation of this kind is that we send the message that we have normalised this activity; that it is as natural and acceptable within the community as purchasing a car or buying something in a shop. I hope that we do not do that with this legislation. I hope that we establish an arrangement which protects those we seek to protect, particularly children, but which provides that where the industry does manifest itself it does so in a way which does not occasion general harm. As I have said, I believe that we have achieved that with this legislation. I commend it to the house.

**MR STEVENSON (11.27):** What this legislation will do, among other things, is give a clear stamp of approval from this Assembly for prostitution. Mr Connolly referred to the perception of people in our community. That perception will be that we approve of this activity and feel that it should be legalised. Let us not go into the argument of decriminalisation. We have an exceedingly high youth unemployment rate in the ACT. When we give prostitution our stamp of approval, it will encourage some youths to work in the field of prostitution. This is a fairly logical assumption. The Australian Federation for the Family has faxed me something they asked me to read in the Assembly. I read part of it:

Our major concern is that such laws normalise prostitution - sending a clear message to our children that society considers it normal and reasonable to sell your body for money - and that risking AIDS and other STD's and battery by strangers for financial gain is a legitimate profession for school-leavers, women re-entering the workforce, migrants, ethnic minorities and retirees seeking to augment meagre incomes. This is no way for the ACT Labor Party to reduce their abysmal jobless statistics! An opportunity to prostitute oneself is a 'Position Vacant' that no Australian should be forced to consider!

They go on to say that neither the police, the families of the ACT, the brothel owners nor the unemployed have called for this legislation. They continue:

The Bill, as proposed, will do little for order in our society, but will further weaken the family. We need representatives of the community in power who reflect the will of the community - and have the best interests of our families and children at heart.

I believe that this Assembly has fallen into the trap of following the course set by the discredited Dr Kinsey in reforming Western sexuality: a new era built upon sex science fraud! According to Dr Judith Reisman, Child Protection Advocate and The Director of Media Education, Arlington USA, who, when speaking in Canberra on Thursday 11 November 1992, said that 'Kinsey's view of human sexuality is spun off to reflect all pornographic media: these include a condemnation of virginity, a procedural manual for rape, an attack upon marriage, hatred of females, especially wives, and the promotion of the idea that children were viable sex objects for adults. This mechanistic component-like treatment of 'outlet sexuality' and promotion of masturbation instead of human love in relationships was the Kinsey standard and has since expanded and spun off so that today, acceptance of prostitution and the open display of pornography is only one aspect of the influence of the massive, growing, parasitical organism known today, by sexologists as the International Pornography Cartel.'

I should add that Dr Judith Reisman conducts extensive in-service training for the FBI academy in America, has been a consultant for both the US Department of Health and Human Services and the US Department of Education and has been successfully called as an expert witness in several Supreme Court cases in the US involving pornography and its link to criminal activity. Let me read from the document of Workers in Sex Employment in the ACT:

Law reform that has taken place in other states has left sex workers and the industry itself in a worse situation. The industry has been further marginalised and in most cases, resulted in more illegal behaviour.

Victoria is a clear example where there has been a large increase in street prostitution and illegal parlours. Adelaide, Darwin and Melbourne have recently seen the number of pimps multiply in the guise of escort agencies and on the street. The illegal side, which is the majority, is not regulated or controlled.

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Workers in Sex Employment in the ACT have asked members of this Assembly not to vote for the Prostitution Bill. It is fairly obvious that health checks do not keep prostitutes disease free. Anybody having sex can be infected by their next customer.

**Mr Moore:** Well, don't do it.

**MR STEVENSON:** Condom use cannot be ensured, particularly when brothel owners are subjected to competition, which will probably increase in Canberra if this legislation is passed. Mr Moore interjected a moment ago and said, "Well, don't do it". I think that is the suggestion of quite a few people around Canberra. We have surveyed the question of legalising prostitution, and it seems that there is a balance of community view. It is half and half. Slightly more people would not legalise it, but it is so close as to be not of concern. Most people have an opinion on it. But there has been no call from the community for these changes. There has certainly been no call from young people in Canberra. There has been no call from families in Canberra.

**Mr Lamont:** Workers in Sex?

**MR STEVENSON:** Mr Lamont mentions Workers in Sex. Just two minutes ago I said that they asked members to vote against the Prostitution Bill. A recent Sydney study has shown that, while condom use by prostitutes decreases disease, obviously it does not cut it out altogether. So, there is still a cause for concern about sexually transmitted diseases. Ms Szuty talked about AIDS, not general STDs. There is probably a three-month incubation period for AIDS. Certainly it would take weeks, possibly months or years, to show up in a blood sample. In the meantime, if a prostitute has AIDS, hundreds of clients could be infected and pass on that infection to other people. I understand, as all would, that no prostitute wants to get any sexually transmitted disease. Indeed, most of them would do all in their power to ensure that that did not happen.

This legislation suggests that the onus for ensuring that a condom is worn should be on the brothel owner. The prostitutes believe that the onus does and should reside with prostitutes and their clients. That would make far more sense than the onus residing with the brothel owner. While brothel owners may be able to encourage the use of condoms, they certainly do not have the final responsibility. I realise that the legislation talks about brothel owners doing whatever is reasonable, but who is going to police the offence of having sex without a condom? We hear no comment. We have been told by some police that they feel that the situation is about as good as you will get. They regularly check brothels. They have some fairly tight restrictions in the area. They particularly want to keep out criminal activity. They enforce other laws, execute outstanding warrants and so on.

As a former New South Wales policeman who worked in the heart of the city, I realise that there are concerns about how you police prostitution. The revolving door principle that we had in New South Wales did not work. Prostitutes would be picked up of an evening, and a whole pile of them would appear before the beak - as we used to call the magistrate - the next morning.

**Mr Moore:** Some coppers were wealthy.

**MR STEVENSON:** They would be fined and go back out on the street. That process was not doing much at all to control the industry. Mr Moore mentions that some coppers were on the take. The suggestion that, if we take some of the offences out of police hands and put them in the hands of inspectors, all will be fine is an absolute nonsense.

There is to be a definition of "escort agency". For those people running escort agencies to provide people with escorts when they go out, would it not be a problem to have their agencies defined as brothels when they are not?

**Mr Moore:** That has been changed.

**MR STEVENSON:** Mr Moore mentions that that has been changed. If that is the case, then fair enough; that would not be a problem.

There are some unanswered questions about what the situation will be if this Bill is passed. Once prostitution is given the stamp of approval by this Government, will there be government funding? Will it be suggested that prostitution is a reasonable occupation for young girls and young boys to aspire to? If it is a legal occupation, will schools, TAFE colleges and government departments be open to charges of discriminating against this occupation? If someone applies to the CES to put up a job for a prostitute to work in a brothel, will that be knocked back? Although it may seem unlikely that these things would come up, far stranger things have happened after the introduction of laws regarding discrimination in sexual and other matters.

Ms Szuty said something about the Catholic Church raising no strong objections to this reform. Let me read what Patrick Power, the Auxiliary Bishop of the Archdiocese of Canberra and Goulburn, said in his submission to the ACT Assembly Select Committee on HIV, Illegal Drugs and Prostitution on 13 October. Under the heading "General Comments" he said:

Respect for the dignity of the human person must be the primary consideration in the matter under discussion. Whether or not prostitution is the world's oldest profession, it is a clear case of exploitation of the women (and of the men) involved. Consideration needs to be given to the dignity of the prostitute, of the client and of other people affected by prostitution. Governments have a duty to protect and promote the well-being of their citizens and of the environment in which they live.

In other words, the civil law has a duty to protect individual rights and to promote the common good. Obviously it is not within the power of Governments to eliminate all forms of immoral behaviour but whatever steps are possible should be taken to discourage it and to reduce its impact on the community.

...            ...            ...

The Catholic Church has always condemned the immorality of prostitution because of the illicit sexual activity, its violence to marriage, and more particularly because of the degradation, exploitation and attack on the dignity of the persons involved.

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Historically, the Catholic Church has tried to do what is possible to help prostitutes to escape from their enslavement and to be rehabilitated. Currently, there are two Good Shepherd Sisters working among prostitutes at Kings Cross in Sydney.

... ..

Canberra would be done a great disservice if any legislation were to appear to be condoning prostitution and encouraging its spread.

That would seem to contradict the statement by Ms Szuty that the Catholic Church was not expressing strong disagreement with the Prostitution Bill.

To sum up, the legislation gives the stamp of approval to prostitution that would encourage prostitution amongst young people. There has been no call for such legislation from the community, police, families or young people. While it may be model legislation, do we need model legislation for porn videos, legalised drugs, prostitution, gambling and so on? I also indicate that after the in-principle debate I will move to adjourn debate on the matter.

**MR MOORE** (11.43), in reply: Madam Speaker, what we have heard today is a very healthy debate and the result of a great deal of consultation. I appreciate the comments made by Mr Connolly, Mrs Carnell, Ms Szuty and Mr Humphries.

It is important for me to identify a couple of issues that I have been prepared to compromise on for what I think is going to be the best prostitution legislation in Australia. The first of those is the health issue that Mr Humphries and Mrs Carnell raised. I have moved my position on this since bringing down the report on prostitution. It seems to me that, if we are going to consider the importance of population health, then we ought to follow the strategy that the World Health Organisation advocates and empower people to make their own decisions about their health. If we were to take that approach we would be leaving the responsibility for testing to the workers themselves. I believe that that is the appropriate approach. However, I have not been able to convince other people of that. Considering the compromises that other people have made, I think that we are going to come up with the best piece of legislation.

Secondly, as far as I am concerned, the compromise that has been made on police involvement is satisfactory. However, I think the ideal situation would be that police treat prostitution in the same way as they deal with any other area of legislation. If they feel that a law has been broken, then they ought to get a warrant. The Minister has agreed that this should be reviewed in a couple of years' time. That is a satisfactory approach. Police involvement is narrowed to simply dealing with cases where police officers believe on reasonable grounds - and they would have to identify those reasonable grounds - that child prostitution is taking place. I think the issue is of such importance that it is an acceptable compromise.

On the issue of reviewing the legislation, it does not matter how well we think we are legislating at the moment. There is no doubt that in moving into an area such as this we are likely to run into some difficulties. Therefore, it is appropriate that the whole legislation be looked at and reassessed within a couple of years. That is an issue that members should be conscious of. Hopefully, we have done well enough and the review will mean only very minor changes, but we are very conscious of the situation in Victoria that a number of members have mentioned.

Had a review taken place in Victoria within two years, they could have resolved the problems and dealt with the situation much more effectively. That is an important issue that we can learn from. It was dealt with appropriately by Mrs Carnell.

There was a series of other positive comments about the strength of the legislation. I do not see any need to reiterate those comments. I move to some of the comments made by Mr Stevenson. The first was that we are going to put our stamp of approval on prostitution. It is very easy in this house and publicly to argue in black and white. That is what Mr Stevenson does best and does most often. You simply say, "Everything about this is bad; therefore, we must ban it". That is a simple solution. The rest of the members of the Assembly have taken an intelligent approach - the same sort of intelligent approach that was taken by the Catholic and Anglican bishops.

In a minute I will read something they said, so that they are not misrepresented. Members understand that the issue is much more difficult than Mr Stevenson would have us and some members of the public, probably 2 or 3 per cent who are represented by the Federation of the Family, believe. No doubt, though, his speech will be popular in Toowoomba, Chinchilla and places like that, rather than in the ACT. The Anglican Bishop of Canberra and Goulburn is quoted in the report of the Select Committee on HIV, Illegal Drugs and Prostitution as saying:

As a necessary evil it should be accepted and controlled. That control should be by way of decriminalisation not legislation. The Church would, I do not think ever, come out in favour of legalisation of prostitution, but I think we could cope with decriminalisation.

That sentiment was echoed then by Bishop Power of the Catholic Church. The committee, in paragraph 7.8 of its report, summarised what the bishops said, as follows:

Both churches expressed deep concern for the people involved in prostitution, and voiced a need for tolerance and understanding.

If Mr Stevenson put a little more effort into tolerance and understanding we might hear a different view from him. It is important to understand that, more than any other prostitution legislation in Australia, this legislation does decriminalise. I presented two Bills. The Prostitution (Consequential Amendments) Bill, which this debate also focuses on, actually decriminalises prostitution. If that were the only Bill to go through, prostitution would be completely decriminalised.

The other Bill legalises. I think that is a reasonable way to describe it. The way we use the word "decriminalisation" here is very different from the way we used it, for example, in the debate on marijuana. The legalisation, which is very minimal, is primarily for health reasons. We can turn a blind eye and say, "Well, don't worry". Earlier I interjected, "Well, just don't do it". Mr Stevenson picked up my interjection. What he missed, though, was the irony in the tone in which it was said. No matter how much we say, "Well, just don't do it", we will not get people to respond. We need a logical, rational, intelligent approach rather than just a black-and-white approach.

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Mr Stevenson also raised the issue of youth. My understanding is that a youth is someone under 18. We have put legal restrictions on the participation of minors in prostitution and imposed a seven-year term of imprisonment. If we just decriminalised, we would not have control over that. That is why members other than Mr Stevenson think there is a role for legalisation. I would argue that if that were put to Bishop George - I do not know what Bishop Power would say - he would be very keen to ensure that there was no involvement of minors and that we took action to ensure that that was the case.

Mr Stevenson also raised a series of questions about government funding and prostitution being an unreasonable occupation for young boys and girls. I think I have answered the latter question by saying that it is an illegal occupation for young people. Mr Stevenson also raised the matter of advertising with the Commonwealth Employment Service. Adults can make their own decisions as to whether they are going to be involved or not. Remember that we are talking about adults. They should be making their own decisions.

Madam Speaker, the issues raised by Mr Stevenson reflect the lack of tolerance in his approach rather than valid arguments. The rest of the Assembly has had a logical and rational discussion. Mr Stevenson indicated that WISE had a particular opinion. There was a clear disagreement from the gallery with what Mr Stevenson said. Had he taken up my offer to discuss this matter further, we may have had a different result. He decided not to. Therefore, I think it is appropriate that we pass this Bill in its agreed form.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

*AYES, 16*

*NOES, 1*

Mr Berry  
Mrs Carnell  
Mr Connolly  
Mr Cornwell  
Mr De Domenico  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Humphries  
Mr Kaine  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Westende  
Mr Wood

Mr Stevenson

Question so resolved in the affirmative.

Bill agreed to in principle.



**Detail Stage**

Clause 1 agreed to.  
Proposed new clause 1A

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.56): I move:

That the following new clause be inserted in the Bill:

**Commencement**

"1A. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

"(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

"(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period."

As explained in the explanatory memorandum, this is merely a standard commencement provision replacing the existing commencement provision.

Motion (by **Mr Stevenson**) put:

That the debate be adjourned.

The Assembly voted -

*AYES, 1*

Mr Stevenson

*NOES, 16*

Mr Berry  
Mrs Carnell  
Mr Connolly  
Mr Cornwell  
Mr De Domenico  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Humphries  
Mr Kaine  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Westende  
Mr Wood

Question so resolved in the negative.  
Proposed new clause agreed to.

Clause 2

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.59): Madam Speaker, I seek leave to move amendments 2, 3 and 4 circulated in my name together.

Leave granted.

**MR CONNOLLY:** I move:

Page 1, subclause (1), insert the following definitions in their respective appropriate alphabetical positions:

"medical examination' includes the taking of a sample of tissue, blood, urine or other bodily material for medical testing;

'operator' in relation to a brothel or escort agency, includes the owner and the person in day-to-day control of the brothel or escort agency;

'premises used by one prostitute' means premises used by not more than one prostitute other than -

- (a) premises adjacent to or, in the case of town houses, units or apartments, in the same block as, other premises that are used for prostitution;
- (b) premises the provision of commercial sexual services at which is arranged by a person (other than the prostitute) who arranges clients for other prostitutes; or
- (c) premises to which clients are referred by other prostitutes, or from which clients are referred to other prostitutes;

'sexual services' means -

- (a) an act of sexual intercourse as defined in section 92 of the *Crimes Act 1900*;
- (b) the masturbation of one person by another; or
- (c) any activity which involves the use of one person by another for his or her sexual gratification;"

Page 1, subclause (1), line 8, definition of "brothel", omit the definition, substitute the following definition:

"'brothel' means premises used or to be used for the purpose of prostitution, but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs pursuant to an arrangement initiated elsewhere;"

Page 2, subclause (1), line 15, definition of "sexually transmitted disease", omit the definition, substitute the following definition:

"sexually transmitted disease' means -

- (a) a sexually transmitted disease within the meaning of the *Sexually Transmitted Diseases Act 1956*; or
- (b) the acquired immune deficiency syndrome in any of its stages, including infection with human immuno-deficiency virus."

These amendments are explained in the explanatory memorandum. They are essentially definitional. They tighten the definition of "brothel" by way of a definition of "premises used by one prostitute" so to avoid the possibility of someone avoiding being caught within the definition of "brothel" by setting up a series of apparently independent rooms which are connected. They are an anti-avoidance provision to ensure that the definition of "brothel" covers all forms of commercial sexual activity.

**MR STEVENSON** (12.00): We are talking about the definition of "brothel". I thought I mentioned earlier that Brothel Owners Affiliation Pty Ltd called for members to vote against the Prostitution Bill. I have here a document that says:

RE: MR MICHAEL MOORE'S PROSTITUTION BILL 1992  
Decriminalisation Means No Bad Laws

VOTE FOR                                      The Consequential Amendments Act to remove all current bad laws.

VOTE AGAINST                                  The Prostitution Bill.  
The prostitution is already legal.  
This Bill still discriminates against Brothels which should be able to operate as a normal business.

**Mr Connolly:** Taking instructions from the commercial sex industry; that would be right.

**Mr Moore:** Take your instructions, Dennis.

**MR STEVENSON:** Both the Attorney-General and Mr Moore say that I am taking instructions from the brothel owners. What I said was that there has been no call for a change in this area from groups or people. When I said that, Mr Moore referred to some chuckling in the Assembly to suggest that the brothel owners did not say that. I have just read the document. That is what they said.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 3

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.01): Madam Speaker, I move:

Page 2, line 20, omit the clause, substitute the following clause:

**Objects**

- "3. The objects of the Act are as follows:
- (a) to safeguard public health;
  - (b) to promote the welfare and occupational health and safety of prostitutes;
  - (c) to protect the social and physical environment of the community by controlling the location of brothels;
  - (d) to protect children from exploitation in relation to prostitution."

As was explained earlier, this amendment sets out the objects of the Bill, which are to safeguard public health, to promote the welfare and occupational health and safety of prostitutes, to protect the community in the location of brothels, and to protect children - which Mr Stevenson seems to think we should vote against.

Amendment agreed to.

Clause, as amended, agreed to.

Proposed new Part 1A

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.02): Madam Speaker, I move:

Page 2, line 31, after Part I, insert the following new Part:

**PART 1A - REGISTRATION**

**Registrar**

"3A. The Minister may, by instrument, appoint a person who is a public servant to be the Registrar of Brothels and Escort Agencies.

**Functions of Registrar**

- "3B. (1) The functions of the Registrar are -
- (a) to maintain a register of information provided under subsection 3C(1); and
  - (b) subject to subsection (2) - to make the information available for public inspection.

"(2) The Registrar shall not make available for public inspection information relating to the address of premises used by one prostitute if the prostitute normally resides on those premises.

"(3) Subsection (2) does not prevent inspection of information relating to the address of the premises by -

- (a) a police officer;
- (b) a public servant;
- (c) a prescribed person; or
- (d) a person in a prescribed class of persons;

if the Registrar is satisfied that the person wishes to inspect information relating to the address in order to perform the functions of the person's office.

### **Notice of commencement**

"3C. (1) The operator of a brothel or escort agency shall not, without reasonable excuse, fail to give written notice to the Registrar of Brothels and Escort Agencies, within 7 days after -

- (a) the date of commencing operations; or
- (b) the date of commencement of this section;

whichever is later.

"(2) A notice under subsection (1) shall -

(a) contain the following particulars with respect to the brothel or escort agency:

- (i) its business name (if any) and address;
- (ii) the name and residential address of the person in day-to-day control of the business;
- (iii) if the owner is a natural person - his or her name and residential address;
- (iv) if the owner is a corporation -
  - (A) its name and business address; and
  - (B) the name and residential address of each director and each shareholder; and

(b) be accompanied by the determined fee.

"(3) Where particulars provided in a notice given under subsection (1) become inaccurate, the owner of a brothel or escort agency shall not, without reasonable excuse, fail to give written notice to the Registrar of Brothels and Escort Agencies of the change in particulars within 7 days after the date on which the particulars become inaccurate.

"(4) A person shall not, without reasonable excuse, provide false or misleading information in a notice under subsection (1) or (3).

Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 2 years;
- (b) in the case of a corporation - \$50,000."

This amendment sets up the registration provisions to ensure public control of who is getting into the industry.

**MR STEVENSON** (12.03): I take the opportunity to mention the major reason why I moved to adjourn the debate. About half an hour ago I was given nine pages of amendments by Mr Connolly. He said that when he looked for me in the Assembly yesterday I was not here. I was here. It was only when Assembly members started acting, as someone upstairs said, like children - I said, "No, children do not act like that" - that I decided to leave and go and do some work upstairs. I did listen to the debate on the loudspeaker. However, if Mr Connolly is not sure where I am, I am on the first floor. As you get out of the lift, you turn right.

**MR CORNWELL** (12.04): I have some questions to ask, Madam Speaker. There are people who have not seen these amendments on the floor of the house until now. I would like to know why we have such a wide-ranging number of people under proposed subsection 3B(3). It states:

Subsection (2) does not prevent inspection of information relating to the address of the premises by -

- (a) a police officer;
- (b) a public servant;
- (c) a prescribed person; or
- (d) a person in a prescribed class of persons;

... ..

Would you elaborate on the last two, Mr Attorney, please?

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.04): Madam Speaker, as we said in the in-principle debate, I think the way we have got to this Bill is a model for the way we should deal with contentious social issues in this legislation. We have had round table conferences with interested persons. The two opposition spokespersons have had this material for a week or so. I understand that it has been through the Opposition. I do not know what happens in the opposition parties, but we have gone through this in some detail.

The purpose of the registration clause as a whole is to ensure that we have some public control as to who gets into the industry. This is going well beyond the deregulatory approach and saying that we should know who is the industry, but we should not license. The information will be public. The public can know who is involved in the industry. That is an important point. But it is felt that the

address of a person should not be generally available to the public. Obviously, the police have a legitimate interest in knowing. A public servant means an ACT government official. There are legitimate regulatory reasons why ACT officials need such information. A prescribed person or a prescribed class of persons can be seen to be broad, but we must always remember that under the disallowable instruments Act any prescription must be done by regulation which comes back to this Assembly.

As we have said, this legislation is new. We want to look at it as we go along. I said in my general introductory remarks that we are setting up a working party of people involved in the industry to monitor how it goes. I indicated that I would be happy to involve interested members in that process. We can perhaps convene some meetings and see how that goes. There may well be a need to expand those classes. We are doing it by prescription, but the prescription is subject to approval by this Assembly. Members are not getting rid of any control by this. It is not open slather. There is accountability to this Assembly.

Proposed new Part agreed to.

Clause 4 agreed to.

Clause 5

Amendment (by **Mr Connolly**) proposed:

Page 3, line 10, omit the clause, substitute the following clause:

**Operating a brothel**

"5.(1) A person shall not operate a brothel except in a prescribed location.

Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 12 months;
- (b) in the case of a corporation - \$50,000.

"(2) Subsection (1) does not apply to an escort agency or premises used by one prostitute."

**MR STEVENSON** (12.06): Rather than call for a division on each of the amendments, perhaps it could be taken that, as I have not read them, I will vote against their being taken up until I have read them.

**MR KAINE** (Leader of the Opposition) (12.07): Madam Speaker, I have a question on this amendment. Presumably, it allows the Minister to determine what a prescribed location is. There are at the moment some locations which one could regard as prescribed. Does the Minister see any likelihood of that being changed in the foreseeable future as a result of the introduction of this legislation, or are we going to continue with the same system that we have had in place for some time?

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**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.07): That is a legitimate question, Mr Kaine. I addressed that briefly at the in-principle stage by saying that the original Bill locked into Fyshwick and Mitchell. We think it is more sensible to have prescription which is accountable to this Assembly. It is our intention to prescribe only the current locations of Fyshwick and Mitchell. There may be a case at some stage in the future for that to be expanded, although - as I think I said - there is a legitimate community concern, which I would sympathise with, that we should not see brothels located in suburban areas. I know that that is contrary to the views of the brothel owners association. I know that it is contrary to the practice in Victoria, where brothels are appearing in suburban areas. But it is our present intention to provide by regulation for Fyshwick and Mitchell only. The Assembly will have ultimate control over any expansion on that.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.08): I move:

Page 3, line 22, omit "or imprisonment for 4 months".

As is apparent from the explanatory memorandum, this amendment reduces somewhat the penalty for public soliciting, leaving it punishable by a fine of \$2,000. The intention is to have some consistency between fines throughout the legislation.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 7 and 8, by leave, taken together, and agreed to.

Clause 9

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.09): I move:

Page 4, line 3, omit the clause, substitute the following clause:

**Age of child - burden of proof**

"9. It is a defence to a prosecution under subsection 6(2) or section 7 if it is established that the defendant -

- (a) took reasonable steps to ascertain the age of the child concerned; and
- (b) believed on reasonable grounds that the child had attained 18 years of age."



This provides for some defences for the child prostitution related offences - the normal standard defences based on reasonable belief that a person is in fact over 18 years of age.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 10

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.10): I move:

Page 4, line 12, omit the clause, substitute the following clause:

**Child on premises**

"10. The operator of a brothel or escort agency shall not, without reasonable excuse, permit a child to be on the premises.

Penalty: \$2,000."

This amendment makes it clear that children are not to be in brothels or escort agencies.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 11

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.11): Amendment No. 11 circulated in my name seeks to repeal a proposal to have a total ban on advertising.

**MADAM SPEAKER:** Mr Connolly, we need to clarify a point here.

**MR CONNOLLY:** There is an amendment which I have circulated which says, "Omit the clause". The technical experts tell us that it is inappropriate to move an amendment to omit the clause. The proper course of action is to join Mr Stevenson and to vote against this clause. So, Mr Stevenson has had a win.

**Mr Stevenson:** I might change my mind.

**MR CONNOLLY:** Yes, if I am against it you are in favour of it, and vice versa.

Clause negatived.

Clause 12

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.12): I move:

Page 4, line 21, omit the clause, substitute the following clauses:

**Infected persons**

"12. The operator of a brothel or escort agency shall take reasonable steps to ensure that a prostitute does not provide commercial sexual services at the brothel or from the escort agency if the prostitute is infected with a sexually transmitted disease.

Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 12 months;
- (b) in the case of a corporation - \$50,000.

**Knowingly infecting**

"12A. A person shall not, at a brothel or elsewhere, provide or receive commercial sexual services if the person knows, or could reasonably be expected to know, that he or she is infected with a sexually transmitted disease.

Penalty: \$5,000 or imprisonment for 6 months."

This relates to infected persons. This amendment substitutes a provision placing an obligation on brothel and escort agency operators to take reasonable steps to ensure that staff do not work if they are infected with an STD. The proposed new clause 12A makes it an offence for prostitutes and/or clients to provide or receive commercial sexual services if they know, or should know, that they are infected with an STD. The penalty is \$5,000 or six months' imprisonment. This has been referred to, in working discussions, as the Charlene provision. There was a notorious case in Sydney a year or so ago of a person working in the sex industry who was infected with HIV and it appeared that the law could do nothing to prevent that person working. These provisions would mean that it would be an offence for the brothel owner to allow that person to provide commercial sexual services and for that person to so provide services.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 13

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.13), by leave: I move:

Page 5, subclause (1), line 2, omit "or manager".

Page 5, subclause (1), line 6, after the subclause, insert the following penalty: "Penalty: \$2,000."

Page 5, line 11, add at the end the following subclauses:

(3) Subsections (1) and (2) do not preclude the use by the operator of a brothel or escort agency of an examination by a designated medical practitioner or the results of such an examination for the purpose of satisfying himself or herself that the prostitute is not infected with a sexually transmitted disease.

"(4) In subsection (3) -

'designated medical practitioner' means a person registered as a medical practitioner under the *Medical Practitioners Registration Act 1930* and nominated in writing by the Medical Officer of Health for the purpose of this section."

Madam Speaker, these amendments, as outlined in the explanatory memorandum, tighten up and expand what may be called the safe sex provisions of the Bill in relation to medical examinations and the use of prophylactics. We have again expanded, dramatically, the use of prophylactics provision as a result of discussions with Mr Humphries and Mrs Carnell, to ensure that the requirement to use a prophylactic applies to all parties to any commercial sexual activity. In the Government's discussion paper that was limited to brothels or escort agencies; but in the round table discussions we felt that it was appropriate, as safe sex is the heart of the Bill and is the reason why we are unanimous in supporting the Bill, for that to be expanded.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 14

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.14), by leave: I move:

Page 5, subclause (1), line 13, omit "or manager".

Page 5, subclause (1), line 15, omit "service", substitute "services".

Page 5, subclause (3), line 21, omit the subclause, substitute the following subclause:

"(3) A person shall not, at a brothel or elsewhere, provide or receive commercial sexual services that involve vaginal, oral or anal penetration by any means unless a prophylactic is used.

Penalty: \$5,000."

Page 5, line 24, add the following subclause:

"(4) A person shall not, at a brothel or elsewhere, while providing or receiving commercial sexual services that involve oral, anal or vaginal penetration -

(a) misuse, damage or interfere with the efficacy of any prophylactic used; or

(b) continue to use a prophylactic that he or she knows, or could reasonably be expected to know, is damaged.

Penalty (for an offence against subsection (4)): \$5,000."

On looking closely at my explanatory memorandum I see that this is the expanded use of prophylactic provision which I referred to earlier. The earlier provisions related to the medical examination which I referred to at the outset. These are the heart of those provisions that were changed as a result of discussions with the Opposition, expanding and making it clear that all parties engaged in commercial sexual services are required to use prophylactics, in all cases.

**MR STEVENSON (12.15):** Could the Attorney-General inform the Assembly as to how these particular regulations, particularly those requiring the use of a prophylactic, are going to be enforced?

**MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.15):** We are certainly not going to have police present in or under the bed in every case of commercial sexual activity. By making it an offence, it provides significant protection for the sex worker. If the operator of the brothel says, "You are to provide sex without a condom for an additional fee", that sex worker is entitled to go to their union, and then to police, and say, "That operator was requiring me to have unsafe sex". That is an enormous sanction for the safety of the sex worker. If a client comes into the brothel and says, "I want to have sex without a condom", at the moment there could well be compelling economic pressure on that sex worker to accede to that request. This gives that sex worker enormous protection by being able to say to the client, "That is an offence".

At the moment one could well imagine circumstances where that client could say, "Well, if you refuse, I am going to complain to the brothel owner and get you flicked on and find somebody else who will comply". That sex worker can say, "You, client, are seeking to commit an offence and I will not agree". While it will not be enforced in most cases by the police, there is always the potential for someone to make a complaint. I suspect that in most cases it would be the sex worker making the complaint rather than the client, but that gives enormous protection, in an occupational health and safety sense, to the sex worker.

**MR MOORE (12.17):** I would like to add some emphasis. Under the Crimes Act, to intend to commit the offence is to commit the offence. Therefore, when a client says, "I want to have unsafe sex", the worker is in the position of saying, "You are committing a crime". That is the important emphasis. In that way the worker is much more empowered, as far as this issue goes.

**MR STEVENSON** (12.17): First of all, the answer from the Attorney-General to the question was fairly clear. He said that there would be certain advantages in having that section within the legislation. However, I think that what he really says in answer to the question, "How will it be enforced?" is that it will not be enforced.

**Mr Connolly:** No, that is not what I said at all. I said that whenever a sex worker complains the police can take action.

**MR STEVENSON:** You are talking about complaints. As for how it will be enforced on the job, as it were, the answer clearly is that it will not be. Also, when we look at intent, any suggestion that condoms do not break is nonsense.

**Mr Moore:** Here we go.

**Mr Connolly:** Here we go.

**Mr Moore:** Give us a better technique, Dennis.

**MR STEVENSON:** Mr Moore and Mr Connolly say, "Here we go". I think that the statement could well be made by someone who has just had one break. It certainly gets noisy around here. I tend to be quiet and to listen to what other members say, no matter that I might disagree with it, that I might think it is absolute nonsense, that I might think it is a misrepresentation of a fact. I tend to allow other members to have a say; but, when I get up and say something that is disagreed to by the machine and by Mr Moore, we have a different situation.

**Mr Lamont:** But you have said it so often before.

**MR STEVENSON:** The proof goes on and on. I know that I have said it so often before, and I will continue to say it. I think it is reasonable to allow members to have a say; that is all. It is called freedom of speech. I will continue to say it, make no mistake whatsoever. It would be an interesting situation if someone aware of the breakage percentages of condoms then went ahead and had commercial sex, as you term it, knowing that the statistics show that there will be a percentage of breakage. Knowing that, would there not also be a liability?

Amendments agreed to.

Clause, as amended, agreed to.

Proposed new clauses 14A, 14B and 14C

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.20): I move:

Page 5, line 24, before clause 15, insert the following clauses in Part III:

**Evidentiary certificate**

"14A. (1) In proceedings for an offence against this Act, a certificate signed by the Registrar stating that on a specified date a specified brothel or escort agency was or was not registered under Part IA is evidence of the matters so stated.

"(2) For the purposes of subsection (1), a certificate that purports to be signed by the Registrar shall, unless the contrary is proved, be taken to have been so signed.

**Entry by police**

14B. A police officer may enter a brothel or escort agency where the officer believes on reasonable grounds that -

- (a) an offence against section 7, 8 or 10 of this Act has been, is being or is likely to be committed on the premises; and
- (b) it is necessary to enter the premises for the purpose of preventing the commission or repetition of such an offence, investigating such an offence or apprehending an offender.

**Fees**

"14C. The Minister may, by notice in writing, determine fees for the purposes of this Act or the regulations."

These are the evidentiary provisions, the entry by police requirements, and the provision for fees. The significant thing to say is that the police entry requirement has been modified from the position in the original discussion paper as a result of discussion with the members in the chamber. The only provision to allow the police to enter without a warrant is in relation to child prostitution. It should be said that under other laws in relation to narcotics there are circumstances where, absent a warrant, police could enter a brothel if they had reason to believe that there were narcotics on the premises.

There is a provision to enable the Minister to determine fees and that, pursuant to other legislation of this chamber, the disallowable instruments Act - yes, that is the correct Act - is a disallowable instrument; so the Assembly has control over those fees.

**Mr Moore:** It was your Act.

**MR CONNOLLY:** It is my Act, yes.

Proposed new clauses agreed to.

Clause 15

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.21), by leave: I move:

Page 6, paragraph (2)(f), line 8, insert "and escort agencies" after "brothels".

Page 6, paragraph (2)(g), line 11, insert "or from escort agencies" after "brothels".

Page 6, paragraph (2)(h), line 13, insert "from" before "escort agencies".

These are technical amendments to clause 15 to ensure that escort agencies can be covered by the relevant regulations as well as brothels.

Amendments agreed to.

Clause, as amended, agreed to.

Title agreed to.

Question put:

That this Bill, as amended, be agreed to.

The Assembly voted -

*AYES, 16*

*NOES, 1*

Mr Berry  
Mrs Carnell  
Mr Connolly  
Mr Cornwell  
Mr De Domenico  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Humphries  
Mr Kaine  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Westende  
Mr Wood

Mr Stevenson

Question so resolved in the affirmative.

Bill, as amended, agreed to.

**PROSTITUTION (CONSEQUENTIAL AMENDMENTS) BILL 1992**

Debate resumed from 8 April 1992, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

### Detail Stage

Bill, by leave, taken as a whole

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.24), by leave: I move:

Clause 2, page 1, line 6, omit the clause, substitute the following clause:

#### **Commencement**

"2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

"(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

"(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period."

Clauses 7 and 8, page 2, line 17, omit the clauses.

The first amendment inserts the standard commencement provision into the Bill.

The second relates to clauses 7 and 8 and seeks to remove them as they are unnecessary, as set out in the explanatory memorandum. Clause 7, amending the Public Health Act, is unnecessary because the relevant provision in that Act is already apt to enable the appointment of inspectors for health purposes for the prostitution industry. Clause 8 is unnecessary because the name of the Sexually Transmitted Diseases Act 1956 is already changed, because amendments to enable the prescription of diseases for the purposes of that Act are a matter of health policy and are not necessary for the legislation regulating prostitution, and because other amendments to the Prostitution Bill, which we have already dealt with, dealing with commercial sexual services involving persons who are infected with a sexually transmitted disease, cover the situation.

Amendments agreed to.



Question put:

That this Bill, as a whole, as amended, be agreed to.

The Assembly voted -

*AYES, 16*

*NOES, 1*

Mr Berry  
Mrs Carnell  
Mr Connolly  
Mr Cornwell  
Mr De Domenico  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Humphries  
Mr Kaine  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Westende  
Mr Wood

Mr Stevenson

Question so resolved in the affirmative.

Bill, as amended, agreed to.

**Sitting suspended from 12.27 to 2.30 pm**

### **QUESTIONS WITHOUT NOTICE**

#### **World Heritage Listing**

**MR KAINE:** I would like to address a question to Mr Wood, the Minister for the Environment, Land and Planning. Minister, what is the Government's position on the proposal coming from the Joint Parliamentary Committee on the ACT, specifically from Labor backbencher John Langmore, to subject the entire city of Canberra to world heritage listing?

**MR WOOD:** Madam Speaker, Mr Langmore put out that document. I am not sure whether it is correct to say that the proposal is to subject the entire city to world heritage listing, but I will go and look at the material. I did indicate to Mr Langmore that I would not shut the door; that I would listen to his arguments. As you know, there was a fairly negative response to his statement. Indeed, I was not fulsome in my praise of it; far from it. After a conversation with him and listening to the argument that he put, I indicated that I would talk to him about it; that there was discussion that he and I could have. Arising from that discussion, we could say, "No, we have no further proposal to take this on board", or maybe consider it a little further. That is getting well ahead of myself at this stage.

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**MR KAINE:** I ask a supplementary question, Madam Speaker. On the assumption that the Commonwealth does not bother to ask us what we think, and that is not inconceivable, how does the Minister see that he would get over the proposition that that would totally hand all aspects of planning back to the Commonwealth?

**MR WOOD:** No, I do not think that is the case. The Federal Minister has not been overly enthusiastic about the proposal and, Mr Kaine, any proposal for world heritage listing affecting the ACT would have to come from the ACT Government. Very clearly, that is the case.

### **Health Budget**

**MS ELLIS:** My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Yesterday the Opposition claimed an \$8m blow-out in the health budget. What is the real position on Health's budget for the year to date?

**Mr Kaine:** No; we asked questions about it.

**Mrs Carnell:** We did not claim anything.

**MADAM SPEAKER:** Order!

**MR BERRY:** They did not claim anything, the Libs claim. Health, \$8m over budget, Libs. That is the first furphy. The second furphy is: \$8m budget blow-out. We again got into this position of discussing the different governments' attitudes to the public hospitals. I have here the goods on the Liberals. I have the goods; "ACT Division of the Liberal Party - Plans for the ACT Public Hospital System". I have them; I have your plans. There they are.

**Mr Kaine:** Would you like to table it, because it is news to me?

**MR BERRY:** I would love to table it. In fact, I have prepared a copy for each one of the Liberals. There is a copy for each one of the Liberals, Madam Speaker. For the record may I say that there is not a darned thing on it.

**Mr Humphries:** What have you been smoking, Wayne?

**MR BERRY:** Careful, Gary, that goes close; that is crook. As the board chairman said in the quarterly report, activity levels have trended upward at this time of the year in the past. That certainly happened last year under Labor, but we were able to measure that. Before that we could not discover what was going on. Mr Humphries was advised of difficulties in the health system. He did not want to know; he did not want to put any resources into finding out what was wrong. Mr Kaine did not want to know about it because Mr Humphries was not in a position to tell them.

There is at this time of the year a very short tradition, that is measurable under Labor, of a trending upwards of activity levels. If it were the case that those activity levels were to trend upwards for an entire financial year, then of course you would have difficulties with budgets.

**Mr Cornwell:** I bet you could not answer that question with your hands behind your back; but go on.

**MR BERRY:** You are probably right. You would run into budget problems, the same as Mr Humphries did. No action was taken to do anything about it.

**Mr Humphries:** And you did in 1989?

**MR BERRY:** Indeed, in 1989 we handed the problem over to you. That was a big flop. Fancy doing that! Fancy handing a problem over to Mr Humphries to try to get it fixed! It got worse. We have been able to hold the budget process together. I table again, Madam Speaker, with the approval of the Assembly, the business rules; call them what you like - the supplementation rules, the guidelines for supplementation. Whatever you like to call them, there are the business rules.

Over the course of 1991-92 there were variations to Commonwealth funding for specific purpose programs, and that was picked up in the business rules, guidelines for supplementation - increased labour costs. As with other programs, the health budget was developed on the understanding that increases in labour costs caused by award variations would be supplemented. In Health's case, this includes not only wage and salary awards - this is what you were also told about; I just need to reinforce the memory - but also variations to contracts by which visiting medical officers are engaged. So, the same arrangements apply in relation to those.

A number of significant legal claims were finalised. These relate to things that you cannot anticipate. Mr Kaine may not know, because he did not seem to be right on top of the supplementation arrangements during the Estimates Committee meetings. These relate to events that occurred several years ago and, as such, it would be a bit unreasonable to try to anticipate the outcome of a settlement. The total supplementation, which has never been a secret, was \$8.9m. The supplementation is always considered very closely by Treasury. As I have said, the difference between us and them, and we are poles apart, is that we are able to manage the way that we operate our hospital system. The board of - - -

**Mr Humphries:** How much are you over?

**MR BERRY:** I have said to you that there is a trend. Listen carefully. There is always a trend at this time of the year for higher activity levels and therefore expenditure climbs at this time. If you do not take account of those increasing trends and arrange the way you provide hospital services over the following months, you end up with a budget problem. I think everybody understands that. The board last year put in place a bed management strategy which took advantage of low activity periods, low demand periods over Christmas.

**Mr Kaine:** No patients.

**MR BERRY:** People that are on the list for elective surgery quite often do not want to use the hospital system over the Christmas period and so - - -

**Mr Humphries:** How much?

**MR BERRY:** You will have to wait until the end of the year. We will put in place, as I have said, a program - - -

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**Mr Humphries:** How much are you over now?

**MR BERRY:** We have trended upward. As I said - - -

**Mr Humphries:** By how much? Like that or like that or like that?

**MR BERRY:** I will tell you. It was about 3 per cent. It was about - - -

**MADAM SPEAKER:** Order! Mr Berry has the floor.

**MR BERRY:** It was about 3 per cent - - -

**Mr Humphries:** About 3 per cent.

**MR BERRY:** No, no; hang on a minute. It was about 3 per cent at this time last year and it is a little higher than that right now, but the board has in place a program to address the issue of funding. It has to live within budget. It has a smaller budget this year and it will have to pursue efficiencies within the hospital system to ensure that it comes in on budget. Our insistence to the board has always been that it must come in on budget.

We have a management strategy - something that the Liberals would not understand and something that obviously puzzles them very much. We have a strategy to deal with it. At the end of this year we will demonstrate to them again that we are able to manage our budget month by month, quarter by quarter. At the end of the year we will be able to demonstrate to them that we have managed the hospital budget; that we have been able to provide services to the community and that we have retained our commitment to a public hospital system.

In summary, Madam Speaker, again Labor has shown that it is prepared to back its strategy for good hospital management. It is prepared to work towards living within budget.

**Mr Humphries:** With what? Rhetoric?

**MR BERRY:** Mr Humphries says "Rhetoric". He only has to have a look at last year's performance - we lived within budget - and compare it to his own, which was completely uncontrollable. So, there we have it, Madam Speaker; a success story which is to be repeated by an administration which is disciplined and is prepared to address its financial responsibilities in an orderly fashion. I have to say again - I repeat it and emphasise it - that this is a very difficult year for Health because it is a very tight budget. They have less money. As a result, the Board of Health will have to examine all of the efficiencies that it can, to ensure that the budget is lived within. Of course, those sentiments are echoed by Mr Service.

Just a few minutes before we sat this afternoon I was visited by Mrs Carnell and Mr Moore in relation to an undertaking that I gave yesterday about the provision of figures. There are no secrets in Health.

**Mr Humphries:** That is garbage, Wayne. That is utter garbage.

**MR BERRY:** Now, hang on. You will be able - - -

**Mrs Carnell:** Well, why can't I talk to bureaucrats?

**MADAM SPEAKER:** Could members on my right desist from interjecting, please?

**MR BERRY:** Mrs Carnell asks, "Why can't I talk to them?". The Liberals are not in government. They have to learn to understand that there is a difference. Mrs Carnell asked that the figures that are provided on a quarterly basis be provided in roughly the same form, as I see it, as they were provided month after month by Labor in the last financial year. I am quite relaxed about that, on the face of it. I have said that that seems okay with me and I am having senior people examine the matter at the moment. I said yesterday that I would not have any difficulty with that approach. In principle I do not and we are quite happy to provide those figures. There is no big deal about this. If you want to politicise it and rip into the public hospital system like the Liberals - the Liberals who have no policy on the protection of our public hospital system - - -

**Mr Cornwell:** I raise a point of order, Madam Speaker. I refer you to standing order 118(a).

**MADAM SPEAKER:** May I point out that if people had desisted from interjecting it would have helped the Minister to terminate his answer.

**Mr Humphries:** Come on, Madam Speaker. That is garbage.

**MADAM SPEAKER:** Just a bit of advice.

### **Health Budget**

**MR MOORE:** Madam Speaker, my question is addressed to Ms Follett as Treasurer. Have you, or has anyone in your department, been approached to invoke the business rules for Health, which Mr Berry referred to earlier as guidelines for supplementation and a series of other descriptions of the health budget? Have you indications that this is likely to happen prior to Christmas?

**MS FOLLETT:** Madam Speaker, to the best of my knowledge I have not been approached; but I should say that there is continual discussion and negotiation by Treasury with a number of departments and I have no doubt that that occurs with Health as well at all points through the year. All departments have an obligation to live within their budgets. Where Treasury can be of assistance to them in doing that, they are only too willing to take on that role and they frequently do provide that kind of assistance.

Madam Speaker, I would like to say, in relation to the September quarterly report which has been released by the Board of Health, that I do take the view - I think it is a very correct view that Mr Berry has put forward - that to extrapolate a full year's effect from any one quarter can be very misleading. Quite clearly, the activities, the costs and so on within our health system vary through the year. I would have thought members opposite, at least one of whom has had some experience with a health budget - not a happy experience, but some experience - would have recognised that. Quite clearly, over the Christmas period there is a slowdown in activity in Health. That happens every time. So, the September quarter cannot be said to be a typical picture of the whole year. I think they are quite wrong on that score.

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Madam Speaker, it is a matter of public record - again Mr Berry has tabled the documents - that, if the health budget is adversely affected by matters which are beyond management's control, then, of course, the Government considers, in the normal process of ongoing budgetary review, what kind of supplementation might be required, if any. The matters which are generally beyond management's control include things like a further decline in the proportion of private patients as against public patients, obviously the salaries issues that Mr Berry has alluded to, and so on. If those matters occur through the year, then clearly Health and Treasury will negotiate on the question of supplementation. As I say, I have not been approached. I am not aware that Treasury officers have been approached at this point, but I am quite sure that there would be continuing discussions going on between those two bodies.

**MR MOORE:** I ask a supplementary question, Madam Speaker. The issue has been raised and Mr Berry has tabled the business rules for Health before. I think it follows the same sort of question. Why is it necessary to have separate business rules for Health when the same sorts of things do not exist for any other department? They are quite different for all the other departments.

**MS FOLLETT:** Madam Speaker, I do not know that we have another department that engages in the same business as the Department of Health. Clearly, the TAFE system has a funding agreement. Other areas such as ACTION have funding agreements. All have particular sets of parameters about their funding which reflect their particular kind of business. Health, of course, has its own business rules - what have been referred to as the business rules. They are currently being renegotiated, I believe, and they do reflect the particular circumstances in Health. I do not know, Madam Speaker, that anyone would seriously expect the TAFE system or the ACTION system to suddenly start curing the sick. It is a different business. Madam Speaker, I do not know whether members want me to go into the kinds of reasons for supplementation that might be required in Health. The rules have been tabled and I think it probably is better if we get on with some other questions.

### **Health Budget**

**MADAM SPEAKER:** I call Mr Humphries.

**Mr Stevenson:** I raise a point of order, Madam Speaker. I believe that the standing orders indicate that the person first on their feet gets the nod from the Chair.

**MADAM SPEAKER:** Thank you, Mr Stevenson, for raising that point of order. Mr Humphries has the floor.

**MR HUMPHRIES:** My question is to the Minister for Health. The Minister referred, just a moment ago, to the business rules allowing for wage and salary supplementation to take place. I refer to rule 3, which says that supplementation is to be provided for adjustments to salaries and wages awarded by the Australian Industrial Relations Commission. During the last financial year wage and salary supplementation was provided to cover the changing costs of visiting medical officers, which are not subject to the Australian Industrial Relations Commission. They are not covered by that.

**Mr Berry:** No. It is picked up just the same.

**MR HUMPHRIES:** Given that it is not within the business rules, on what basis has that supplementation been given? If I have missed something, can he point to one of the business rules that I might not have read properly and that indicates clearly where supplementation of that kind is allowable?

**MR BERRY:** I have to say, Madam Speaker, that I have already answered that question.

**Mr Humphries:** You have not. Come on!

**MR BERRY:** I have already answered that question, because I told you that the payments for VMOs were picked up under the same provisions, though they are not specifically mentioned.

**Mr Humphries:** That is not in this statement, in the business rules.

**MR BERRY:** I said that, though not specifically mentioned, they are picked up in - - -

**Mr Kaine:** So, there are other business rules that are not written down.

**Mr Humphries:** So, they are not worth very much. Is that it?

**MADAM SPEAKER:** Order! Mr Berry is attempting to answer the question.

**MR BERRY:** I have given up.

**Mr Humphries:** I am glad you think so.

**MADAM SPEAKER:** He believes that he has answered it. Mr Stevenson, I believe that you are standing. It is your turn.

### **ACTION Services - Mugga Lane Zoo**

**MR STEVENSON:** My question is to Terry Connolly, the Minister for Urban Services. Mugga Lane Zoo is a well-known Canberra attraction for tourists and residents of the ACT alike. Until recently the 352 ACTION bus would drop off and pick up passengers outside the zoo. The ACTION bus no longer does this, but stops at the - - -

**Mrs Grassby:** Do you go there often, Dennis?

**MR STEVENSON:** Yes, I go down there, and I will not mention why I do so. It stops at the intersection of Dalrymple and Goyder Streets, Narrabundah, where it waits for some minutes. The trip to the zoo is an extra three minutes each way by bus, but takes considerably longer on foot. The zoo is run privately and must pay its way if it is to continue. The cancellation of the zoo bus has resulted in some decrease in visitor numbers. Zoos are popular places for school excursions, for children and for those who are young at heart. Can the bus service be rescheduled to stop at the zoo? It would appear that it would not even require an alteration to the bus timetable.

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**MR CONNOLLY:** I thank Mr Stevenson for his question. He did have the courtesy to give me notice about this. I am afraid that I would not necessarily have had the exact details of every bus timetable precisely at my fingertips. Under heavy opposition pressure, I make that concession. Madam Speaker, the ACTION bus network was substantially revised from July of this year. The new network was designed particularly to benefit the southern suburbs of Canberra, the rapidly growing area, and to provide generally a more efficient network. We do a substantial network review every two or three years. When we do that, we look at the additional needs for particular areas, and we look at services which are underutilised.

The Narrabundah-Griffith area, which is the area that is serviced by the 352 service, has an ageing population, and a clear need was identified for a service from that area direct to Woden Valley Hospital. At the same time, the extension of the 352 service, which used to take it from the old Dalrymple Street terminus through to the zoo, was seen to be extremely poorly patronised. That 352 service now goes on, when it gets to the top of Dalrymple Street, behind the Orthodox Church, to Woden Valley Hospital, instead of going to the zoo. That seemed a sensible use of resources to meet a particular community need, and to take off a service that was very poorly patronised. To have a turnaround to the zoo and back again would add something like seven minutes to that service, thus inconveniencing those members of the community who need the bus to go to the hospital.

While we do not now have a route service to the zoo, on the basis of a low level of patronage - I think it is reasonable for the Government to put patronage levels as a basis for providing services to areas that are not in the general metropolitan area; it is down the track there - Mr Stevenson's point that that privately run zoo is particularly popular for school groups and excursions is a point that is well made, and ACTION's special hire operation is the group that tends to provide special buses on charter for school groups wishing to visit the zoo. That is still available and it is still being utilised. The route service has been varied because of the very low patronage which used to take it to the zoo, and the perceived need for a new service for that community to go direct to the hospital.

**MR STEVENSON:** I have a supplementary question, Madam Speaker. There are two points. Could the Minister indicate the cost of the hire of the buses to school groups? I believe that it would cost school groups somewhat more than using the normal bus service. Secondly, obviously enough, to know that patronage was down, there would have to be a collection of the numbers. Would the Minister be good enough to find that out and present it to the Assembly?

**MR CONNOLLY:** Yes, I can provide those more detailed figures in due course.

### **HIV and AIDS - Notification**

**MR LAMONT:** My question is directed to the Deputy Chief Minister, in his capacity as Minister for Health. The Liberal Party have indicated that they will move for disallowance of the Government's new HIV notification regulations. What effect will this have in the ACT?

**Mr Moore:** None, because they will not win.



**MR BERRY:** I just cannot pass up the opportunity. I can explain why you will not win.

**Mrs Carnell:** Because he will not vote with us.

**MR BERRY:** Because he is very sensible.

**Mr Humphries:** You did not say that yesterday. It is a change of tune from yesterday.

**Mr Moore:** No; that was a different matter.

**MR BERRY:** If he is not being sensible, I will tell him. When he is being sensible, I will tell him. He is being very sensible on this issue and the Liberals are not being very sensible, particularly with the hyperbole that has been created by the attempts by - - -

**Mr Humphries:** You mean the exposure.

**MR BERRY:** The attempts by the Liberals to go backwards, to advance Australia backwards. It is a great old yarn, but it is one that is quite appropriate to the Liberals. There is an Intergovernmental Committee on AIDS, and a legal working party which has looked at this issue. It recently issued a report which is open to everybody who is interested in an up-to-date position in relation to AIDS. I would recommend that Mrs Carnell and the Liberals get a copy of that and have a read. They will probably agree with Mr Moore, because it clearly points out that non-identifiable and confirmed false positive results are excluded. Only coded data should be required to be notified in State and Territory public health legislation. That is the position adopted by all States and Territories and agreed to, Liberal ones included. There are not too many bureaucrats who go to the legal working party of the Intergovernmental Committee on AIDS who would put a position which was inconsistent with their particular governments, I suggest.

We have done a bit of a check around the States that we were able to contact at short notice. In New South Wales - this is not bad - all stages of HIV infection are notifiable in coded form only. That must be one of the more advanced Liberals - - -

**Mr Moore:** They are not quite as conservative as the Liberals here.

**MR BERRY:** No; although there is a bit of a wet resurgence. Did you notice that this morning? There was a gritting of the teeth amongst four of them. In fact, this morning was the only time I could see a ballot where two won and four lost; but the wets are in the ascendancy, I see. In the Northern Territory all stages of HIV are notifiable in coded form. In Queensland all stages of HIV infection are notified in coded form. In South Australia all stages of HIV infection are required to be notified by name and address, but in practice coded information is accepted. So, not all States are the same; but it is interesting that the one that we are surrounded by, New South Wales, is. The Liberals really need to come up to speed and forget the silly politics and beat-ups that are going on about this important issue, because what it does, in effect, is increase the danger to the community from the spread of AIDS. You have to wake up to yourselves.

### **Lanyon High School**

**MR CORNWELL:** Madam Speaker, my question is directed to the Minister for Education, Mr Wood. Mr Wood, concerning the Lanyon High School, which was listed in the Government's recent forward design program, can you advise the peak enrolment being planned for this high school, given that the new primary schools in Tuggeranong such as Gordon and Conder will have a peak enrolment, we understand, of some 750 students?

**MR WOOD:** Madam Speaker, the planning for Lanyon High School and the process we need to go through to get formal Cabinet approval to put it onto the program and subsequently to have it built are presently occupying the Department of Education. Yesterday I saw a draft document concerning the high school. I will not give you a figure, but it is certainly within the range of our routine high schools. I will come back with some more detail when that is available.

**Mr Cornwell:** When might that be, Minister?

**MR WOOD:** It is well advanced in the working stage right now. I do not expect that it will be too long.

### **Woden Valley Hospital - Television Sets**

**MS SZUTY:** Madam Speaker, my question without notice is to the Minister for Health, Mr Berry. There have been reports that Woden Valley Hospital is charging for the use of television sets installed in the obstetrics section of the hospital. Can the Minister advise why the hospital has decided to charge for the use of the already installed television sets? Does this charge apply to all television sets in the hospital system? Finally, does the Minister concede that charging for the service can discriminate particularly against disadvantaged women who are confined to bed for long periods because of pregnancy complications?

**MR BERRY:** I thank Ms Szuty for the question. With the redevelopment program and as all wards progress - this is my latest advice - we will have remote control television for each bed. The maternity unit is the first to have the new system. Currently, in other wards an outside company supplies television sets at a standard hiring rate. This will cease in future. As the newly refurbished ward areas have leakage protection electrical circuitry, private radios and television sets will not be allowed.

I do not know whether this is of interest, but the rates for television hire in the maternity unit are \$5 a day for the first couple of weeks, \$4 a day for the next and \$3 a day thereafter, or \$25 a week. These rates, I am informed, are the same as those charged by the hire company and they compare very favourably with hospitals in Sydney where, also, no private radios or televisions are permitted.

What it boils down to is that we are regarded as part of the real world when it comes to the Commonwealth providing us with funding. We have to manage our hospitals in much the same way and recover funds in much the same way as would be considered ordinary in other States. On the face of it, it appears that we are doing nothing different from what occurs in Sydney and it is, therefore, not out of the ordinary. In relation to the impact that it might have on patients - - -

**Mrs Carnell:** They will be poorer.

**MR BERRY:** There is no question about it; people hire a range of facilities whilst they are in hospital and they are expensive items for the system to provide. Regrettably, sometimes we have to recover some of those costs, and this appears to be one of those areas.

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

### **SUPERANNUATION PROVISION TRUST ACCOUNT Paper and Ministerial Statement**

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, for the information of members, I present the statement of accounts for the period 27 June 1991 to 30 June 1992 of the ACT Superannuation Provision Trust Account. I ask for leave to make a brief statement.

Leave granted.

**MS FOLLETT:** I thank members. Madam Speaker, these accounts demonstrate the Government's commitment to provide for a significant proportion of superannuation liabilities as they accrue. Agencies that operate on a commercial basis and the municipal budget sector pay employer superannuation contributions into the trust account at fully funded levels. A new initiative in the 1992-93 budget is an additional provision of \$17.7m in relation to liabilities of the general government sector.

Most ACT government staff belong to superannuation schemes administered by the Commonwealth. As agreed with the Commonwealth, the ACT is required to reimburse the costs of benefits paid for each year of ACT government service since 1 July 1989. Under these arrangements, the ACT's short- to medium-term costs will not be significant. The amount to be paid in 1992-93 is estimated at \$1.685m - considerably less than the provision being made this year for future liabilities. Net assets available in the trust account to meet superannuation liabilities are expected to increase from \$75m as at 30 June 1992 to \$121m by 30 June next year. The accounts show that the estimated unfunded portion of long-term liabilities is approximately \$105m as at 30 June 1992. The Government's initiatives to provide for a significant proportion of superannuation liabilities as they accrue will assist the ACT in avoiding the problems currently faced by several State governments which have completely unfunded general government sector liabilities.

### **PAPER**

**MR BERRY** (Deputy Chief Minister): For the information of members, I present the Criminal Injuries Compensation Act annual report 1991-92, pursuant to section 35 of the Criminal Injuries Compensation Act 1983.

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**DEPARTMENT OF EDUCATION AND TRAINING  
Annual Report**

**MR BERRY** (Deputy Chief Minister): For the information of members, I present the Department of Education and Training annual report for 1991-92, including the financial statements and the Auditor-General's report.

**Mr Cornwell**: Are you going to move that the papers be noted, Mr Berry?

**MR BERRY**: No. You can call them up at any time in private members business if you want to.

**Mr Cornwell**: It is the Education Department's annual report.

**Ms Follett**: Do you want to speak on it?

**Mr Cornwell**: Would you mind?

**MR BERRY**: I move:

That the Assembly takes note of the paper.

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

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

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, pursuant to the Land (Planning and Environment) Act 1991, I present leases in accordance with the circulated list.

*The list read as follows:*

Leases granted pursuant to the Land (Planning and Environment) Act 1991 for -

Kambah -

section 198, blocks 145 and 146, 161 and 162, 165 and 166, 170, 172, 175 to 177,  
and 179 and 180

section 214, block 14

section 219, blocks 13 and 18

section 221, block 1,

together with executive statements.

**ASSEMBLY PREMISES - REFURBISHMENT OF SOUTH BUILDING**  
**Ministerial Statement**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, I seek leave of the Assembly to make a ministerial statement on the refurbishment of the South Building offices for Assembly accommodation.

Leave granted.

**MR CONNOLLY:** Thank you. Madam Speaker, my purpose in speaking today is to advise the Assembly of progress on the redesign and refurbishment of South Building as the new Assembly premises.

On 8 September the Standing Committee on Administration and Procedures tabled its report on the provision of new Assembly premises. The committee recommended that the redesign and refurbishment of South Building proceed, and that a Speaker's Committee comprising members of the Administration and Procedures Committee be formed to liaise with the Minister responsible for carriage of the project. The committee's report was endorsed by the Assembly on 10 September and the Government has put in place the necessary process to implement the project.

The Government has nominated me, as Urban Services Minister, to take responsibility for the process. Accordingly, I have arranged that appropriate officers from my department take the necessary steps to commence the project. The Government has agreed that a budget of \$12.7m be provided, as recommended in the pre-design report. The Government has provided \$3.2m for the project in 1992-93 and the balance of funds will be provided in 1993-94. Madam Speaker, I have been advised that you have convened a steering committee and that the principal elements of the project delivery process are now agreed. The target for completion of the project is the first day of the 1994 Assembly sitting schedule.

The project will be delivered using the expertise of a private sector architect and a private sector project manager. The design and construction will be coordinated by a project control group which will ensure that the Speaker's Committee and those who will occupy the building are adequately consulted, and will ensure that budget and project schedules are adhered to. The major client occupier groups have been identified as the Assembly members, the Speaker, the Executive, the Leader of the Opposition, the Assembly Secretariat, the joint Assembly/ACT Government Service Library, staff of Assembly members and the Press Gallery. Consultations with those groups have commenced to determine in detail their accommodation requirements.

The architect for the project has been selected and has been engaged. The successful firm is Mitchell Giurgola and Thorp, and Mr Hal Guida will be the lead partner for this project. Members will be aware that it was this firm that so successfully undertook the design of the new Commonwealth Parliament House. The firm established a local office in Canberra 11 years ago and is now fully recognised as a locally based architectural practice, undertaking a wide variety of work throughout Australia. While the firm of Mitchell Giurgola and Thorp is best known for the design of Parliament House, I should emphasise that this firm pursues a deliberate policy of undertaking a broad range of architectural projects.

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Those projects vary from new buildings to refurbishment to landscape and urban design, and range from larger commercial projects to projects of residential scale. Local examples of their work include renovation of the Merici College library, a residence in Forrest, a small office interior design fit-out, and buildings for Nursing Science and the Faculty of Information Sciences and Engineering at the University of Canberra.

John Hindmarsh (ACT) Pty Ltd has been appointed as the project manager for the project. This firm is a well-known, locally based firm, having been established in the ACT by its principal, Mr John Hindmarsh, in 1979. The selection of the architect and project manager for the project was undertaken through the established selection procedures of the ACT Public Works and Services Group of my department.

Madam Speaker, the South Building of Civic offices was completed in its current form in 1964 and the building must be refurbished to enable its continued use. During 1991-92 the North Building was refurbished and has now been reoccupied by the ACT Government Service. The success of this refurbishment and the standard of the accommodation achieved demonstrate the ability of these buildings to be used well into the future. The refurbishment of the South Building for the Assembly will allow us to vacate the leased building we now occupy, at an annual saving of some \$2m in rent.

The South Building has a long association with self-government in the ACT. Members will recall that the ACT Advisory Council was housed in the building from the mid-1960s and the ACT House of Assembly, of which some members present were members, was accommodated there from 1974.

**Mr Kaine:** It was the Legislative Assembly in 1974.

**MR CONNOLLY:** The Department of Urban Services seems to think otherwise; but I will defer to your expertise there, Mr Kaine.

**Mr Cornwell:** Yes, there was a change.

**MR CONNOLLY:** Yes, there was a change. I think it started as one and finished as the other. The Civic Square is an important civic space for the ACT community and this Government has taken several recent initiatives to introduce activity which will provide a community focus for the square. The refurbishment of North Building included the addition of a ground floor restaurant to the square, and the location of customer oriented services, including the Business Services Centre, the Rental Bond Board and the Women's Information and Referral Centre. Minor landscape and access works are currently being undertaken to improve the amenity of the square and to upgrade pedestrian access to this improved pedestrian precinct.

The location of the Assembly in South Building, combined with the North Building and the Canberra Theatre Centre, will contribute to making this important urban space a greater focus for the ACT community into the future. Madam Speaker, I believe that the establishment of the Assembly in the South Building offers many opportunities for the ACT community to develop further its own individual identity and character. It is my hope that all members will play their part in ensuring that the new Assembly building is worthy of the community it will serve.

I present the following paper:

Assembly premises - South Building - Refurbishment - Ministerial statement,  
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I move:

That the Assembly takes note of the paper.

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

### **TOURISM** **Discussion of Matter of Public Importance**

**MADAM SPEAKER:** I have received letters from Mrs Carnell, Mr Humphries, Mr Kaine and Mrs Grassby 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 Mrs Grassby be submitted to the Assembly. However, members, my attention has been drawn to the fact that the matter of public importance set down for discussion today may contravene the provisions of standing order 59. Having examined the matter, I believe that this is the case, as the matter selected anticipates debate on executive business, order of the day No. 6. However, I understand that it is the wish of the Assembly to allow discussion to proceed. As that is the case, I will now read the matter proposed and call on Mrs Grassby. The matter that we are to discuss is:

The positive results for the tourism industry over the past year and the potential for the future.

**MRS GRASSBY (3.14):** Madam Speaker, it is with very great pleasure that I rise today to speak on this matter of public importance. The tourism industry in the Australian Capital Territory has proved to be a major producer of revenue for the people of Canberra and an excellent source of jobs for our young people. I am sure that members will be aware that in the Chief Minister's statement to the Assembly on tourism she indicated that the industry was worth in excess of \$400m per year and on top of this supplied around 7,000 jobs. As the industry is now growing at 10 per cent per year, we can safely assume that an additional \$1m per week is being added to our economy and 700 jobs per year are being added to our employment base.

Madam Speaker, if we look back only a year or so we see that these excellent results were not always the case. I wish to take this opportunity to compliment the industry on the way it has drawn itself together to cooperate with the Tourism Commission and the Government to achieve results which, against the national trends, can only be described as spectacular. Australian Bureau of Statistics figures released recently for the June quarter show that room occupancy rates in the Territory increased by 12 percentage points, whereas the national average failed to reach an increase of one per cent.

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The Canberra visitor survey which the Chief Minister released last week is a further clear indication of a continuing improvement in the performance of the industry. Some statistics from that survey that would interest members include the following: During 1991-92 there were 1.3 million visitors to Canberra - an increase of 15 per cent over previous years. There were 1.1 million domestic visitors, over half from New South Wales and nearly one-quarter from Victoria, and 220,000 were international visitors - a quarter from the United States and another quarter from the United Kingdom. Over 90 per cent of visitors to Canberra have a high level of satisfaction with the city as a tourist destination.

Over the past 12 months we have seen a range of victories for the ACT tourism industry, and I will list a few of them for the benefit of members. Madam Speaker, the 1992 Floriade was a major success, far and away better than any previous Floriade. The recently released Floriade survey gives the following facts: Floriade attracted 460,000 people this year - an increase of 13 per cent over 1991. Of these, over 220,000 were visitors to Canberra and half came specifically to see Floriade. Those visitors who came specifically to see Floriade spent \$12.9m, mostly on overnight accommodation, shopping and restaurants. Floriade enables an estimated 350 jobs to be sustained in the local economy.

The long weekend in October, in which we had the dedication of the Vietnam Veterans Memorial, goes down in history as Canberra's biggest weekend in tourism terms. The city was booked out and \$9.5m flowed into our city's economy. But these economic advantages were not as significant as the public relations benefits the city gained that weekend. Much has been made of the recent spate of Canberra bashing, but that weekend did more to reverse the negative perception of Canberra in the minds of some Australians than anything any of us could have done.

Early in the year the tourism industry formed itself into a Canberra Region Chapter of the Australian Tourist Industry Association. Madam Speaker, this action is a clear indication of the growing maturity of the city's tourism industry. The Government finds it most constructive to be able to seek an industry view on any subject from this organisation. It is significant that the industry chose to call itself the Canberra Region Chapter. This reflects the view held by both the industry and the Government that promotion of the Canberra region is of great benefit to both Canberra and the communities that surround it. After all, what tourists care where the dotted line separating the ACT and New South Wales is drawn. What tourists want is a quality holiday experience that can be best provided by drawing on the resources of the whole region.

Members will be aware that the Tourism Commission has gone through a radical restructure. Its staffing levels have dropped from 62 to 40 and it is performing much better than it ever did before. Unproductive offices in Sydney and Melbourne have been closed and the consequent savings redirected to marketing the city interstate and overseas. This more aggressive and sales oriented approach to marketing is a major contributor to the positive results that we are now seeing almost every week. In the last budget the Government funded a new tourism development unit. That unit, amongst other things, is charged with supporting a range of events which will help to fill the troughs in the tourist calendar. This is particularly important because it gives the industry the confidence to make permanent staffing appointments rather than continue with the practice of concentrating on casual employees. This can only be to the benefit of Canberra's young people who are looking for a job in a growing industry.



Madam Speaker, the Tourism Commission is now working much more closely with the National Gallery of Australia, to the benefit of both the gallery and the industry. Members will join me in offering our congratulations and thanks to Betty Churcher at the National Gallery for the brilliant exhibitions she and her staff have mounted during the last 12 months. I have no doubt that the current exhibition entitled "Rembrandt to Renoir" will be a roaring success, just as the recently completed Rubens exhibition was.

I would like now to turn to the convention and conference market. Members may not be aware that this is an extremely important long-term market segment in the ACT. The commission, in recognising the importance of this market, has increased the funding of the Canberra Visitors and Convention Bureau by 50 per cent for the current financial year. The Convention Bureau is enjoying remarkable success in attracting a wide range of major national and international conventions for the city right through to 1997. Although this is very long-term work, it augurs very well for the future of the ACT's dynamic industry. Elizabeth Boydell and her staff at the Convention Bureau are making a major contribution to the city and its region with the work they are doing. They are now recognised as amongst the most efficient conventions bureaus in Australia.

Members do not need me to draw to their attention the opening of Casino Canberra last week. I saw that most of the members here really enjoyed it, as I did. Clearly, the casino will make a major contribution to the tourism industry as well as to the tax base of the Territory. Dr Heinz Resmann and his staff are to be congratulated for the professional way they have brought the casino concept into startling reality over the past few months. I think we all agree that the opening was really a startling night.

Madam Speaker, in August this year the Chief Minister presided at a function for the domestic and international industry at Darling Harbour in Sydney, where she announced that Australia's domestic airlines have dropped the penalty they formerly applied to international visitors staying overnight in Canberra. This penalty was a major impediment to the development of Canberra's international visitor market share. We are already seeing many more international visitors enjoying the delights of our city since the penalty was dropped. It will be another year before the full effect of this major step forward is felt in our city.

The ACT Tourism Commission is the only commission in Australia which identifies and markets multicultural tourism as an important element of its marketing strategy. I would like to take this opportunity to congratulate Vic Rebikoff on the excellent job he does in this area. Vic is well known. I think he has been on all our doorsteps, driving us mad; but he really works very hard in this field. It is very good that a lot of people who possibly would not normally come to Canberra get that opportunity to come. The Tourism Commission, under Mr Lawrance, who I see is in the gallery today, is a very efficient and well-run department. We have Mr Lawrance to thank for that, I am sure.

Canberra is well placed to take advantage of the fact that it is home to Australia's diplomatic community and is the most multicultural city in Australia. The work done to ensure that this market segment makes a significant contribution to the industry has not been properly recognised previously. Visitors brought to

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Canberra under this program are now returning to the city with their families in great numbers. I am sure we all recognise that, having got a visitor here and shown them what a great place it is, the best advertisement you can get is their going back and telling everybody that they must come to Canberra.

Madam Speaker, holding the National Tourism Conference and Awards in Canberra last month was a fitting recognition of the growing prominence of the Canberra region as a tourist destination. Everyone who attended the awards went away with a very favourable impression of the city and a new appreciation of just how much our tourism industry has to offer the visitor. I would also like to take this opportunity to recognise the well-deserved awards that went to Canberra region industry nominees. Bungendore Wood Works received the award for tourism retailing. The ACT Institute of TAFE School of Tourism and Hospitality was recognised as leading Australia in this category of industry training and education. The Hyatt Hotel in Canberra received the national award for deluxe accommodation. We are very lucky in having a wonderful hotel like the Hyatt Hotel. I am sure we would all like to congratulate Samir, who has brought a new bride back to Canberra. There you are; I was able to tell Mr Humphries something he did not know.

**Mr Humphries:** Did she agree?

**MRS GRASSBY:** Well, he did not drag her back by the neck. She was very happy to come. I have met her and she is a charming person. Last but not least, Floriade received an award of distinction in the category of major festivals and special events. This result for the ACT region's tourism industry was spectacular, to say the least. I think we must all congratulate the people who were involved in this on gaining all these wonderful awards. After all, we are a small city and to take that many awards was wonderful. All in all, Madam Speaker, I can only be very optimistic about the prospects for our tourism industry.

Before I conclude I would like to mention some of the areas in which our industry and the Tourism Commission are likely to achieve further success in the forthcoming year. The next year should see arrangements in place where we can get some direct charter flights from Asia to Canberra. As members will be aware, the Australian Tourism Commission predicts that international arrivals will be increased by 11 per cent per year between now and the end of the century. With the new casino - I understand that Asians like to gamble - I hope that there will be planeloads coming to gamble. It is clear that the ACT must concentrate its efforts on the international market if it is to gain its share of this growth area.

The ACT Tourism Commission is forming much closer links with the Australian Tourism Commission and the New South Wales Tourism Commission, and already the results of these valuable relationships are obvious, both in Canberra and in the region. The ACT Tourism Commission will continue to become much more sales oriented and to adopt a more aggressive marketing stance. The commission will continue to expand its schools programs and to make further inroads into the over-fifties market. This is a very important market, as I am sure everybody knows. The over-fifties like to travel and they come in busloads. They do have money to spend, and that is exactly what we need. Our research shows us that gardening and fishing are the two areas that have the greatest exploitative potential for growth, and the commission is actively involved in each of these. A Mr Lloyd came from England to tell us about our gardens, and the sooner he goes back the better. (*Extension of time granted*)

The commission is promoting Canberra as a tourist destination which, as well as drawing on the national capital aspects, is a destination that is fun to visit and provides lots of things to do and see - a vibrant and sophisticated city. Madam Speaker, the commission is supporting the Canberra Festival with a view to helping the festival become a tourist event as well as a celebration of Canberra's birthday. The Canberra Festival has indicated that it is expanding the hot-air balloon theme for which it could become world famous. They could get lots of hot air from here. If this happens, the Canberra balloon festival could find its way into the national and international tourist calendar.

Madam Speaker, this is an ideal chance to draw to members' attention the golden opportunity that exists for us at Natex. Natex could easily be developed into Australia's premier exhibition facility, thus bringing a whole new market segment to Canberra. Very often every other exhibition facility adjoining a major population centre in Australia is plagued with parking and access problems. Once new facilities are established at Natex and the exhibition halls can be heated, we could easily double the contribution that Natex makes to the tourist industry and the Canberra economy. The Government is currently undertaking a review of this valuable facility.

Madam Speaker, before I close I would like to draw members' attention to the fact that the Chief Minister will be chairing the Tourism Ministers Council during 1993. This will mean that Canberra will become a focus for the national tourism industry during that year. We will be seeing much more of the leaders of the national industry and I am sure that they will be as impressed with our industry as we are. I think all members must be very proud of our city and it is great to be able to show it off to tourists.

**MR DE DOMENICO (3.31):** Let me assure Mrs Grassby that all members are very proud of our city and we like to show it off to tourists. Madam Speaker, I believe that, if there is achievement, then, politics aside, there should be recognition of that achievement. There is no doubt that the Government deserves congratulations for its continuation of work through the ACT Tourism Commission on tourism in the ACT. There is the casino, as Mrs Grassby said. By the way, regarding the casino and talking about giving credit where credit is due, let me remind the Assembly that the process that led to the establishment of the current casino was put in train under the Kaine Government, with Trevor Kaine as Chief Minister. That is a fact. There is a casino, as I said, after 18 months and not giving the private sector too much space to breathe in. Anyway, the process begun under the Kaine Government has ended with the establishment of a casino.

Mrs Grassby mentioned tourism awards. The new initiatives for a school in international hotel management were mentioned by both Ms Follett and Mrs Grassby over the past week. All those things are certainly positives. The maturity of Floriade has also contributed to the rosy assessment of tourism this year. I congratulate the Government on its good fortune and, obviously, some hard work.

I wish, however, Madam Speaker, that my congratulations could be a bit more expansive. I would like also to have been able to thank the Government for recognising that, with 42 per cent youth unemployment and tourism a major employer of young people, it could not go ahead with certain changes to occupational health and safety legislation. Ms Follett might shake her head.

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**Mr Lamont:** You lost that one, Tony.

**MR DE DOMENICO:** No, I have not lost that one. Let me quote again from some more people in the same industry that Ms Follett and Mrs Grassby stand up from time to time and talk so glowingly about. This is from the Canberra Visitors Attractions Association. Once again, this is not an apparatchik-type organisation that goes around playing politics. The association says:

All our members who have small businesses with less than 15 employees are very concerned of the effect this will have on their productivity and continuing profitability.

We are saying on the one hand that it is fantastic that tourism is such an important industry in the ACT, and it is; but, if you are really going to put your money where your mouth is, do not at the same time bring in other legislation that is going to target that particular industry. There are no bones about that, because the Deputy Chief Minister, when he introduced that legislation, stood up and said, "We are specifically targeting the tourism industry and the retail industry". These are the same two industries about which we now stand up and say what a wonderful contribution they are making. So, you cannot have it both ways.

We are saying that the tourism industry does a marvellous job for this city and it will continue to do so, notwithstanding which government is in power, although it will do a heck of a lot better under a Liberal administration. Notwithstanding which government is in power, the tourism industry will always do well for this town. It is an industry for the future and it will continue to provide a lot of money to the ACT. What I am saying, Mrs Grassby, through you, Madam Speaker, is: Congratulations for the good work, but you cannot do good work on the one hand and then take it away with the other. Well, maybe you can, but you cannot then be taken seriously. It is no good working to improve tourism when your policies do the opposite.

It is not just that one occupational health and safety area. We cannot just pick out tourism and say, "Hey, listen, here is this thing called tourism". Tourism is a big business in itself. It is worth \$400m a year, as Mrs Grassby correctly said, and it employs some 7,000 people, a lot of them young people. Tourism also comprises hundreds and hundreds of small businesses. Whether people like it or whether they do not, they are not immune from the things that happen to all other businesses. Labour policies, industrial relations policies, tax policies, regulation and interference all make it difficult for tourism operators to operate successfully in this Territory and in this country. If you want any elucidation of that point, every tourism organisation that wrote to all of us here spoke a lot - - -

**Mr Lamont:** There is not a lot of tourism in New Zealand, Tony.

**MR DE DOMENICO:** There is, Mr Lamont.

**Mr Lamont:** No, there is not, mate. They are all coming over here.

**MR DE DOMENICO:** If you want me to quote you some tourism figures from New Zealand, I will be quite happy to do it at another time; but that has nothing to do with the MPI at this time. It is all about the big picture. That is what I am trying to say, Madam Speaker. You cannot talk about just individual projects you have singled out to be nurtured and encouraged. It is great that you are doing

that, but heaven only knows where you are going to get the money from. These projects grow and prosper, but if you are fair dinkum about equity, if you want everyone to live in an environment which promotes prosperity and growth at this end, you have to change the big picture factors.

Tourism, as I said before, is big business - more than a million visitors; 7,000 jobs; \$8m into the economy every week. But it is business and it reacts like business to a change in economic environments. No-one is suggesting that we can change national factors overnight - national factors like the recession that we had to have, or the unemployment that will not go away, even when there is an election pending. However, there are things that we can do here in Canberra which will make a difference. For want of repeating myself time and time again, we could look at things like payroll tax, minimum youth training wages, enterprise bargaining, reduced business taxes and charges, and many others. We can also listen to some of the Chief Minister's advisers who say, "Listen, what about deregulation of trading hours?". That is something that is going to affect tourism directly; it is something that can be done directly by this Government.

The Government has promised all sorts of things, but we are not seeing any action in those areas. There are a lot of things that you can do in the big picture as well that will encapsulate and improve tourism. Let us try to be sensible. I am glad that Mr Berry is back in the Assembly. Bringing in the occupational health and safety legislation which reduces the designated work group to 10 is just plain ridiculous. You know that it is ridiculous. Every tourism and other organisation has told you that it is ridiculous. Let me tell you; they will tell you very loud and clear next time you go to the polls.

What I am saying is: Congratulations on your successes, but what about changing the big picture for everybody? The Tourism Commission has been given more money, but during the Estimates Committee meetings there were examples of some problems with some of the ways that money was spent. We need a lean, mean Tourism Commission - we all agree to that - with the best people and the best marketing strategies. Let me conclude these brief comments of mine by referring to that. Whilst I praise the Tourism Commission for a lot of the work that it has done - - -

**Mr Lamont:** I will move for a short extension of time.

**MR DE DOMENICO:** No; I still have eight minutes to go.

**Mr Lamont:** I am sorry.

**MR DE DOMENICO:** Just relax. You will have your turn later on.

**Mrs Grassby:** He was being nice.

**MR DE DOMENICO:** I am still being nice. Give credit where credit is due.

The second part of the subject of the matter of public importance is the potential for the future. That is something that we should concentrate a bit more time on. We heard the Chief Minister say the other day phrases like the commission and Canberra are competing more than favourably with any other city in Australia. We heard Mrs Grassby and Ms Follett talk about the 12 per cent increase in accommodation. We heard about the Vietnam veterans, Floriade, casinos, events units and all sorts of things. We did not hear anything about, for example, the

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Commonwealth Games - something that is near and dear to my heart, as some of you people would know. We know that Mrs Kelly does not believe that we should go for the Commonwealth Games, and so what? I say to that: So what? Once again Ms Follett, in her statement, raved on about the wonderful sporting facilities that the ACT has, and how right she is. We have magnificent sporting facilities in the ACT.

**Mr Kaine:** Good enough for the Commonwealth Games.

**MR DE DOMENICO:** Very well said, Mr Kaine. They are good enough for the Commonwealth Games. What are we doing about that? We are doing, as I understand it, very little. We are doing something, I know; but this has been on the drawing boards for over two years now. It was a wonderful idea, by the way, when it did not come from a member of this Assembly who happened to be on the other side of the house. As soon as politics gets involved, though, it is on the backburner.

I am saying: Let us look to the future. Let us look at the potential and let us try to do something about it. Let us not just talk about it. Let us talk about it and do something about trying to get more Indonesians into the ACT. There are more millionaires in Indonesia than there are people in Australia. What are we doing about tapping the South East Asian market? I am glad if we are doing something. It is fantastic, and so we should.

**Mr Kaine:** Seventeen million millionaires; boy!

**MR DE DOMENICO:** That is right; 16 million millionaires.

**Mrs Grassby:** Is that a fact?

**MR DE DOMENICO:** It is a fact. There are 16 million millionaires. What about South Korea? What about Taiwan? We all know also that an international tourist will spend five times the amount of money that a local tourist does. So, we can talk about things like that in the future.

Mrs Grassby mentioned fishing facilities and what we are doing in the region. What we have to do is go out and promote the region as having one of the best environmental aspects of any city in this world. We have the best trout fishing facilities - I am sure Mr Lamont will agree - at Eucumbene. We have the snow.

**Mr Lamont:** The best in the world, Tony.

**MR DE DOMENICO:** They are the best in the world, are they? He interjects, quite rightly, that they are the best in the world. Madam Speaker, all things seem to be rosy in the tourism industry, but let us not concentrate on just tourism per se. Tourism comprises hundreds of thousands of small businesses. So, if you really want to enhance the plight of tourism, let us look at what you are doing in terms of business regulation and so forth.

Finally, Madam Speaker, I have been full of praise from time to time this afternoon; but let me give you as an example something that happened to me yesterday. This is a true story, Madam Speaker, as reported to us by one of my constituents. First, look for a number in the telephone book. It is the Tourism Commission that you are trying to ring. It is under T in the ACT Government section, in small print with no bolding. You ring the number. Unfortunately,

the number has been changed, but luckily there is a redirection service. You ring the redirect number. A person answers the phone and you inquire about accommodation. You are given another number to ring and this time it is a 008 number. So, you ring the 008 number. A recorded message tells you that the service is not available. So, you ring the original redirect number and no-one answers.

Finally, you ring one of your members of parliament. Apparently, this person rang my office and got one of my staff members who took the constituent's number and promised to ring back. My office rang the Visitors Centre's number and asked for the accommodation section. We got put through to a reservation centre and asked for their number. We rang the constituent back and told him to ring the number we had been given. We hoped that the problem had been solved; but not on your nelly. The constituent rang back to add the final chapter. He rang the number we gave and was told that it was the wrong number and was given a new number to ring. He rang the new number and was told that it was the wrong place; that they would transfer him to the right place. He went through to the right place, where the receptionist said that she could not help him and put him through to reservations, which did finally book his accommodation for his granny. He said, "When I told the lady who finally helped me that it would be easier to get through to ASIO, she answered that this was because Canberra was Australia's best kept secret". Luckily, all concerned had a sense of humour.

**Mr Lamont:** Who said that we did not have a sense of humour?

**MR DE DOMENICO:** As I said, luckily, all concerned had a sense of humour, Mr Lamont, and there was no ill feeling. I hope that there is not now. But how many visitors would be prepared to go through this rigmarole to book accommodation? Just to be fair and to check, we tried ringing the number in the White Pages, then rang the redirection and were transferred directly to reservations. We did not complete making the reservation, saying that we would call back and asked which number to call. We were given a 008 number. We also asked who we should ask for; and the officer gave the name, but refused to give a surname. The 008 number, of course, is a service not available to Canberra residents, yet again the officer helping did not inquire where we were from and whether we could access the 008 number.

That all proves one thing to me. It is all well and good to say that this is a fantastic industry, and it is; but perhaps we have to start from the grassroots and start training people working in the tourism industry, to make sure that they can compete with other businesses by making them all receptive to the fact that in tourism and public relations visitor satisfaction and client satisfaction is one of the most important things.

That was perhaps a bad example, but it happened in one of the most well-funded departments of government, where image, efficiency and performance are the only indicators, which converts \$8m a week, as I said before, into the ACT economy. It may be one bad example, Madam Speaker, but it is a very important pointer. I do not want to focus on the negative, however. I just want to look at the story and think, "What opportunities for improvement does this offer?". What a grand question that is, because this example offers so many opportunities for improvement.

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Customer service, awesome service and outstanding service are the buzz words of today's successful businesses, and tourism, as I said before, Madam Speaker, is a big business and the Tourism Commission should be part of today's corporate climate. Having to make a dozen calls to book accommodation is not adequate. Fortunately, no-one disagrees with me. Even the Tourism Commission was so concerned about this incident that it took the trouble to ring our constituent and apologise for the - - -

**Mr Kaine:** Runaround.

**MR DE DOMENICO:** Runaround. I have another word here, Mr Kaine, but I cannot use it. So, there are the beginnings, the blossoming of changes, but how tough it can be. I wonder whether the public service and government are the right formula for running a commission which moves so closely with private enterprise? I believe that it does not work well enough, and a different formula may have to be adopted. Perhaps an example will illustrate my point. What if I want to be a basketball player? I work really hard to develop excellent ball-handling skills. I am fast and defensive. I can shoot from way back down the court and score. I am a team player and an excellent motivator. In fact, I have almost everything to be a first-class basketball player. There are just a few essential, unchangeable fundamental things that cannot be changed. I will never be tall enough to be a basketball player; and the Tourism Commission, in its present structure, will never be able to perform as well as we know it can.

More than \$8m were poured into the Tourism Commission last year to make it successful. I do not believe that money is necessarily the most important ingredient to achieve success. Many businesses grow from nothing but the desire to succeed, fostered and motivated by the incentives of great financial gain. There is no such incentive for a public servant working behind a desk in our visitors centre, no burning desire to increase visitor numbers and keep customers coming back, because, in the end, that public servant's job does not depend on the whims of the tourists or the quality of his or her service as an information and service provider. While I am proud, justly, of the improvements made by the Tourism Commission, I have reservations about its direction. Madam Speaker, I have a lot more to say, but I will not. I will talk again on Ms Follett's statement.

**MR LAMONT (3.46):** It is propitious that we are discussing this question this afternoon. While Mr De Domenico has indicated that there have been a number of other announcements about the tourism industry recently, I believe that it is appropriate that we draw the attention of the Canberra public to what the Government and this Assembly have done in relation to the promotion of tourism and what we are going to do. I do not believe that it is solely a function of government, or the Tourism Commission, or any individual business to promote ACT employment through the tourism industry. I believe that it is an obligation on every member of this Assembly. I make that comment at the start, because in my concluding remarks I wish to address a particular issue which causes some jocularly to the Leader of the Opposition.

Mr Deputy Speaker, as we well know, tourism has become a major economic force in Australia in recent years, with the potential to make even further significant contributions to the national and local economies. The tourism industry is performing well above many other industries and is a major employer. Mrs Grassby indicated the types and numbers of people employed and the contribution that the industry is making to the national and local economies.



In recent years significant changes have occurred in the industry, placing demands on educational institutions to provide relevant training to meet the needs of this workplace. A change in the direction of marketing tourism which extends beyond the domestic tourism market has had a great impact on types of services and how they are to be provided for international visitors. A greater understanding of cultural aspects is required, as well as adequate and relevant training to serve the needs of our customers. Quality tourism is dependent on suitably qualified and trained personnel, and to provide this we need to be able to document the skills needed. We need to be able to continue assessing the development needs of the existing work force and we need to be able to work towards ensuring that tourism education and training programs provide the right level of high-quality training.

To meet the needs of anticipated growth in the industry, funds also must be made available from both the government sector and the private sector. Facilities provided must be adequate and they must provide realistic situational training. Part of the challenge will be to determine how we implement the necessary changes in both industry and tourism educational and training organisations.

Australia, and indeed the ACT, is still in its infancy in relation to the international tourism market. We still have a capacity to develop further and capture the imagination of overseas travellers. Areas such as cultural experiences through Aboriginal culture, Australian art, sporting events, heritage, recreation, natural outdoor wilderness attractions and farm holidays are largely untapped within the ACT region and, indeed, in Australia. Canberra and this Government are very serious about tourism as an industry. It is a little known fact outside the ACT, Mr Deputy Speaker, that we now have 55 per cent of our work force employed outside the public sector. We have no choice but to expand our private sector employment opportunities, and tourism is the industry most likely to contribute to the economic and employment health of this city and the region.

Recently, as Mrs Grassby indicated and as Mr De Domenico commented on, we hosted the National Tourism Awards. As was also said, the hosting of that event this year was a real testament to the maturing of our industry. But, importantly, it is testament to the recognition of our ability to compete more than favourably with any other city in Australia. National recognition accorded to the School of Tourism and Hospitality has been critically important. It strikes a positive note in our bid to establish an international hotel management school in Canberra. This is a most exciting proposal which we all hope, as Mr De Domenico commented, will put Canberra in the forefront of hotel management not only in this country but in the whole of South East Asia, if not in the world.

Improving profitability can be expected to encourage the industry to provide significantly more jobs for our young people. The Tourism Commission's predictions have been enunciated by Mrs Grassby, but let us have a look at what it means to actually create jobs in this tourism industry. Mr De Domenico is quite correct. The substantial contributors within this industry, in general, are smaller businesses. They must be able to provide continuing employment opportunities in order to attract people to provide the necessary training and to help us reduce the number of people, particularly our youth, who are unemployed. The critical point is that they must be able to provide continuing employment. It is not much good for a person who is unemployed to get a week's work, and three months

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later another week's work, then two months later a week's work, and so on throughout the year. We are trying to create in Canberra a climate where we have a level of tourism events, a level of tourism participation, which allows for substantial permanent employment within this industry.

It is interesting to see what events of national significance will be undertaken in the ACT on a repetitive basis. What can we develop in our tourism industry that from year to year, when all put together, will provide a solid block of attractions for the tourist dollar in Australia? Some of those events have been discussed and debated here this afternoon. The inaugural Canberra Fishing Festival in 1993 is a new initiative. Fishing is the largest recreational sport in Australia. The dollars that are spent by fisherpersons throughout this country are the most significant dollars spent in a recreational sport in this country.

**Mr Humphries:** What do the fish think?

**MR LAMONT:** The fish? If you want to accuse people of being fish killers, Mr Humphries, you are free to do so. I have a different view from that.

**MR DEPUTY SPEAKER:** Please do not take the bait, Mr Lamont. Continue.

**MR LAMONT:** That is a worn line, Mr Deputy Speaker. The inaugural fishing festival next year will provide a significant base for the attraction of people to this region during a period when historically we have a fairly low attraction rate.

The National Folk Festival is to be held at Easter next year. The National Folk Festival from year to year has gone around Australia, from State to State, but the National Folk Trust have agreed to allow it to be held here in the ACT on a continuing basis. As an example, Mr Deputy Speaker, the Maleny Festival, a similar festival that has operated in Queensland for some years, attracts 40,000 participants over a four-day weekend. I think it is generally held around about the New Year weekend. It is anticipated, considering the 10,000 to 15,000 persons who attended the folk festival which was held on the campus of the ANU last year, that the event in the ACT could prove to be as significant over time as the Maleny Festival.

Recently announced also was the proposal for a National Science Festival to be run shortly after the Canberra Week Festival next year. It is anticipated that that festival will become the pre-eminent science exhibition in this country. Indeed, because of our juxtaposition to South East Asia, it will become one of the most significant scientific festivals within the region. There is also a proposal under consideration in relation to environmental technologies and environmentally related issues. That is proposed, at this stage, for November next year. The work which is being done through Natex, which is looking to host that program, has been significant. If it is able to be realised at 50 per cent it will be an exciting prospect here in the Australian Capital Territory.

Above all, Mr Deputy Speaker, what we need is not vilification about whether or not a particular attitude by individuals is the right one to adopt about tourism; what we need is the cooperation and support of everybody in this chamber for any activity which induces a new event, a new attraction into the ACT. It was for that reason, as outlined in the report tabled by the Speaker earlier this week, that I took the opportunity to travel to Lightning Ridge and the Walgett Shire.

What is proposed, Mr Deputy Speaker, is that Canberra host the inaugural Opal Festival during Black Opal Week next year. (*Extension of time granted*) The Lightning Ridge Opal Miners Association has donated a \$25,000 black opal as the main prize for the horseracing event, and a \$4,000 black opal to the Smith Family, I might add. It is proposed that during that week the Lightning Ridge Opal Miners Association conduct an Opal Expo here in the ACT.

**Mr De Domenico:** Is this the official government announcement?

**MR LAMONT:** There is to be a range of announcements, Mr De Domenico. If you read my report, which was tabled in this house, you will understand the significance of this event for the ACT. I hope that all members of this Assembly, both sides of the chamber, will support this very important initiative. I believe that it will become the pre-eminent opal display and sales point in Australia. While there is often a throwaway line and a bit of a jibe at each other across this chamber, I believe that where that belittles a particular undertaking people should desist. I would suggest, Mr Kaine, that something as significant as this should be supported.

**MR DEPUTY SPEAKER:** The member's time has expired.

**MR KAINE** (Leader of the Opposition) (3.58): I am not planning on speaking for too long, because I know that there are other members who want to speak on this subject. I want to sound a note of caution. Everybody seems to be terribly optimistic about how well the tourism industry is doing in this city. Mrs Grassby talked about the 1.3 million people who came here last year. That is fine. But Mrs Grassby did not go on to mention some of the other statistics in this interesting book. For example, if you look at page 11 - - -

**Mr Berry:** You want to be a nark.

**Mr Connolly:** He is talking about the risk of the GST to tourism.

**MR KAINE:** Mr Connolly might listen. He might learn something. If you look at page 11 you discover that over 50 per cent of the people who came here last year came for business or to visit friends or relatives. That has nothing to do with tourism. We have a long way to go before we can claim that 1.3 million people come to this city for tourism purposes. Just let us look at the figures. Even if the Tourism Commission did not exist, if this Government did not exist, over 50 per cent of those people would have come to Canberra for reasons totally unassociated with tourism. So, let us not pat ourselves on the back and say what a great job we are doing, because there are some gaps.

The other interesting thing is that marginally over 10 per cent of those visitors came here for special events. The Chief Minister has made a special ministerial statement on this matter. Mrs Grassby based her matter of public importance on all of the tourists that come to Canberra for these special events, but only 10 per cent of the people who came to Canberra out of that 1.3 million came here for special events. One would really ask: How good is the advertising for these special events?

For some further analysis, Mr Deputy Speaker, I refer to page 26 of this very valuable document. This tells us that we are not doing very well at all because, of those visitors who stayed in Canberra overnight or longer - that is about 80 per cent of the total - 44 per cent of them did not spend anything on accommodation. About 450,000 of those 1.3 million people did not spend a cent

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on accommodation in this town - not one cent. Furthermore, more than half of those 1.3 million people, that is 650,000 of them, did not spend any money on shopping. This is out of the same document. Nearly all of those visitors - 94 per cent - did not spend any money on tours. So, one has to ask: What do they spend their money on? Most of them come to town in their motor cars, they stay with friends, and they get in their cars and leave town; and we are claiming that this is a great tourism victory.

Mr Deputy Speaker, all I am suggesting is that we have a long way to go. There are a lot of gaps in the statistics that need to be filled out before people start crowing about 1.3 million tourists coming to Canberra. First of all, they are not tourists; secondly, they are not here for tourism purposes; and, thirdly, most of them do not spend any money while they are here.

I move on from there to sound a second warning. Much of the claim for the success of tourism is based, as I said before, on these special events. We hear about the National Gallery exhibitions; we hear about the Vietnam weekend. None of these had anything to do with the ACT Government. What we are saying is that Betty Churcher has a better tourism organisation than our own. She brings more genuine tourists into this town than we do.

**Mr Lamont:** In cooperation with the Tourism Commission.

**MR KAINE:** I notice that the Tourism Commissioner is sitting up the back. I am not saying this behind his back. I know that he is there. I am well aware of it. What I am suggesting to you, the Government, and to the commissioner is that we have a long way to go yet. Let us not pat ourselves on the back and say what a good job we are doing and that everything is lovely; it is not.

**Mr Berry:** What about the GST? What are you going to do about that?

**MR KAINE:** The GST will see a massive injection of funds into this Territory. By the time you take away your Government's wholesale taxes, petrol taxes and all the other taxes, and add the 15 per cent GST, we will be millions of dollars in front. That is where we will be. You can snipe about it, but do your sums, do your homework. Do not listen to the Socialist Left of the Labor Party; do your own homework. Mr Deputy Speaker, I think I have raised enough points, based on the Government's own statistics, to suggest that there is still work to be done. That is not to denigrate what has been done, but let us not beat our chests and say how great we are when there is so far still to go.

The only other point that I wanted to make, Mr Deputy Speaker, is this: I am astounded that the Chief Minister and the other members of the Government have recognised the Vietnam memorial weekend only in terms of how much money it brought into this town. I quote, Mr Deputy Speaker, the Chief Minister from *Hansard* of 13 October, where it talks about only the \$9m. In fact, I think that in here she said that \$4m was injected, and that was all she talked about. Later, on 21 October, she made a statement in this house on all the good stuff we were doing. She upped the ante to \$9.5m. But nowhere did she talk about the reason why that weekend was a success.

It had nothing to do with this Government and it was nothing to do with money. To convert that down - I will be even more materialistic - it comes down to \$380 for every person that came to Canberra for the Vietnam memorial weekend, if you want to express it in dollars and cents. I think it is scandalous. Even our

own Tourism Commission in its latest report quotes the Chief Minister as saying that it was a great success, and it was a great success because it brought \$9.5m into our coffers. I think it is scandalous. I think we have a long way to go yet, Mr Deputy Speaker, in terms of a successful tourism campaign and what people coming to Canberra really are about.

**MR HUMPHRIES** (4.04): I want to confirm that I believe that some of the things that we have achieved in tourism in the last few years have been quite commendable. I think they have been quite successful. They have achieved their aim.

**Mr Kaine:** They were more successful under the Liberals than under Labor.

**MR HUMPHRIES:** Indeed. I will come to that in a moment. Certainly, they have been successes in any man's language; but, Mr Deputy Speaker, I have to say that the emphasis put on this by members of the Government is a little unwarranted. It is like putting out a press release about how wonderful the rain is or, "Is it not great that the sun rose today?". There is a certain inevitability about some of the benefits we have received from other things outside the control of the ACT Government for which I think it is a little bit unrealistic for the ACT Government to claim credit. That is what Mr Lamont and Mrs Grassby were doing.

**Mr Lamont:** That is not what the MPI says; that is not correct.

**MR HUMPHRIES:** The record stands for itself. I think that is what they were saying. Mr Deputy Speaker, this debate has been a bit unfocused, in a way. It has ranged across all sorts of things to do with tourism. I have a certain unease about the enormous emphasis placed on tourism as a saviour for the ACT's economic woes. I think tourism is a tremendously important industry. It must be encouraged and the Government must take every step it can to remove impediments to the establishment of a strong, effective and responsive tourist industry. How much it puts in to make that happen is another matter. There is a very real question about getting a return for government investment in that kind of activity, but that is another question.

The concern I have is that a certain cargo cult develops about tourism - the belief that jobs in tourism are long term, established, will provide secure employment and will go on and on. I have to say that we all recognise that tourism is not an industry like other industries. The tourist industry and tourism jobs are seasonal in many cases; they are volatile and they are subject to dramatic changes in all sorts of things, from the political scene to world events.

**Mr Connolly:** If the GST comes along they are all in jeopardy.

**MR DEPUTY SPEAKER:** GST stands for "Go Sell Tourism", Mr Connolly. Please continue, Mr Humphries.

**MR HUMPHRIES:** Thank you, Mr Deputy Speaker. I travelled, as members well know, last year during the Gulf War and there was a very dramatic effect on tourism. That worked to my benefit because I was able to travel around without having to compete with many other people. I must say, Mr Deputy Speaker, that that kind of impact can affect Australia adversely from time to time. Those factors are a matter of concern and we cannot put too many eggs in that one basket, as I think Mr De Domenico said. What we do need to do, I have to

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say, is establish in the ACT strong industries that will be permanent and that will provide a sound financial base for the Territory and a sound employment base for the Territory. These are generally value adding industries - industries that will provide the Territory with a bright outlook. However, that is not to say that tourism is not important in that equation.

Mr Lamont made reference in his remarks to the need to have a continuum of activities throughout the year to overcome that seasonality, if you like, in the nature of tourism; to provide us with a succession of events to keep tourists coming to the Territory, to keep the hotels full, to keep the tourist attractions going and the shops in good financial shape and so on. I accept that argument. I might point out that he did not say in his remarks that many of the initiatives he talked about were, in fact, initiatives of the Alliance Government. Tourism has not just suddenly become an issue or has not suddenly become a reality in the ACT with the advent of the Labor Party Government. It has been a matter of concern and endeavour on the part of successive governments, no less the Alliance Government than any others.

We realise that the first major encounter that the tourism industry in this Territory had with the new Follett Labor Government last year was a massive cut in the tourism budget. It is clearly a matter of concern that that cut occurred. It was able to recover pretty well in the circumstances, I might say; nonetheless, how much better would it have been able to recover if it had not had to deal with that cut?

I want to say a few other things before I finish. I think that there is some exaggeration in the figures. There is some undue weight given to those figures. Mr Kaine made reference to "tourists" who come here, who in fact stay with other people and do not go to many tourist attractions. In fact, they are simply guests or visitors rather than proper tourists. They obviously have some impact on the financial health of the Territory, but not nearly as much as a tourist who comes and stays in a hotel, goes to the sights, uses the restaurants and perhaps takes a tour.

Federal Parliament is another good example of a "tourist" generating activity which does not really benefit the Territory very much. I have estimated that something in excess of 500 people come to the Territory every time Federal Parliament sits, either to attend meetings of the parliament or to advise those people, or as wives or lobbyists or whatever; but those sorts of visitors, I suspect, do not create a very powerful impact on the overall health of our economy. They certainly have some impact, but not as great as we might imagine.

Finally, I want to make reference to Fightback. Fightback is being attacked in snide indirect comments by some of those opposite, without any real substance. No-one has actually said what it is about Fightback that they do not like.

**Mr Connolly:** Fifteen per cent on every tourist service.

**MR HUMPHRIES:** Well, here we have it - 15 per cent on tourist services. We have this ignorant interjection, failing to take account - - -

**Mr Connolly:** No; it is what the tourist industry says.

**MR HUMPHRIES:** We are all into lobby groups today, are we not? Who was it this morning? The adoptive parents. It must be right if they are saying it. Mr Deputy Speaker, the fact of life is that tourism stands to gain very significantly from the Fightback package. What is a fundamental ingredient in virtually all tourism? I will tell you - fuel prices. All the planes that fly into this city, all the buses that bring people here, all the cars that bring people here, all the coaches that travel around showing people sights, the boat on the lake and so on, depend on fuel, and fuel prices are going to drop significantly under Fightback.

**Mr Kaine:** Massively.

**MR HUMPHRIES:** Massively, in fact. What will that do for people wanting to travel? It will do a lot. That, Mr Deputy Speaker, will be a significant help to the ACT's tourist industry. I am optimistic about those changes. I do not think everything that is good about tourism has flowed from the acts and pens of this Government.

**Mr Kaine:** Not even the casino.

**MR HUMPHRIES:** Not even the casino. The Government likes to think that the casino was the creation of the present Government. It was not. It has been a process that has involved many people other than the present Government. I think, Mr Deputy Speaker, that we can expect to see many benefits from that exercise, but I think it would be difficult for this single Government to claim all the credit.

**MR DEPUTY SPEAKER:** Order! The time for the discussion has now expired.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Statement by Presiding Member**

**MR KAINE** (Leader of the Opposition): Mr Deputy Speaker, I seek leave to make a statement regarding a new inquiry by the Standing Committee on Public Accounts.

Leave granted.

**MR KAINE:** Thank you, Mr Deputy Speaker and members. I wish to inform the Assembly that the Standing Committee on Public Accounts has resolved to inquire into and report on the monitoring of budget supplementation. Members will recall that this was a recommendation that came from the Estimates Committee considerations. In its report the Estimates Committee recommended that the Public Accounts Committee inquire into and report on methods by which budget supplementation to all agencies can be monitored by the Assembly. On Monday, 16 November, the Public Accounts Committee noted that recommendation, and it has formally adopted the terms of the recommendation as an inquiry for the committee to conduct.

### DAYS OF MEETING - 1993

**MR BERRY** (Deputy Chief Minister) (4.14): I move:

That, unless the Speaker fixes an alternative date or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 1993:

February	16	17	18
	23	24	25
March	23	24	25
	30	31	
April			1
May	11	12	13
	18	19	20
June	15	16	17
August	17	18	19
	24	25	26
September	14	15	16
October	12	13	14
	19	20	21
November	23	24	25
December	7	8	9
	14	15	16

The motion has been raised with all members and is self-explanatory. I will not speak further on the matter.

**MR KAINE** (Leader of the Opposition) (4.15): Mr Deputy Speaker, I want to suggest something to the Government. It is not necessarily something that they need to do something about now. There has been consideration given to referring major Bills, for example, to Assembly committees. I believe that that will increase quite considerably the workload and the time required by committees to do their work. At the same time, it could conceivably reduce the time required for discussion on the floor of the house.

I note that the number of days scheduled here tentatively for next year is about the same as was scheduled this year and last year. I merely suggest to the Government that they might consider whether six of these days - I identify only six days - might be noted as potential sitting days rather than scheduled ones. That would allow some change in the balance between Assembly sitting time and committee sitting time.



I have noted the days of 25 February, 1 April, 20 May, 19 August, 21 October and 9 December as days on which the Assembly might meet, rather than days on which it will meet. That gives the Government flexibility and would allow the committees extra days, if required, to take up that extra workload. I am not putting this forward as an amendment. I do not think anything is required at this time. The Government may like to take that as a suggestion and make that small adjustment instead of promulgating all these as firm scheduled sitting days of the Assembly. I have not discussed this with the Government until now.

**MR BERRY** (Deputy Chief Minister) (4.16), in reply: All that I can do is note what the Leader of the Opposition has said.

Question resolved in the affirmative.

### **BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL (NO. 2) 1992**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.17): Mr Deputy Speaker, I present the Buildings (Design and Siting) (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

**MR WOOD:** Mr Deputy Speaker, I move:

That this Bill be agreed to in principle.

In August this year this Assembly passed legislation to amend the Building Act 1972 so that certain prescribed minor building works may be exempted from the requirements for plan approval, building permits and issue of certificates of occupancy and use. These exemptions are part of the process of deregulating those building activities where building controls are considered unnecessary. So that these prescribed minor building works are fully exempted from building control, it is necessary to exempt them from the need to obtain design and siting approval under the Buildings (Design and Siting) Act 1964.

The Government has received legal advice that, although the design and siting Act provides the Executive with powers to make regulations for design and siting purposes, these powers may not go far enough to allow the making of regulations to exempt buildings and structures from the need to obtain design and siting approval. This Bill, therefore, amends the Buildings (Design and Siting) Act to specifically provide the power to make regulations in relation to exempting certain buildings and structures from requiring design and siting approval. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

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

## ADOPTION BILL 1992

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.19): Madam Speaker, I present the Adoption Bill 1992.

Title read by Clerk.

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

That this Bill be agreed to in principle.

This Bill, relating to the adoption of children in the ACT, vastly reforms existing legislation in line with modern adoption legislation and thinking, both throughout Australia and overseas. The Bill is a result of substantial community consultation. Reviews of existing legislation were conducted by the Human Rights Commission in 1986 and a specialist review committee in 1987. As a result of these, a draft Adoption Bill was released for further public consultation in January 1992.

Like all other jurisdictions in Australia, the ACT's adoption law was passed in the mid-1960s and was primarily designed to provide for infants born to single mothers and relinquished soon after birth to be adopted by unrelated adoptive parents. In the last two decades community attitudes have changed. These attitudes, together with other significant changes in family patterns and the types of children available for adoption, have given rise to reviews of adoption legislation and practice in most other Australian jurisdictions.

The basis of these reviews has been a recognition of the need for greater emphasis on the needs and rights of children; changes in community attitudes towards the secrecy surrounding adoption in the past and the development of access to information provisions; the need to develop a wider range of legal options for children, including open adoption and the use of guardianship and custody orders; and the need for greater awareness and appreciation of the needs and rights of birth parents. These principles have formed the basis of the Bill before members today. Central to them is that the interests of the child should be paramount. Rather than focusing on the needs of persons wanting to adopt, the emphasis is on the extent to which adoption applicants are able to meet the needs of the children concerned.

Madam Speaker, I now wish to summarise the major provisions of the legislation to explain their implications for the ACT community. The main provisions include access to identifying information, including pre-adoptive or original birth certificates, to adoptees and their adoptive and birth families subject to contact veto provisions; flexibility to allow for confidential or open adoptions where the birth parents and the adoptive parents have agreed to provisions for ongoing access with and/or exchange of information about the adopted child; preferred use of alternative legal options to adoption, such as custody and guardianship orders in the area of step-parent or birth relative adoption; incorporation of placement principles for Aboriginal children which will ensure that as far as possible preference is given to placement within the Aboriginal community; recognition of the wishes of birth parents, including the race or ethnic

background of the proposed adoptive parents, the religious upbringing of the child, or whether a single person might adopt the child; removal of the age criterion from legislation to administrative guidelines in order to maintain the flexibility to respond to changes in Australian societal norms for the ages of parents - I note that that was a significant point; we had overwhelming community views in relation to the community consultation process that that statutory age criterion should be removed, and so it has been; requirement for consent to adoption from any parent, including the birth father of ex-nuptial children where the father's paternity can be established through the Birth (Equality of Status) Act - for example, where the father's name is registered on the child's birth certificate; and restriction of the adoption of children from overseas to those whose adoptions were arranged by an approved agency in the child's country of origin, according to approved arrangements and within that country's laws - in particular, with a focus there on the forthcoming Hague Convention on International Adoptions.

Of all these provisions, the one evoking the most attention has been the access to identifying information provisions. This attention has coincided with widespread media coverage in 1991 on the introduction of similar legislation in New South Wales and in Queensland. Central to the issues concerning access to identifying information has been the need to balance the rights of the individual to privacy against the rights of other individuals to access personal information held by government.

Madam Speaker, to understand these issues it is important to place them within their historical context. The existing ACT adoption legislation was enacted in 1965 when attitudes to ex-nuptial births and infertility were vastly different from community attitudes today. The legislation gave absolute privacy protection to the parties of adoption - indeed, absolute secrecy provisions. This protection was based on the belief that the interests of the child and his or her adoptive and birth parents were best served by cutting off all reciprocal contact and knowledge at the time of adoption. Since that time, however, a large body of research has revealed that the strengths of adoption are based on openness and honesty in family relationships rather than in the preservation of secrecy. This recognition, together with governments' and society's recognition of people's rights to personal information, led to the reform of adoption legislation in the United Kingdom in 1975 and in most other Australian jurisdictions during the 1980s.

A predominant theme throughout this legislation has been to protect the rights to privacy of those who seek it, but at the same time break down those barriers which have previously restricted the rights of those seeking access to information. At the moment adoption records in the ACT are a closed book, with release of information being authorised only in very limited and exceptional circumstances or when the information released is judged to be non-identifying. This Bill will enable non-identifying information to be made available to the adopted person and his or her adoptive parents, birth families and descendants. In addition, the legislation recognises the right to identifying information, and provides an effective means of protecting the privacy of parties to the adoption, if they so wish, in the form of a veto on contact.

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New South Wales has now conducted a review of the operation of its legislation and has found that the vast majority of adopted persons and birth parents welcome the right to information. There has been complete compliance with the contact veto system. Indeed, the New South Wales experience indicates that privacy is adequately protected by the contact veto system. The present Bill will provide for the establishment of a contact veto register. Members will be aware that the original Bill had provision for information veto to take those privacy protections further. At the time that Bill had been prepared - it was the end of 1991 - there was widespread community concern that the New South Wales contact veto system would provide inadequate protection, but the experience over the subsequent 12 months has shown that that system is working effectively. We have done away with the information veto, again in response to an overwhelming community consultation response.

Where an adult adopted person - or adopted person approaching adulthood - or a birth parent does not want other parties to make contact, they may lodge the contact veto. In the same way, members of the adoptive or birth families can also register a contact veto if they do not want other parties to make contact with them. When a party to an adoption requests access to identifying information and a contact veto is in operation, the applicant is required to be counselled about relevant issues and to sign an undertaking that he or she will not make contact with the other party.

The Bill provides that contact vetoes will remain in force for an indefinite period to be effective beyond the vetoer's lifetime. Vetoes, however, may be revoked by the person at any time, on his or her initiative, or upon being contacted by the Director of Family Services. Special provisions are made to ensure the privacy rights of birth or adoptive family members under the age of 18 years by enabling their parents to register contact vetoes on their behalf, effective until they attain the age of 18 years.

Madam Speaker, these provisions have been proposed after careful and serious consideration of the views of the community. They are similar to those of New South Wales legislation in that they provide for a veto on contact, but they also differ from New South Wales in enabling a wider class of persons to lodge contact vetoes and in not providing for a criminal penalty for breach of veto. It is this Government's considered opinion that punitive measures would not achieve any effective deterrent in this sensitive area of human relationships. I am confident that the vast majority of people affected by this Bill will exercise their rights responsibly and with respect for others. Indeed, the experience in other States where similar legislation is in place has confirmed this to be the case. To date in both New South Wales and Queensland there has not been a single known instance of a breach of a contact veto.

Madam Speaker, it is the Government's intention to conduct extensive publicity over several months prior to commencement of the provisions, to provide adequate opportunity for those affected to consider their options and either to accept the possibility of contact or to register vetoes.

Consistent with the thrust to open up the adoption process, to provide adopted persons with a sense of their biological identity and to recognise the rights of birth parents, the Bill also provides for the granting of open or conditional adoption orders. This will allow the court to make orders which allow for right of access and/or the provision of information by adoptive parents to birth parents as agreed by all parties to the adoption process. The notion of open adoption is consistent with the openness and honesty preferred in modern adoption and ultimately benefits all parties to the process. It is also consistent with developments in most of the other Australian jurisdictions. Another fundamental reform is the principle, supported by legislation, that it is preferable for a child's relationships with step-parents or natural relatives not to be altered by reason of an adoption order.

As I have earlier stated, the existing ACT adoption law was primarily designed to provide for children relinquished soon after birth by single mothers for placement with unrelated adoptive parents. With the changing pattern of family relationships over the past 20 years, more and more applications for adoption have come from step-parents and birth relatives. Many such applications are made in order for the step-parent or relative to demonstrate a level of commitment and financial stability to the child. A guardianship or custody order can equally provide this demonstration of commitment in most cases, is less confusing and is more desirable for the child.

This principle of "adoption to be in the best interests of the child" is consistent throughout the Bill. An example is the incorporation of child placement principles for Aboriginal children. By recognising the unique nature of Aboriginal family relationships and the foreign notion of child ownership to Aboriginal culture, the Bill requires the court to be satisfied that the choice of adoptive parents has had regard to the desirability of the child being in the custody of an Aboriginal person and being able to maintain contact with his or her birth parents and Aboriginal community.

**MADAM SPEAKER:** Mr Connolly, it is 4.30 pm; so I have to propose the question that the Assembly do now adjourn.

**MR CONNOLLY:** I table the remainder of my speech and seek leave to have it incorporated in *Hansard*.

Leave granted.

*Document incorporated at Appendix 2.*

## ADJOURNMENT

**MADAM SPEAKER:** The question is:

That the Assembly do now adjourn.

Question resolved in the affirmative.

**Assembly adjourned at 4.30 pm**

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**ANSWERS TO QUESTIONS**

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

**Question No 41**

**Community Consultation**

MR CORNWELL - Asked the Chief Minister upon notice on 7 April 1992:

In relation to your Community Consultative Meetings:

- (1) How many such meetings were held following the first meeting on 21 June 1989 at the Northside Community Centre, Ainslie.
- (2) Where and when were each of these other meetings held and which Labor Ministers were present.
- (3) Were non-Government Assembly Members invited to attend the meetings at (2) and if not, why not.
- (4) Is it your Governments intentions to hold: such meetings during the term of the Second Assembly and, if so, will non-Government members be invited to attend.

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

- (1) - (4) The Government holds numerous consultative meetings with community groups or with the general public.

The nature of these consultations varies from private meetings with one or more Ministers on specific issues to publicly advertised meetings which any member of the public, including Assembly members, is welcome to attend. An example of the latter category is the recent publicly advertised consultation on the proposed North Watson development, which was attended by at least one nonGovernment member.

The meeting on 21 June 1989 at the Northside Community Centre, to which the Member refers, was

- organised and paid for by the Australian Labor Party and was publicly advertised as an opportunity for members of the public to meet with Government Members.

The Australian Labor Party has since organised several similar community consultative meetings, the most recent being at Narrabundah College and Dickson College late last year. Further community consultative meetings may be organised and paid for by the Labor Party from time to time. The Member will understand that I will not give him advance warning of these meetings.

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**MINISTER FOR THE ARTS**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 362**

**Gorman House**

Mr Cornwell - asked the Minister for the Arts

- (1). What has been the total refurbishment cost
- (2) What has been the total repairs and maintenance cost. -
- (3) How many organisations occupy space.
- (4) What annual rent does each of these organisations pay
- (5) How much in rates and land taxes is paid annually
- (6) What is the total annual revenue received by the Government. \_ .,

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

- (1)The refurbishment of Gorman House was undertaken in guidelines. Information on the refurbishment-costs has been provided by ACT Public Works. The total cost is \$2,011,949. \_ . :  
six stages from 1981, consistent with heritage
- (2)The cost of repairs and maintenance for 1990/91 was  
\$20, 968. and for .1991/92. was \$74, 651.
- (3)There are at present 21 organisations and 17 individuals occupying space at Gorman House.
- (4)Annual rent varies according to the space occupied and is payable at the rate of \$67.20 :per sq  
From this the Gorman House Management Committee covers the costs of rent, rates and land taxes,  
electricity, insurance, administrative staff and  
. other running expenses.
- (5)Rates and. land taxes paid on Gorman House in 1990/91  
amounted to \$10,126.
- (6)The Government.:receives an annual rental-of \$23,000

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

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 370**

**Environment, Land and Planning Portfolio -  
Consultants**

MR WESTENDE: To ask the Minister for the Environment, Land and Planning - In relation to the number of consultants employed by the Department

- (1) How are these contracts awarded and why.
- (2) Why is there a budgeted increase.
- (3) What was achieved from the Review of Environment Protection Service.
- (4) Could this review have been conducted in-house.

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

(1) The engagement of consultants/contractors complies with ACT Government purchasing policy and the Audit Act and its subsidiary Regulations and Directions.

- Proposals for consultancies over \$25,000 are referred to the ACTGS Consultancy Management Committee for approval.

Contracts are awarded by establishing the need to engage a consultant and defining and specifying the requirements. Following the preparation of a specification and/or brief, offers are sought from potential consultants by an appropriate method (eg, written quotes, public invitation of tenders). The choice of method depends upon the extent to which the market is known, the value and the complexity of the requirement. Offers are evaluated against criteria such as:

- . specialist knowledge or expertise on the project/subject; -
- . previous involvement in the project/subject or work area;
- . absence of conflict of interest;
- . ability to perform within time frame;
- . past performance (quality of work, timeliness, adherence to Brief requirements etc); -
- preference for local and/or Canberra based businesses; and
- . the best value for money (this may not necessarily be the lowest quote/tender/price).

Negotiations with potential consultants may occur to aid in making a selection, maximising value for money by negotiating better terms and conditions and

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improving the final contract. Once a selection has been made, unsuccessful offerers are notified in writing and debriefed either verbally or in writing on the reasons as to why they were not successful. The successful consultant is retained under contract tailored to the particular project.

. Consultants are engaged when a specific need has been established and where it is believed that a consultancy would provide the most cost effective solution. Consultants are used for the provision of specialist advice and technical assistance . which is not otherwise available from within the Department, to undertake specific tasks or projects, and to assist in-house on specific tasks and for a specified term which depends upon workloads, priorities etc.

(2) Overall, there is a forecast reduction in the provision for consultants in the Departments 1992-93 budget, from expenditure of \$2,773,843 in 1991-92 to an estimated \$2,660,000 in 1992-93. However, as the Program Explanatory Notes presented to the Assembly Estimates Committee reveal, there are forecast increases in some individual Sub-programs. These are:

Sub-program 6.2 - Parks and Conservation - A significant reduction is indicated reflecting the level of expenditure in previous years and the completion of a number of one-off projects.

Sub-program 7.2 - District Planning - The figures project an increase in funding due to studies related to the work of the Urban Renewal Unit which was established as an initiative for the Governments 1992-93 Budget.

Sub-program 9.1- Arts and Special Events- A notional provision of \$1,000 has been made against 1991-92 expenditure of \$800.

(3) The review of the Environment Protection Service resulted in a number of . recommendations focusing on the need to update legislation, to improve performance measurement, to adopt a more regional approach and to more clearly define the role of the then Environment and Heritage Branch in environmental activities.

This review was approached in two stages. The initial work was undertaken by a consultant so that a broad perspective could be applied. As a result of the recommendations made by the consultant, a consultative process was then undertaken in-house with the aim of refining and implementing the recommendations made in the consultants report. The outcome of this was the establishment of the Office of the Environment. The new structure contains five work groups with more clearly defined roles and responsibilities in environmental management. These are: Environment Policy Co-ordination; Water, Legislation, Air and Noise; Environment Protection; and Hazardous Chemicals and Wastes.

This new structure focuses on key environment issues for the ACT, especially the need to commit resources to .updating and consolidating legislation. With the introduction of a much flatter structure, the reorganisation ensures better environment value for existing resources. It also recognises the local, regional and national context in which environment management decisions must be made.

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 371**

**Heritage Grants - Kosciusko Huts Association**

Mr Westende - asked the Minister for the Environment, Land and . Planning  
What follow up assessments are made as to the effectiveness of the Heritage Grants and why. is- an  
ACT Grant given to the Kosciusko Huts Association.

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

Each Heritage Grant is given in the form of a contractual agreement.  
between the ACT Government and the-grantee. The contract includes  
specifications about what is expected of the grantee. and what  
constitutes satisfactory completion of the contract.

It is the role of the Heritage Unit as day to day managers of the Program to ensure that the contracts  
are properly completed. In assessing any new. application by a grantee, the Unit reviews that  
organisations or individuals performance in previous grants and ensures that grant targets are  
clearly defined and understood by the applicant.

Further to this, I have required that a review of the Heritage Grants Program be undertaken. That  
review.required an examination of all aspects of the Program, including assessment. The review  
has now been completed. I expect to. release it shortly for public comment.

The Kosciusko Huts Association has received several grants over the last few years. Each of those  
grants has been given to the Association for documentation and restoration works on ACT  
heritage places, such as volleys Hut in Namadgi National Park. The Association does not limit its  
activities to Kosciusko National .Park as.its name might suggest and its membership includes a  
large number of ACT residents who undertake heritage work in the Territory.

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18 November 1992

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 372**

**Environment, Land and Planning Portfolio -  
Consultants Reports**

MR WESTENDE: To ask the Minister for the Environment, Land and Planning - What happens to the reports emanating from consultants contracted by the Department.

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

The use and application of reports emanating from consultants contracted by the Department depends on the nature and purpose of the report. For example, reports produced by consultants to the ACT Planning Authority are typically used as an aid to its planning work, reports to the Land Division might take the form of engineering specifications to be applied to a land development project whilst reports to the Environment and Conservation Division could present draft park management plans. (These examples do not pretend to be comprehensive but rather are intended to demonstrate in a limited way the diversity of projects undertaken by consultants.)

Reports presented by consultants are evaluated and, if appropriate, recommendations contained in them, are implemented.

All reports are retained by the Department and, in some cases, copies or summaries of the recommendations provided to the Minister. If the report is of general interest, and not subject to privacy or commercial-in-confidence restrictions, it may be made more widely available.

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

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 374**

**Office of the Commissioner for the  
Environment**

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

- (1) What is the breakdown of the estimated \$57,000 for the establishment of the Office of the Commissioner, . for the Environment.
- (2) How many staff will be employed by this office:
- (3) What is the total budget for the Office of the Commissioner for the Environment in 1992=93 including establishment costs, operating costs and salaries and any other expenses.

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

- 1) The \$57,000 establishment costs consists of the part year funding for the. Commissioners remuneration (in the order of \$18,000), and part year funding for other recurrent costs including printing and stationery, travel, vehicle expenses, consultancies and training.
- 2) There will be two staff plus the Commissioner employed by the- office.
- 3) The total budget for the Office of the Commissioner for the Environment in 1992-93 is \$146,000.

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**MINISTER FOR THE ARTS .**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 3.78**

**World Festival**

Mr Cornwell - asked the Minister for the Arts

(1) How much money was made available in (a) 1991 and (b) 1992.

(2) How much money was returned by -the World Festival from allocations made for .(a) 1991 and (.b) 1992.

For what purpose and in what amounts was -money used in (a) 1991 and (.b) 1992. .

Is it still intended to establish a World Festival and, if so, will funds be allocated. in 1993. If yes, how much will be allocated.

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

(1) The World Festival Committee was allocated . \$123,650 from the Special Events and Festivals Grant Program is 1991/92. An additional amount of \$18,690-was redirected to it from the Ethnic Communities Council which had been funded from the proceeding years program to stage a local winter festival in 1991.

(2) An amount of \$88,100 was returned by the World . Festival Committee from the 1991/92 allocation.

(3) An amount of . \$54,240 was expended by the World Festival Committee in 1991/92. I have been advised by the Committee that the money was used-to market the event to corporations for the purpose of securing major sponsorship.

(4) The World Festival Committee applied for a grant from the 1992/93 Special Events and Festivals Grant Program but were unsuccessful. No funds have been allocated in 1993 for a World Festival. The ACT Government retains an interest in a significant event during the Canberra winter. The ACT-Cultural Council has included the issue of a winter-event for the ACT in its current policy deliberations.