DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

16 February 1993

Tuesday, 16 February 1993

Answers to questions:

Tuesday, 16 February 1993

MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

LEAVE OF ABSENCE TO MEMBER

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

> That leave of absence from 16 to 19 February 1993 inclusive be given to Ms Ellis.

PETITION

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

By **Mrs Grassby,** from 24 residents, requesting that the Assembly call on the Government to immediately reinstate ACT low income earners' entitlements to receive the school clothing allowance and free school bus passes for their children, and that the Government engage in proper community consultation as part of a thorough review of both programs.

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

Low Income Families - School Entitlements

The petition read as follows:

> To the Speaker and Members of the ACT 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 the School Clothing Allowance entitlement for low income families administered by the ACT Government has been cancelled and that children of low income earners, who previously received a free school bus pass are no longer provided with one if, for primary school children, they live within one kilometre or, for secondary school children they live within two kilometres of the school.
>
> Your petitioners therefore request the Assembly to call on the ACT Government to immediately re-instate ACT Low Income Earners entitlements to receive the school clothing allowance and free school bus passes for their children, and further request that the ACT Government engage in a proper community consultation as a part of a thorough review of both programs.

Petition received.

PAPER

MR HUMPHRIES: Madam Speaker, I seek leave to present a petition from interstate petitioners.

Leave granted.

MR HUMPHRIES: I present a petition from 17 residents of Dalby and Chinchilla, Queensland, requesting that the Assembly prohibit the availability of all X-rated material and the possession of child pornography.

QUESTIONS WITHOUT NOTICE

Payroll Tax

MR KAINE: I direct a question to the Chief Minister and Treasurer. Chief Minister, given the benefits, such as increased business activity, increased investment and increased employment opportunities, that would flow to the ACT economy from an amount of approximately $90m remaining in the hands of Canberra businesses each year, will you accept the Hewson government's offer of compensation for the loss of revenue from payroll tax and repeal the Payroll Tax Act in the ACT?

MS FOLLETT: I thank Mr Kaine most sincerely for the question. It offers an opportunity to explain yet again what I believe are some grave difficulties with Dr Hewson's proposal - a proposal to which I understand Mr Kaine has given his endorsement. I want to make it very clear from the outset that in the remote event that Dr Hewson should gain government federally, and in the even more remote event, I believe, that other Liberal-led States, especially New South Wales, should agree to the abolition of their payroll tax, I believe that the ACT is certainly not in a position to stand alone. We must remain competitive and we would do so. I want to put that on the public record, but that is not the beginning and the end of the matter.

Part of the reason why I say that the ACT must follow suit is that, of course, as a territorial government we would not be in a position to protect our local businesses from the drastic effect of the goods and services tax. We would not be in a position to say to those businesses, "We can offer you some protection from this 15 per cent impost on all of the goods you utilise and all of the services you utilise". Every time a Canberra business orders paper or ink, has its laundry done, employs people or has some services delivered to it, it would have to pay 15 per cent, under Dr Hewson's proposals. That is a compounding 15 per cent.

Mr Kaine: No, that is not true. You had better read it again. I will send you a copy and you can read it.

MS FOLLETT: You should not have asked the question. In the ACT, where so very many of our businesses are service businesses, or service industries, the effects of the goods and services tax on industries such as tourism would be quite dramatic. There is no doubt about that. I want also to say that the abolition of payroll tax in the ACT would affect some 11 per cent of Canberra employers. For that 11 per cent, we would be abolishing a tax of 7 per cent, which is the rate of payroll tax, and they would be forced to bear the imposition by a future Hewson government of a 15 per cent tax. I cannot possibly see the advantage of that.

I ask members to bear in mind also that Dr Hewson has not given a guarantee on two very important matters. The first is that he will retain his goods and services tax at 15 per cent. We have heard him say before that he would resign if he changed his mind, and that is the line he is using here. He did not resign last time, he will not resign this time, and he will increase the rate; there is no doubt about that. The other important guarantee we have not had from Dr Hewson is that we would get 100 per cent compensation for our payroll tax. Our payroll tax currently runs at something over $90m a year. It is one of the most significant sources of ACT-raised revenue. It amounts to up to 25 per cent of our revenue. If Mr Kaine looks at our forward estimates, he will see that we have built a growth factor into that, which is only reasonable. Not only has Dr Hewson not guaranteed 100 per cent compensation; he has not guaranteed that there would be any growth.

I believe that the proposed abolition of payroll tax and the imposition of a goods and services tax can be seen only as the ultimate in retrograde steps for Canberra business. Mr Kaine has asserted that there would be increased business activity, that there would be increased employment and investment. Why would that occur? Businesses are not in business out of philanthropy. They are in business to make a profit, and quite rightly. I support that. It has never been proven to me that the abolition of payroll tax would lead to the creation of one extra job. Why would any business employ more people than it needs to do the task? I think that is a gross leap of faith or, if you prefer, an untested and unfounded assertion that the Liberals are using as part of this campaign. I believe that it is as likely that the abolition of payroll tax would result in increased profits as it is that it would result in increased employment, and why not? That is what businesses are there for.

Madam Speaker, I seek to differ from Mr Kaine's point of view. The figures simply do not bear out the Liberals' assertion on this question. However, if it comes to the crunch, and I have said this publicly before, clearly we cannot stand alone because I am not in a position to protect our local businesses from the goods and services tax, which is impost enough on them.

MR KAINE: I ask a supplementary question, Madam Speaker. Since the Chief Minister is going to have to cope with the changes that flow from a Hewson government after the 13th of next month, and since she has spoken of such misconceptions as the compounding of the GST, and she has incorrectly stated Dr Hewson's position in terms of the growth of the payroll tax compensation, can the Chief Minister tell us what, in her opinion, is going to be the net effect on the

ACT budget of the abolition of all wholesale taxes, the abolition of petrol excise tax, the abolition of payroll tax, the abolition of the training guarantee levy and, after the abolition of all those taxes, the imposition of 15 per cent? How much benefit is going to come to the ACT after that sum is concluded? And do not misquote.

MADAM SPEAKER: Ms Follett, I think Mr Kaine is stretching it a little for a supplementary question, but you may answer if you choose.

MS FOLLETT: Madam Speaker, I believe that Mr Kaine is asking me to range into the realms of the hypothetical. Mr Kaine, I recall, berated me at one stage for asking my Treasury to do some work on Dr Hewson's proposals, work which I believe was quite reasonable. I advise him now that I will put the question to Treasury to make an assessment for me on the matters he has addressed. I will advise him in due course - after 13 March.

Goods and Services Tax - Sporting Groups

MR LAMONT: My question is directed to the Deputy Chief Minister in his capacity as Minister for Sport. The Federal coalition, if ever elected, intends introducing a goods and services tax of at least, in the first instance, 15 per cent - - -

Ms Follett: Or else they will resign.

MR LAMONT: Or resign. What effect will this have on local sporting groups?

MR BERRY: Local sports reel in horror at this prospect because they know that there will be a deleterious effect on sport. It will go backwards because of this tax. Amid all the ons and offs which are talked about by the Liberals, you cannot get past the fact that it will cost you more to belong to a sporting club. The Government has been working very hard to get the prices of Raiders tickets down. They will go up by 15 per cent under - - -

Mr Kaine: What have you done to get the price of Raiders tickets down?

MR BERRY: You have not been watching. We have introduced new ticketing arrangements, which will result in less costly Raiders tickets. But this will be completely overrun by the 15 per cent GST that will be put on by a Hewson government, if elected. This is what these people are going to be doing to local sports. They will go backwards; there is no question about that. What is more, those volunteers who work for our sports, particularly in those areas where lots of our youngsters play sport, will have to be responsible for the collection of this tax and the payment of it. They will be held responsible if they do not do it. What will happen is that there will be a new impost. If they sell a hot dog at the local sporting match, 15 per cent GST. They will have to collect the tax and pay an accountant to look after it.

Mr Humphries: Don't they pay taxes now? Are they avoiding taxes?

MR BERRY: They do not pay a GST on their hot dogs now, and that is what they will have to pay.

Mr Kaine: They can multiply 100 hot dogs by 15c just as easily as you can.

MR BERRY: Every 15c counts for those small clubs. You do not care, obviously, that these small sporting organisations will be pushed backwards because of these sorts of taxes. Your own sports spokesman says that it will cost more to belong to sporting clubs. It will cost you more to go to sporting events. They are very important features of revenue raising for sporting clubs.

Mr Humphries: Other things come down. Sporting equipment is cheaper.

MR BERRY: Mr Humphries says that equipment will be cheaper - but not by 15 per cent. Very clearly, what the Hewson proposal amounts to is a kick in the teeth for local sporting organisations, particularly the small ones that operate on a shoestring. They have a great deal of difficulty coping with the volunteer effort they have to put into their organisations now. This is another impost, and it will put a strain on the volunteers who are prepared to offer themselves to carry out this very important work.

For the first time last year we introduced an award for volunteers in the ACT because of the grand work those people do in our sports. There will be fewer and fewer volunteers working for our sports in the ACT. They will be held responsible for the collection of this tax, and they will walk away from it.

Mr De Domenico: Because they are selling hot dogs? Come on!

MR BERRY: That is how much you understand. The sale of hot dogs at the local soccer match is very important to them. Every 15c counts, but you do not care. Do not forget the Raiders tickets. They would cost 15 per cent more if Hewson were to get elected, and that is why he is not going to get elected.

Crime Rates

MADAM SPEAKER: I call Mr Humphries.

Mr Stevenson: On a point of order, Madam Speaker: I believe that standing orders require the person first to his feet to be given the nod.

MADAM SPEAKER: Thank you for that information, Mr Stevenson. There is no point of order. Please stand up, Mr Humphries.

MR HUMPHRIES: My question is to the Minister responsible for police, Mr Connolly. I draw the Minister's attention to comments he made last night on WIN news in relation to an advertisement placed in the *Canberra Times* on Saturday by the Police Association which highlighted the increases in crime in the ACT in the past year and community fears that police funding cuts would lead to increased crime in the ACT. In response to the Police Association's claim that crime is on the rise, the Minister said on WIN TV last night, "That is nonsense. That is pure and simple nonsense". Can the Minister advise the Assembly which particular crime increase mentioned in the Police Association's letter he thinks is nonsense? Is it reported sexual assaults up 141 per cent? Is that nonsense? Is it fraud and misappropriation up 100 per cent? Is that nonsense? Is reported burglary not up 13 per cent? Is reported assault not up 38 per cent? Which of these claims, Minister, is nonsense?

MR CONNOLLY: As I said on WIN TV last night, that partisan political ad by the Police Association was nonsense. I see Mr Stefaniak and a former New Conservative party candidate are running a public meeting tomorrow night, and running this nonsense, running this dangerous lie, that the Canberra community is somehow unsafe because of police budgetary cuts. The best statement on this was the statement by Mr Kaine, which he has repeatedly made, and I keep coming back to it. As Mr Kaine said, and I quote from the *Canberra Times* of August 1990:

> The police force will be like any other element of the community and if we have to make cuts -

that is, cuts in the budget in the future -

> they will have to bear their share.

Again, on 25 November 1992 Mr Kaine said, as recorded at page 3450 of *Hansard*:

> In times of recession the budget for policing must be reduced along with all other budgets ...

So the Liberal leader acknowledges the reality that in this community we have to make cuts, fair cuts across the board, and that includes cuts to the police.

Mr Kaine: But you reallocate the resources you have left, Minister. Didn't anybody ever tell you?

MR CONNOLLY: What are these resources that we reallocate? We have in Canberra, in a community of some 290,000 people, 700 police - 699 is the number. How does that compare to other States that the Police Association is rabbiting on about?

Mr Humphries: I raise a point of order, Madam Speaker. My question was about rises in crime, not numbers of police. I ask the Minister whether he could possibly answer the question.

MR CONNOLLY: Madam Speaker, the question was related to alleged rises in crime as a result of police cuts, and I am addressing the issue of the alleged police cuts. The Newcastle district has a population of some 313,000 people. It has a police establishment of 442. I am quoting from New South Wales police service figures faxed to my department yesterday. The Wollongong district, with a population of 364,000, has 465 police. The Gold Coast, which is a particularly crime-ridden area of Queensland, with a population of 273,000 people but a massive tourism boost as well, has 427 police. This community of under 300,000 is served, under Labor, and will continue to be served by a substantial police contingent of 699 - way above the level of police services for any other part of Australia. The Australian Federal Police Association is whipping up community hysteria.

In relation to what was the nonsense, the sexual assault allegation particularly is the most nonsensical. In the AFP annual reports, if you compare year to year, the most dramatic reported increase is in relation to the offence of incest, which in one year went from two to some 20. That can be portrayed as a massive increase in crime, but of course we know that it is not. We know, simply, that we are

becoming more effective in getting these things reported, and the same essentially goes for sexual assault. We are not getting more crimes committed; through effective campaigns of this Government, through this Government's commitment to women's rights in particular, we are getting more sexual assaults reported, and that is a good thing.

This nonsense that Mr Humphries is sprouting, trying to jump onto the Police Association's and Mr Stefaniak's band wagon, is completely at odds with the repeated statements of the Liberal Party leader. The Liberal Party leader has repeatedly said that the police budget should be treated in no different way from other budgets, and he seems to agree to it again. We as an ACT government are having to deal with declining resources. The police force had had a 2 per cent cut in funding last year and it will have the same again this year. We still fund policing in this community at a far more generous level than does any State in Australia.

Mr Humphries: We need to, with these crime rates.

MR CONNOLLY: That is just nonsense, Mr Humphries. Crime across Australia steadily increases. This hysteria from the Liberal Party, this attempt to create fear and mayhem in the community, is irresponsible, cheap partisan politics. Mr Kaine at least has the decency as a responsible politician to say repeatedly that the Liberal Party would, in effect, do exactly the same as we are doing with the police budget, that is, make the police absorb the same cuts as everyone else. For his minions to run around in the community, as Mr Humphries is doing now and as Mrs Carnell did last week, whipping up hysteria and shock-horror about the police budget is undercutting the statements of their own leader, who said that he would do exactly the same as we have done.

Planning Appeals

MR MOORE: My question is addressed to the Minister for the Environment, Land and Planning and refers to an article in the *Canberra Times* this morning by Crispin Hull, which included this statement by Mr Phillips, chairman of ACTEW:

> The public record will show that we have been through all the approvals and planning processes meticulously.

The article went on to say that people were trying to stop the development and had tried various methods, including objection through the planning process, which was their democratic right, but that the Planning Committee of the Assembly had approved the plan. Is it not true that the public appeal mechanisms were in this case cut short under section 7(3)(c)(ii) of the Land (Planning and Environment) Act, which provides for your department to narrow the ability of people to object, and also that the Planning Committee, in reporting to the Assembly, failed to recognise this in that they suggested that they had approved the variation to the plan rather than the design and siting? In summary, was the appeals mechanism cut short under section 7(3)(c)(ii) of the Act, preventing anybody other than the developer raising objections? Secondly, are you preparing any amendments to the Act to provide for a fairer appeals mechanism for citizens of the ACT?

MR WOOD: Madam Speaker, I think there is some conflict in what Mr Moore has said, in the sense that he has asked whether appeal mechanisms have been cut short under the Act. The Act makes that provision; the provision was followed. I do not understand his comment that it was cut short. The process has been scrupulously followed. I have obviously backtracked on this issue in recent days and checked the process carefully, and I believe that it has been properly done.

As to preparing amendments, there is no question at this stage that we are preparing amendments. Obviously, we look at the application of the Land (Planning and Environment) Act and consider whether we need to amend it in a variety of ways. Indeed, I am bringing up some measures later on, but I do not believe that they relate to this matter. The Act is a major document. It is being worked under and amendments are always liable to be considered.

MR MOORE: I ask a supplementary question. When are you going to give the people of the ACT the right to appeal on design and siting issues? In this case, people have obviously missed out.

MR WOOD: Madam Speaker, the question of appeals has been part of a long and continuing debate. The Government has established, with the support of most members of this Assembly when the legislation went through, an appeals mechanism which very broadly says that, if a proposal meets certain specified criteria, an appeal does not apply. In practice, the appeals mechanism under that Act is very considerably expanded from the situation formerly, which, as Mr Moore knows only too well, was practically non-existent. Obviously, I believe that there are limitations. On the one hand there are some people who say that there must be unlimited appeals; on the other hand, some people say that there should be no appeals at all.

I believe that at this stage the Act provides an equitable arrangement where people know that, if they approach an issue and it meets the very carefully established guidelines and requirements, then it proceeds. I might say that I am getting quite a flow of letters from people who are feeling the impact of having to advertise proposed changes on their land because they go beyond those guidelines. There is some angst about that, but that is something I will also bear.

Joint Venture Housing Development - Braddon

MR DE DOMENICO: My question is to the Chief Minister and I also refer to the article on the front page of the *Canberra Times*. The article refers to the alleged involvement of the chairman of ACTEW in a joint venture housing development with the ACT Government Housing Trust and includes comments from her colleague Mr Wood, who said:

> Certainly the Chief Planner or the Secretary of the Department should not be involved in development. Whether Mr Phillips should be frozen out of development is another matter.

I ask the Chief Minister: Where does the Government draw the line in such cases? Are there any guidelines? If there are no guidelines, will the Government ensure that guidelines are drafted to clear any doubt in the mind of the community regarding any perceived conflict of interest? I say that because such guidelines would protect both the public interest, and the perception as well, and the people involved in those developments.

MS FOLLETT: I thank Mr De Domenico for the question, Madam Speaker. To answer the last part first, yes, there are guidelines. As far as I recall, they are in the *Cabinet Handbook*, and they are certainly used by the Government in making any appointments of the nature of the chair of ACTEW. So yes, there are guidelines, and they are followed by the Government.

In relation to the particular article in the newspaper this morning, I have been assured by officials that the fact that Mr Phillips is the chair of ACT Electricity and Water has no impact on negotiations around this particular project. As a result, I do not propose to do anything about the article, unless I receive further advice. I understand that negotiations on the proposed joint venture are at a quite advanced stage and that those negotiations are taking place between the ACT Housing Trust and a company called Bobundra and that Mr Phillips is one of the directors of Bobundra. I further understand that Mr Phillips has appeared before the Legislative Assembly Standing Committee on Planning, Development and Infrastructure, which approved the variation to the Territory Plan to enable this project to proceed. Madam Speaker, as far as I am concerned there is no conflict. There are guidelines that are used by the Government, and unless something further comes to my notice I will not be taking the matter further.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Can I clarify the situation by saying that I was well aware that Mr Phillips was involved because I was a member of that Planning, Development and Infrastructure Committee. I ask the Chief Minister to let the Assembly know what these guidelines are, and perhaps table them. That might help the situation. If there are guidelines, let us have a look at them. Mr Wood said:

> Whether Mr Phillips should be frozen out of development is another matter.

I would like to know what the guidelines say. Who is and who is not allowed to be involved?

MS FOLLETT: Madam Speaker, I undertake to inform members on those guidelines.

HomeBuyer Loan Program

MRS GRASSBY: My question is to the Minister for Housing and Community Services. Can the Minister inform the Assembly of any changes to the ACT HomeBuyer loan program?

MR CONNOLLY: I thank Mrs Grassby for her question. Members will recall that in the week before Christmas this Assembly passed amendments to the Housing Assistance Act which allowed the Housing Trust to engage in off-budget borrowings - and there was some debate as to what that meant, Mr Cornwell.

I am pleased to report to the Assembly that the first fruits of that are now coming through. We have extended the HomeBuyer loan scheme to a new scheme which is being referred to as HomeBuyer Plus. This will provide for a further 160 low and moderate income Canberra families to gain access to affordable home loans, and that represents a significant boost to economic activity in the Territory.

The new loan system will be somewhat more generous than has been previously available. It will apply to a maximum household gross income of $980 a week; previously it was $790 a week. It will apply to a maximum property value of $160,000, as opposed to $140,000 under the old scheme, with a maximum loan amount of $140,000 compared to $120,000. The loan payments will be linked to a maximum of 27 per cent of gross household income. The important aspect of these Commissioner for Housing loans is that they allow people on moderate or low incomes to enter into commitments with a guarantee that the repayments are linked to income. So, if they have a change in circumstances, their repayments will be adjusted accordingly. The total loan establishment fee is also well below what it might be out in the private sector, with an establishment fee of $250. The Bill the Assembly passed before Christmas is bearing fruit - 160 additional loans to low and moderate income Canberra families to allow them, in many cases, to get out of public housing and into the private housing market and buy new homes, thus creating employment and activity in this town.

HIV/AIDS Patients

MR STEVENSON: My question is to Rosemary Follett and concerns the Health Minister and the non-reporting of the details of HIV/AIDS patients to the Medical Officer of Health.

MADAM SPEAKER: Please refer to the Chief Minister by her title of Chief Minister or as Ms Follett, Mr Stevenson.

MR STEVENSON: Due to claims by the Government that the reporting requirements were unclear prior to the latest amendment of the regulations, I ask the Chief Minister, as it is well within her power, whether she will move to clarify the facts by either, firstly, releasing the opinion on the legal requirements prepared by the Attorney-General's Department for the Health Minister as this relates to a matter of legal fact affecting every doctor in the ACT and there being no valid reason for withholding this information; or, secondly, the Government commissioning two legal experts - Professor Dennis Pearce, Dean of Law, ANU, and Peter Sheils, QC, at the separate bar of the ACT, would appear eminently qualified for such a purpose - with the brief to advise the ACT Government of appropriate action, if any, that should be taken in response to the matters raised in the motion of no confidence in the ACT Health Minister on 16 December 1992, this opinion to take proper account of any associated matters deemed relevant and the proper broader experience of the House of Representatives.

MS FOLLETT: Madam Speaker, I thank Mr Stevenson for the question. The last part of his question relates to the fact that this very issue was debated exhaustively in the Assembly, and in fact it was voted down in the final vote. Mr Stevenson is attempting to reactivate the issue, on which the Assembly has already made its majority view clear.

Madam Speaker, the first matter about which Mr Stevenson has asked me today is a matter that I understand is with the Supreme Court, so I will not be taking any action on it while it is the subject of that court action. The second matter is one on which Mr Stevenson has approached me by correspondence. I apologise to Mr Stevenson for not having responded to his letter, but I can say that I am addressing his concerns in a substantive fashion, and that accounts for the delay in responding to him. He has raised some legal issues. He has made some assertions that I believe need to be addressed in detail, and they are being so addressed. I will be conveying that response to him as quickly as I can.

Mr Stevenson has also raised by letter the question of the commissioning of two legal experts to review this matter. I advise Mr Stevenson that my response to that proposition will not be in the affirmative because, as I said, the substantive matters have been dealt with already by this Assembly.

ACTION Employees - Pay Rates

MR WESTENDE: My question is directed to the Minister for Urban Services, Mr Connolly. Has the Minister seen the article in the *Canberra Times* on Sunday, 24 January, re bus employees' pay figures? Will the Minister agree that it appears that mechanics who undertake a four-year apprenticeship average per annum $28,690 while bus drivers, who qualify after five or six weeks' training, average $35,572 plus meal allowances? Will the Minister agree that this does not appear to be a fair situation? Will the Minister further consider introducing multiskilling whereby, for instance, a mechanic could drive a bus part time, say a school bus, for two or three hours a day, and spend the balance as a mechanic and the two or three hours a day he would be driving would be paid at the same rates as bus drivers?

MR CONNOLLY: Madam Speaker, I thank Mr Westende for the question. The first point that needs to be made is that we pay the award rate of pay to all ACTION employees, and under a Labor government, and up until now under Liberal governments as well, workers get award rates of pay. That means that we pay what an independent umpire says is an appropriate rate of pay. You people, of course, want to rip that up and have this nonsense of individual contracts.

There is an implication in Mr Westende's question that somehow the mechanics who have gone through a trade course are being underpaid in comparison to drivers who, Mr Westende said, have undergone only four or five weeks of training, which may suggest that drivers somehow do not have skills. I would firmly reject that and say that the safety record of ACTION, which is outstanding in relation to ACTION drivers' involvement in road accidents - these are professional drivers out on the road all the time - is testimony to their skills.

It also ignores the fact that mechanics, by and large, work ordinary rostered hours. The workshop, by and large, is operating during ordinary daylight hours. There are circumstances where overtime is worked in the workshops and it may be necessary; but, by and large, the workshop employees - mechanics and the non-tradespeople - are working ordinary hours. The drivers, because we have a public transport system that operates from early in the morning until very late

at night, are of necessity very often working out of time, incurring overtime and penalties - matters which your party seems to want to rip up and scrap because, "Overtime and penalties are bad things. If you have to work until midnight, that is just bad luck on your family. You do not get any benefit for it". The Labor Party rejects that. While the raw figures do show that drivers take home more pay than mechanics, you must bear in mind that, firstly, that reflects award conditions, and, secondly, it reflects the fact that drivers are very often working odd and irregular hours whereas mechanics are working ordinary hours.

In relation to the question about multiskilling, there is a whole process of workplace reform going on in ACTION. We inherited a system where, historically, the cost of ACTION had been consistently increasing. In the period of Liberal administration, the costs of ACTION increased quite dramatically. We gave commitments to achieve savings. We have delivered them to date. We have set ourselves an ambitious target of saving $10m in the real cost of ACTION over the three-year period of this administration. We are on track and we will deliver that through a whole process of workplace reforms negotiated with the union movement in cooperation, rather than imposed from above along the lines of the Jeff Kennett approach in Victoria.

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

Government Service - Pay Rise

MS FOLLETT: Madam Speaker, on 17 December 1992 Mr Kaine asked me a question relating to the cost to the ACT Government of the ACT enterprise bargaining agreement. I undertook to provide him with an answer. I did so in January and, to complete the record, I present the answer and seek leave to have the response incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

Bonython - High School Students

MR WOOD: Madam Speaker, I responded in the same way to a question from Mr Cornwell about Bonython Primary School students' access to high schools. I seek leave for my answer to be incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 2.

DEATH OF PROFESSOR F.C. HOLLOWS

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

> That the Assembly expresses its deep regret at the death of Professor Fred Hollows, AC, who made a significant contribution to the welfare of many Australians and others and tenders its profound sympathy to his widow and family in their bereavement.

Professor Hollows was a distinctive self-styled individual who captured the attention of people across many nations. He was a man who was never afraid to speak out for what he believed in and what he cared about. He was well known for his outspoken views on a range of topics, especially in recent times about homosexuals, about AIDS, and about the protection of Aboriginal peoples from epidemics.

Professor Hollows was an egalitarian and a self-named anarcho-syndicalist who wanted to see an end to the economic disparity which exists between the First and Third Worlds and who believed in no power higher than the best expressions of the human spirit found in personal and social relationships. He said that his Christianity was surgically removed after a stint studying arts and divinity at Otago University and working in a mental hospital during his holidays, and he returned to his home town of Dunedin as an agnostic. He changed his course to straight arts and veered towards left-wing politics and later entered medical school at the University of Otago.

From this time he developed his great interest in eye surgery, eventually moving to Britain to study to become a fellow of the Royal College of Ophthalmology. He is now well recognised for his pioneering work in eye care in outback Australia and also for his humanitarian work in Third World countries. Professor Hollows arrived in Sydney in 1965 to take up the post of Associate Professor of Ophthalmology at the University of New South Wales. Several years later he played a leading role in establishing the path-breaking Australia-wide Aboriginal trachoma program, after registering his horror and indignation at the suffering and loss of quality of life caused by eye diseases amongst Aboriginal people.

Official recognition for his work came in 1990, when he was named Australian of the Year, and in 1991, when he was made a companion in the Order of Australia. However, his real contribution to humanity will live on in the improved quality of life of all those who benefited from his life's work and who will benefit from the Fred Hollows Foundation. The foundation aims to continue his dream to train surgeons and build factories to produce the intra-ocular lenses that will restore people's sight in the Third World countries. In Eritrea each year 7,000 people are blinded by cataracts, 35,000 in Nepal, 150,000 in Vietnam, and about one million throughout Africa. The foundation is currently managing projects in Eritrea, Nepal and Vietnam, which will be implemented over the next four years at a cost of about $6m.

Professor Hollows has been called an icon, an inspiration to all Australians, a friend, brother and teacher to thousands of poor and disadvantaged people, a contradiction between saint and sinner, a saint canonised by the common people, a hero and a national treasure, a larrikin and a gift from God, a model of individuality, and an absolutely ordinary rainbow. The posthumous Nobel Prize nomination currently being prepared is well deserved and is appropriate.

But perhaps it would be more appropriate simply to remember this great man as he might have liked: To remember him not for his titles and awards, but simply as a bloody good bloke, a bloke who saw injustice and inequity and tried to right it, who saw life as an opportunity to contribute to the common good.

Professor Hollows is survived by his widow, Gabi, and by seven children. Those children are 25-year-old daughter Tanya, 17-year-old Ben, twin daughters Ruth and Rosa, who will turn three in a fortnight's time, 10-year-old son Cam, eight-year-old daughter Emma, and five-year-old Anna-Louise. To the family, Madam Speaker, our hearts reach out. While a great sorrow is felt by all Australians and other people of many nations, theirs is an intensely personal loss. To his widow, Gabi, and his children I offer sympathy and gratitude for the life of this remarkable achiever.

MR KAINE (Leader of the Opposition): Madam Speaker, I think Jack Waterford of the *Canberra Times* had it right when he said that Fred Hollows was a very Australian hero, egalitarian, not remote, a bit of a larrikin, but a professional. That is some accolade since he was in fact born a New Zealander, and I think Fred Hollows would have seen that as a tribute to his achievements in his lifetime. He set about addressing the concerns of the disadvantaged people of the world, whether they were in Eritrea or whether they were original Australians, and he did that in a very personal way. He had a personal commitment to that work. He was a great surgeon, a scientist, a teacher, a thinker, a tireless worker for the underprivileged.

During his lifetime he was recognised at home as Australian of the Year and also by the award of companion in the Order of Australia. As the Chief Minister said, it would be most appropriate if he were to be recognised through a recommendation as a candidate for a Nobel Prize. To sum up, Fred Hollows was a true Australian, and the Opposition joins the Government in this motion of condolence to his wife and children, whose deep sense of loss we share.

Question resolved in the affirmative, members standing in their places.

DEATH OF MS O. BROWN

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

> That the Assembly expresses its deep regret at the death of Ms Olive Brown, who made a significant contribution to the Aboriginal community in the Australian Capital Territory, and tenders its profound sympathy to her family in their bereavement.

Olive Brown was a tireless worker who made an invaluable contribution to the ACT community through her work for Aboriginal peoples and Torres Strait Islanders. Olive Brown was one of those rare individuals who can quickly gain a reputation as people who can always help in a time of need. In fewer than six years in Canberra she became known throughout the ACT Government, particularly in the areas of health and community services, as a person with enormous commitment to Aboriginal and Torres Strait Islander people. She became known as a person with a good understanding of the needs and issues facing her people and as a person with the energy and the ability to make things happen.

Olive was especially well known for her work in founding and coordinating the Winnunga Nimmityjah Aboriginal Health Service. This service has grown from one that operated for two days a week in a room at the Shortcuts Youth Centre to one which operates as a full-time service and provides for over 1,000 registered clients. Olive was also a member of various government and community organisations that worked on alcohol and drug abuse, on domestic violence, on women's health, on Aboriginal children's advancement, and on Aboriginal and police liaison. Her commitment to all of these organisations was voluntary and reflected a real depth of care and concern for the ACT community.

Through her work at the health service and through her other community involvements Olive acted as a vital link in helping to bring the ACT Government and the Aboriginal and Torres Strait Islander communities closer together. She knew the needs of her people and she worked persistently to ensure that those needs were listened to, were articulated, and were provided for. Olive helped the ACT Government to understand these needs, and in a true spirit of cooperation and friendship she assisted with the implementation of Aboriginal services in the ACT. Olive helped the Government's services to adapt to meet the needs of Aboriginal and Torres Strait Islander people. Olive Brown's contributions were outstanding, and she will be fondly remembered in the hearts and minds of all who knew her.

MR HUMPHRIES: Madam Speaker, I rise on behalf of the Opposition to support the motion the Chief Minister has put today. I had the pleasure of meeting Olive Brown on several occasions during her six years of very intense activity in the ACT and of witnessing the energy with which she laboured to advance the interests in particular of her own people. I was present in 1990, I think it was, for the opening of the Winnunga Nimmityjah Aboriginal Health Service in the Griffin Centre. I think Mr Berry was there as well. It was obvious on that occasion that that service will be Olive Brown's great legacy to the ACT and that there was a great sense of community pride in and support for the concept from the Aboriginal people of the ACT. I believe that much of that spirit and drive emanated from Olive Brown. She was clearly a major force, and I think that force will continue even now after her death.

I understand that Aboriginal society is often very matriarchal, and I think Olive Brown was a good example of the sort of position a person such as she attains in Aboriginal communities on occasions. She was not by any means an old person, though; she was only 47 at the time of her death. Just as an aside, that is a telling reminder that Aboriginal people in this country have a very substantially lower life expectancy than other Australians and a reminder of our need to combat that problem.

Olive Brown was one of those indispensable ingredients in a just society. She was a selfless labourer for the tangible improvement of others. We cannot do without such people. Her efforts were on behalf of her Aboriginal community, and I think we are all better off because of that. I want to add my voice on behalf of the Opposition to the motion moved by the Chief Minister, and to express condolences to her six children in particular.

Question resolved in the affirmative, members standing in their places.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR BERRY (Deputy Chief Minister): Madam Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for criteria, determinations, notices and regulations; and commencement provisions for Acts.

The schedule read as follows:

Administration and Probate Act - Determination of rate of interest payable on a legacy -

Determination No. 187 of 1992 (S248, dated 31 December 1992).

Agents Act - Determination of fees - No. 185 of 1992 (S244, dated 22 December 1992).

Building Act - Notice of modification of Building Code (S235, dated 16 December 1992).

Cemeteries Act - Determination of fees - No. 6 of 1993 (S13, dated 27 January 1993).

Consumer Affairs (Amendment) Act - Notice of commencement of remaining provisions (S245, dated 31 December 1992).

Credit Act - Declarations -

No. 177 of 1992 (S237, dated 17 December 1992).
No. 178 of 1992 (S237, dated 17 December 1992).

Crown Proceedings Act - Notice of commencement of remaining provisions (S5, dated 13 January 1993).

Electoral Act -

Determination No. 179 of 1992 (S237, dated 17 December 1992).

Determination No. 180 of 1992 (S237, dated 17 December 1992).

Notice of commencement of remaining provisions (S243, dated 21 December 1992).

Fair Trading Act - Notice of commencement of remaining provisions (S245, dated 31 December 1992).

Fire Brigade (Administration) Act - Fire Brigade (Administration) Regulations (Amendment) - No. 1 of 1993 (S6, dated 15 January 1993).

Gas Act -

Determination of conditions for reticulation of gas - Determination No. 184 of 1992 (S243, dated 21 December 1992).

Notice of preparation of Gas Manual - No. 181 of 1992 (S238, dated 17 December 1992).

Health Services Act - Determination No. 2 of 1993 (S8, dated 27 January 1993).

Heritage Objects Act - Determination of criteria for the assessment of the heritage significance of objects - No. 9 of 1993 (G6, dated 10 February 1993).

Housing Assistance Act - Variation No. 3 of 1993 (G3, dated 30 January 1993).

Land (Planning and Environment) Act -

Determination of criteria for direct grants of crown leases -

No. 176 of 1992 (S232, dated 14 December 1992).
No. 4 of 1993 (G4, dated 27 January 1993).
No. 7 of 1993 (G5, dated 3 February 1993).
No. 10 of 1993 (G6, dated 10 February 1993).

Land (Planning and Environment) Regulations (Amendment) - No. 3 of 1993 (S12, dated 22 January 1993).

Specification of criteria for the direct grant of holding leases for estate development by Government joint venture - No. 1 of 1993 (S2, dated 6 January 1993).

Magistrates Court (Civil Jurisdiction) Act - Magistrates Court (Civil Jurisdiction) Regulations (Amendment) - No. 2 of 1993 (S6, dated 15 January 1993).

Noise Control Act - Determination No. 11 of 1993 (G6, dated 10 February 1993).

Public Place Names Act - Determination

No. 5 of 1993 (S9, dated 27 January 1993).
No. 8 of 1993 (S14, dated 1 February 1993).

Supreme Court Rules Act - Supreme Court Rules (Amendment) -

No. 34 of 1992 (S241 of 1992, dated 18 December 1992).
No. 35 of 1992 (S241 of 1992, dated 18 December 1992).

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 list circulated.

The list read as follows:

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

Ainslie, section 30, block 22

Dickson, section 20, blocks 41 and 42, respectively

Downer, section 44, block 19

Fraser, section 41, block 4

Jerrabomberra, block 2088

Kambah -

section 223, blocks 51 and 53
section 225, blocks 4 and 5, 11 to 14, 16, 18 and 19, and 22
section 226, blocks 1 to 3, 7 and 8, and 12
section 227, blocks 1 to 4, 9, 11, 14 and 15, 19 and 20
section 228, blocks 2 to 4, and 8
section 229, blocks 2, 7 and 9
section 230, blocks 5, 7, 10 and 11
section 231, block 2
section 241, blocks 4 to 6, 9, 11, 14 and 16
section 242, block 12
section 244, blocks 8 and 9, 12 and 13, and 15
section 245, blocks 1, 3, 9, 10 and 11
section 249, blocks 1 to 3
section 250, blocks 10, 18, 20, 23, 26 to 28
section 251, blocks 1, 7 to 10
section 252, blocks 1 and 9
section 253, blocks 4, 6 and 8

Kingston, section 28, block 5

Majura, block 474

O'Connor -

section 5, block 23
section 32, block 45
section 55, block 12
section 60, block 12

Oxley, section 25, block 14,

together with executive statements.

GOVERNMENT'S PRIORITIES AND AUTUMN LEGISLATION PROGRAM
Ministerial Statement and Paper

MS FOLLETT (Chief Minister and Treasurer), by leave: Madam Speaker, as is customary at the commencement of each sitting period of the Assembly, I table the Government's legislation program for the 1993 autumn sittings. The program provides members and the community with an overview of the legislation proposals intended for introduction into the Assembly or for preparation during the next few months. The program is presented in portfolio format, within which the legislation proposals are arranged in a two-tier priority order. The Government has changed the presentation of the legislation program for these sittings to reflect changes we have made in the system for controlling the development and drafting of Bills. As a result, the first priority category reflects Bills the Government is confident it will introduce during these sittings. The second priority encompasses those Bills in preparation which might be introduced during this period.

At a glance, the legislation program shows that we intend to introduce major legislation in a number of areas. I will be introducing this week several Bills designed to safeguard the Territory's revenue base in the light of a recent High Court decision. Amendments will be proposed to the Gaming Machine Act to enhance the enforcement of the legislation and to update purchasing, leasing, jackpot linkages and maximum bets of gaming machines to ensure that ACT clubs remain competitive with their counterparts in New South Wales. This is in accordance with our election commitment.

The legislation to implement an independent health complaints unit will fulfil an election promise. We will introduce part 2 of the food legislation package to provide for standards for premises and food preparation. This Bill will provide powers for the Medical Officer of Health in relation to authorisations, warnings, bans and destruction of food. A series of Bills will provide the first requirements for the registration of psychologists and podiatrists in the ACT, together with the introduction of national uniform regulations for other health professionals.

Another major legislative proposal will be the Commissioner for the Environment, who will have statutory independence to investigate complaints about actions which damage the environment. We will also legislate to protect endangered native plants and animals. The Government will introduce a boxing control Bill, completing another election commitment. A Bill to register providers of education and training services to fee-paying overseas students will protect the reputation of this growing export industry.

The long list of Bills in the Attorney-General's area shows that Mr Connolly will be continuing with his excellent law reform work. Bills dealing with sentencing principles and penalty units will be introduced. A major new piece of legislation will provide for recognition of the economic and property contributions made by people in a domestic relationship. We will propose an amendment to the Discrimination Act to prohibit age discrimination. The mental health laws will be overhauled with the introduction of the mental health tribunal. We hope to pass the Adoption Bill, which we introduced last year, and we will introduce a points demerit system to weed out persistently bad drivers who are a danger on our roads.

Madam Speaker, the Opposition's criticism of our legislation program has sometimes created the impression that they believe implementation of the strict letter of the legislation program to be the only measure of the Government's overall performance. As members should be aware, of course, legislation is needed to implement only a small part of the Government's overall policy agenda. In that broader context, the Government's performance since the election a year ago, I believe, has been outstanding. In fact, I am pleased to say that a very substantial proportion of the Government's specific election commitments is in place or is the subject of substantial progress. We have demonstrated that this is a government that made realistic commitments to the public and has carried them out.

The Government's priorities for this year include continued work on those election commitments, but there can be no question that our major priority for this year must be to tackle the effects of the national recession. We can be proud that the number of people employed in the Territory increased by 11,600, or 8 per cent, between January 1992 and January this year. Despite this growth, the Government continues to be concerned about the rate of youth unemployment, which is far too high. The Territory is only a small player in the macro-economic life of the nation, but we will do what we can and we will look at the impact of the measures we have introduced so far and consider further action.

The Government intends to sharpen its social justice focus during the year. We will work towards the production of an overall social justice budget statement, either this year or next. The social justice budget statement will assist in understanding the social impact and the equity implications of all government programs. I also expect to make a major announcement this year about simplified and expanded concessions arrangements. The Government will study the development of environmentally beneficial industries and the potential for ecotourism. We believe that there is potential for industries that will create employment while at the same time providing positive environmental effects. We will attempt to make better use of the tourism potential of the Namadgi National Park while remaining conscious of the special features and values that must be protected.

The responsible management of the Territory's budget will continue to be a priority this year. The Government will focus on continuing the orderly process of transition to State-type financing while protecting services to the community. A lot of our effort this year will be devoted to the development of a separate ACT public service. This will involve substantial planning, research and development work to ensure that we meet our objective of an excellent public service which is efficient and responsive to the community. This work will involve consultation and negotiation with relevant unions and with the Commonwealth Government. I expect that we will be able to announce progress on many of the details as they unfold during the year.

Members are generally familiar with my intentions regarding the new electoral system for the Territory. I expect that later this year we will see the electoral boundaries determined by the ACT Electoral Commission. In the meantime, the Government will continue its work on developing stage 2 of the legislation, which will implement a Hare-Clark voting system, as determined by the voters of Canberra in the referendum.

This year will see the finalisation of the first Territory Plan, fulfilling the Government's objective of a planning system that is open and accountable, and provides certainty to the community. As the International Year of the World's Indigenous Peoples, 1993 will see a strong focus from this Government on the needs of our Aboriginal and Torres Strait Islander peoples. I expect shortly to announce the membership of the new Aboriginal Advisory Council, which will assist the Government in evaluating existing services and in planning new initiatives. The Government intends to conduct another householder survey to ascertain the views of the Canberra community on a wide variety of issues. This is another example of the Government continuing its commitment to community consultation.

This year, as I am sure members are aware, is the eightieth anniversary of the naming of Canberra as the nation's capital - in effect, our city's eightieth birthday. It is an ideal time to choose a flag for the Territory. In consultation with all members of the Assembly, four options have been developed, and we are now at a stage where these options can be presented to the community. With the cooperation of the *Canberra Times*, the community will be asked to indicate a preferred flag, which I hope can be unfurled on Canberra Day.

Madam Speaker, 1993 promises to be an interesting year in the life of our nation and the Canberra community. With the cooperation of Assembly members, I believe that the Government can promise that we will end the year with Canberra an even better place to live and work in than it was before. I present the following papers:

Government's priorities for 1993 - Ministerial statement, 16 February 1993.

Legislation program - Autumn sitting 1993.

I move:

> That the Assembly takes note of the papers.

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

GOVERNMENT'S VISION
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received a letter from Mr Westende proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> Lost opportunities: The Government's lack of vision for the ACT.

MR WESTENDE (3.31): Madam Speaker, it is appropriate that I follow immediately the statement of the Chief Minister because the two characteristics which best describe the Follett Government are its lack of vision and its lack of direction for this fine Territory of ours. In the middle of last year the Chief Minister, in her ministerial statement on the program of the third ACT Labor Government, made many references to making clear the intentions of the Government. In part she said:

> I believe that we should begin our new period of government by clearly outlining our intentions ...

Further on she said:

> The Government also believes that the community needs a clear agenda from the Government, an agenda which will allow business, unions, families and individuals to be confident about the future of our community ... Let there be no doubt about our agenda.

Those are beautiful words, nice motherhood statements, nice rhetoric, but where are the actions? If anything represents the hallmark of this Government, it is its lack of a clearly enunciated agenda. Ms Follett also stated:

> We must focus on job creation so that jobs are available to those seeking them ...

Businesses are not going to employ people if they are going broke. Only profitable business can hire additional people. Jobs can be created only if business can grow because the economic environment is conducive to growth. Our economy will get going only in a climate in which business can operate profitably. Bankruptcies are still increasing in the ACT whereas they are decreasing in other States.

Business gets depressed when there is no leadership; when they experience bad news in all sections of the media; when consumers are complaining; when business says that this Government is not helping but is hindering business; when business says, "Times are bad; let us not invest at present". These are the things that depressions are made of. Only when the Government gets positive, when the Government leads by example, will business believe that things are on the improve. What we need is businesses and persons who feel confident and positive, who feel that there is a job to be done, that the job is worth doing, that there is light at the end of the tunnel, that they are not discriminated against. Then, and only then, will business invest and consumers buy again. When you think positive, you will get positive results; negative thinkers will get only negative results.

We often hear it said that our wage costs are too high, but what is actually meant by that is that our oncosts are too high. The average oncosts in Australia are approximately 45 per cent; or, to put it a different way, for every $100 spent on labour, a business has to cough up $145. This is in the form of payroll tax, training guarantee levy, superannuation, workers compensation, and all the other oncosts. I know from personal experience that there are many other hidden costs in the form of regulations, paperwork for taxes and other reporting demands, and so on. Many of those are Federal oncosts but some are local - for instance, payroll tax and occupational health and safety. What we need is a government encouraging business to employ people, not taxing them for employing people. A government that abolishes or at least halves payroll tax, for example, will show the business community that it is genuinely serious about wanting to assist, not hinder, progress.

I have here a copy of an article from the *Canberra Times* of Friday, 12 February, where the Chief Minister is quoted as saying that only big business pays payroll tax. This is wrong. One needs fewer than 10 staff to reach the threshold and pay payroll tax. The Chief Minister is further quoted as saying that the Opposition is proposing that all business will pay 15 per cent through a GST and that she cannot see how that is good for business. I have some experience in that matter. Business is already paying wholesale sales tax - which will be abolished - of between 10 and 30 per cent, the most common being 20 per cent. The GST replaces wholesale sales tax.

I can already hear the Government saying, "What about the revenue? How will we replace that?". There are many ways to do that. Through increased employment the Government will save on such things as the Jobstart program. When more people are at work the Government will get back from the Federal Government a proportion of personal income tax paid by those people. When more people are at work there is increased consumer demand. It is those things that create consumer confidence. People would no longer be afraid of losing their jobs, which is the vicious circle that creates a depression in the first place.

I hear again, "It cannot be done". So said everyone about death duties until the Queensland Government abolished them. What happened? Within a year every government in Australia abolished them. It needs only an example. I have said earlier that a government should lead by example, be positive, be entrepreneurial, show the way. That is what this Government must do to make the ACT a shining example for Australia. It needs courage, but I am convinced that the results would more than repay the so-called forgone revenue. It requires courage, but we need business people and governments who say not "no can do" but "can do". I have some personal experience which has proven to me that with a "can do" attitude everything is possible. It is positive attitudes, creative attitudes, that will turn the economy around, but it can be done only by leadership, by action, by example.

What we need is bold initiatives. For example, corporatise public services which are costing taxpayers lots of money. Ban overtime and employ additional persons instead. In a business in which I have a personal interest we have limited overtime to what is an absolute necessity. As a result, we work hardly any overtime but we have employed six additional people in the last 18 months. That is an example to all our employees which they understand: They are now no longer scared of losing their jobs. They believe in the example that management has set out and practises.

We need not only vision but also a fervent desire to create jobs, a fervent desire to show how and where jobs can be created. What vision does a government have that can ask each and every household in the ACT to support a public transport system that costs that household over $600 per annum, whether they use the system or not? What vision does a government have when it asks 90 per cent of the population to subsidise a public transport system used by less than 10 per cent of the population? In fact, surveys have shown that bus travel accounts for only approximately 5 per cent of all passenger traffic, and I quote the *Canberra Times* of 16 October 1991.

What about some vision? What about multiskilling? What about technicians who drive school buses part time? This is one example where one could save plenty of money. That is how Deane's Buslines and Murrays make school bus runs an economic proposition, and I quote the *Canberra Times* of Saturday, 12 December 1992. Do not look just at the workers. There is plenty of fat in management as well. You do not have to fire people to get economies. Private enterprise copes with these problems in difficult times through natural attrition and voluntary redundancies.

What about some compassion? In an article in the *Canberra Times* on Sunday, 24 January 1993, one bus driver lamented that in the last fortnight he had lost $160 in overtime. How about some vision and some compassion? Let us talk to those bus drivers. Let three or four of them give up their overtime and you would create an additional job. How about the cost of motor vehicle inspections, road maintenance and so on, where big savings could be made without costing jobs? There are myriads of other examples, not only in ACTION, where savings could be made. I am not going to abuse the privilege of this house and accuse persons who cannot reply, but I do know where the skeletons are buried, where money can be saved. The Government does not need consultants to advise them about this matter. If they want my advice, it comes free of charge.

It is about time we talked more seriously about the words of the late US President Kennedy, who said, "Ask not what your country can do for you but what you can do for your country". We must get away from the "give me" mentality and, instead, adopt an "I will do" mentality. Australia is still the land of opportunity, but it saddens me to think that we are letting it slip. It is there for the taking, but we as a nation must feel the need to go out and get it. It will not come to us. I feel a great frustration and even sadness that we inhabitants of this wonderful country and marvellous city are missing the opportunities that lie before us.

There is a tremendous level of negativeness throughout the country right now and a despondency about getting on with things. Everything is doom and gloom. It is undeniable that we are experiencing one of our toughest times in history. It is easy to be depressed and it is understandable that hostilities arise, but there must come a time when this kind of reaction is turned into a more positive approach. I have mentioned before in this house that I have experienced some very tough times myself, and by no means do I regard myself as Robinson Crusoe. However, the most important aspect is not how tough things are but how to get out of them.

Here is the crux of my address and this is the rub. We have to get out there together. We have to stand by each other as fellow Australians and create a great nation together. There is untold wealth to be attained and there are many wounds to heal, such as the unforgivably high level of unemployment. I believe that we have, in a sense, to realise that we are at war. We are looking down the barrel at defeat. The foe is ourselves. We are our own worst enemy. Instead of standing beside each other, as we did in the Great War, we are adversaries. People are at each other's throats when they should be standing together. People want more when they should be content with less.

People are being ignored when they should be encouraged. It is "everyone for himself" instead of "united we stand". The problem is that we cannot see the wood for the trees. We are not taking the longer view of a recovery. We are going to have to act together and work extremely hard to come out of this recession. We are going to have to work harder and get less, rather than the other way round. When fortunes change, then and only then can we talk about rewards.

The Government has clearly been sidetracked from tackling its main task. It has concentrated on social issues such as abortion, animal welfare, marijuana and a host of minor legislation. Instead of clearly pursuing its own agenda, it has allowed Michael Moore to take the running. The social issues are undeniably important in themselves, but the greatest social issue is unemployment, and the Government has left it in the too-hard basket. Last year for the ACT Government was a year marked by lost opportunities, and I challenge the Government to make 1993 a year marked by vision and boldness to turn around our local economy and establish an exciting and viable region in which to live.

MS FOLLETT (Chief Minister and Treasurer) (3.46): Mr Deputy Speaker, that was a very disappointing address from Mr Westende in that it represented nothing more than a party political address on behalf of the Liberal Party, even to the extent of using the same metaphors as in the current Liberal Party election campaign material. I wonder whether it is the same speech Mr Westende was to use when he first raised this issue some two months ago. If that is the case, it speaks very badly for any idea of vision by those opposite. Mr Westende has not put forward any vision. I would have expected that he would do so.

If I could put very briefly my own vision for the ACT, it is social justice, environmental protection and prosperity. It is my view that the Government's achievements in all those areas ought to be commended by those opposite. Instead, what we get from Mr Westende is a litany of woes, mostly related in the narrowest possible way to his own business. What a load of nonsense! What kind of vision is that? He throws in a quote from Mr Kennedy to try to give it some sort of statesmanlike gloss. It does not work. As I said, it is the most narrow of objectives that we have yet seen in this Assembly, and for that reason I find it very disappointing indeed.

Mr Westende referred to pessimism, the lack of cohesion, and the knockers in our community. All I can say is that he is one of them. There are many positives in the ACT economy and the ACT community, but those opposite are too hypocritical or have their heads buried too much in the sand to ever be big enough to comment upon them. It is a fact that our unemployment figures in the ACT, for instance, have remained consistently well below the national figure. I think that is a cause for optimism. It is a fact that our employment has grown substantially - by over 8 per cent - in the past year. I think that is something of which we can be proud as a community. The fact that our unemployment rate in January this year was less than it was in January last year is something we should be pleased about, but you never hear a single word of approval from members opposite. If the business community, supposedly the allies of the Liberal Party, are depressed, what are you doing about it?

Mr De Domenico: What are you doing? We are not in government; you are. You have done nothing.

MS FOLLETT: You are out there, rolling out the cliched hyperbole we have just heard from Mr Westende, which is enough to depress anybody, even me.

Mr De Domenico: What have you done?

MS FOLLETT: I would like to say to Mr Westende that to suggest that my Government has wasted opportunities is simply to ignore the many achievements we have made in the year since the last election. We have implemented measures that I believe ensure continued economic security in the ACT. We have continued to work on - - -

Mr De Domenico: What are those measures? What have you done? How many jobs have you created?

MS FOLLETT: Mr Deputy Speaker, is this man to be allowed to continue?

MR DEPUTY SPEAKER: Order! Mr Westende was heard in relative quiet. I ask that the same courtesy be extended to the Chief Minister.

MS FOLLETT: Thank you, Mr Deputy Speaker. We have continued measures which will ensure the economic security of the ACT. We have not taken the drastic, radical solutions that members opposite espouse. We have taken a much more cautious and caring approach. At a time when many Australians are feeling the effects of the recession - which is a world recession; let us not forget that - we have worked towards ensuring that Canberrans enjoy a high standard of living.

If members opposite cared to think about it, they would realise that in the ACT we have created an environment which is conducive to overseas and high technology industries. We have seen the number of people employed in the ACT increase dramatically over the past 12 months - as I have said, by over 8 per cent. Furthermore, we will continue to attract new investment to the ACT in the scientific and research and development fields through ventures such as the cooperative research centres.

In the ACT small business has been and will continue to be assisted in a variety of ways, not the least of which is the newly established small business incubation centre at Kingston. We have ensured that our policies create an atmosphere of economic security for the ACT, and we will continue to place a high priority on progressing social justice issues in the community. I have told members what are the three planks of my particular vision. I have already mentioned today that the Government will be introducing an overall social justice budget statement either this year or next year. That statement will assist in understanding the social impact and the equity implications of all government programs.

I remind members that Mr Westende addressed his remarks purely and solely to business. There are more issues in the ACT community. There are issues that go well into the social justice arena, which, having heard Mr Westende speak, I do not expect he would be very interested in. The Government has also released a youth budget, which highlights a statistical overview of young people in 1992-93. It is important that we continue to gather information on what makes up our community in order that we can best assist those people and best target our programs.

We will also be continuing to focus on protecting vital services to the community throughout the process, which is a continuing process, of transition to State-like funding. Mr Westende, in attacking the ACTION bus service, appears to believe that the community can do without a public transport service. They cannot; nor can most communities in Australia. Unlike members opposite, most communities in Australia expect to have to pay for their public transport system. It does not come free. It is quite unacceptable, I believe, on social justice grounds to hear members opposite saying that we should do without it or that we should sell it to the private sector or some such nonsense. It is a service to the community.

We have continued to ensure the protection of our environment. I believe that Canberra's environment is our greatest resource in the non-human sense. As I said earlier, we will be providing a Commissioner for the Environment, and that is a reflection of the importance the Government places on these issues. My colleague has established a Landcare Council to implement the Decade of Landcare plan. That is to provide a blueprint for achieving environmental and economic stability for ACT lands. The Office of the Environment, which is part of DELP, has now produced Canberra's first air quality report. I believe that these environmental protection matters are extremely important, and the office will now produce reports on a monthly basis. We can continue to improve the protection of our environment through these kinds of initiatives.

We will also be looking at the environmentally beneficial industries that might be suitable for Canberra and the potential for using our environment as a means of widening our ACT employment base; for example, through tourism promotions and through a better use of Namadgi National Park. We gave great latitude to Mr Westende in his Federal election broadcast, but I would like to comment on the tourism side. A Federal Liberal government will be demolishing the tourism industry, especially in the ACT, and will get rid of the department. We will be trying our best to build that industry, not tear it down.

Still on the environmental front, we have outlined our plans to ensure that the difficulties we have had with overflows into the Molonglo River do not occur in the future. The facilities at the Lower Molonglo Water Quality Control Centre, although they are amongst the best in the world, I am told, will be upgraded in line with the findings of a recent environmental audit that was commissioned by my Government - another step we have taken to ensure the protection of the environment. As I said in my earlier comments, we will be implementing the Territory Plan this year and taking into account the very thorough public consultation process that was implemented last year by the Government. For the Opposition to accuse the Government of wasting opportunities is to ignore the fact that a very substantial proportion of our election commitments have been achieved or are in the process of being achieved. To accuse the Government of lacking in vision is equally ludicrous in light of the priorities I have already spelt out in the ministerial statement I made and in my comments today.

Mr Westende's comments related in large part to payroll tax. I have addressed that question at some length already in question time today, but I should say - and I will repeat it until those opposite get it through their heads - that 11 per cent of Canberra employers pay payroll tax. Not all Canberra businesses pay payroll tax. Small businesses do not. If we were to listen to the rhetoric of those opposite we might believe that they were concerned about payroll tax.

We know that in Mr Kaine's one and only opportunity to do away with it, he singularly failed to do so. In fact, he altered the regime for payroll tax so that most people who do pay payroll tax pay more payroll tax. This is mere cliched hyperbole, with an election in the offing.

Mr Deputy Speaker, I will contend that the Government's priorities, together with our continuing work on the Canberra in the Year 2020 project, which is progressing well, will ensure that as Canberrans we will continue to consider the future of Canberra in all of our government decision making processes. We will continue also to consider it against a very firm vision we have for the ACT. It is regrettable that Mr Westende's comments today have been so very narrow in their focus and that members opposite are the greatest contributors to the despondency that Mr Westende has described to us. If you want any further evidence of that, Mr Deputy Speaker, I put it to you that when I wrote to Canberra businesses on the question of youth unemployment and advised them of what action they might take and how to take it and set up a hot line to help them take it, Mr Kaine criticised me for it. Mr Kaine came out and criticised me for that positive action.

Mr Kaine: You are darned right, because it was nothing but a gimmick.

MS FOLLETT: It was certainly not a gimmick. It has led to a number of jobs being advertised through the CES. It has led to a number of new apprenticeships being offered. It has led to further job opportunities for a number of young Canberra people, which I applaud. Members opposite, of course, would decry that as well, because that is the mood they are in. Mr Westende's comments today are regrettably narrow in their focus and, unfortunately, reflect nothing more nor less than the fact that there is an election looming and he wishes to be very much a part of it.

MR KAINE (Leader of the Opposition) (4.01): Mr Deputy Speaker, I support Mr Westende's remarks. I point out the subject of this debate:

> Lost opportunities: The Government's lack of vision for the ACT.

In other words, the opportunities lost yesterday and the lack of vision for tomorrow. That is what this debate is about. The need for vision in the Government of the ACT has never been greater. The job of creating a self-sufficient national capital is well under way, but the job of creating a vital social environment that suits the people of the Territory and a major urban focus for the region has only just begun.

Despite Mr Keating's claims that the recession is over, we continue to exist in a hostile economic environment, much of which is not amenable to local control. This is Mr Keating's recession. Moreover, the adjustments we are required to make to reduce our expenditures to levels reflecting those of the States, our entry into the States' funding arrangements, the development of a reputation in the forums of the States, and the development of a truly self-sustaining economy are problems that will beset us for the next decade at least.

At the same time, the ACT will continue to grow. The population is growing and will continue to grow at about 2 per cent a year. Consequently, in the next 20 years we can expect to have about another 200,000 people living here. That fact alone will cause problems demanding solutions; for example, problems in planning for the built environment, transport, water, energy supply, waste

treatment, recreation and so on. But those problems will also open up opportunities for more economic growth, more business growth, greater educational and industrial diversity, and greater variety in our style of life and in the ways in which our community relates to communities in the region and other more distant regions.

The economy will slowly recover under a Hewson government over the next several years at the national level, and the ACT can expect to take part in that recovery, but there is a need to plan for the changes. If we do not plan for them, if we let the future take care of itself, we will miss opportunities for growth and development that will benefit our community. That means that we will lose opportunities for our children, our families and our neighbours. It is a matter of vision and, just as importantly, responsibility.

If we do not plan and act in a reasonable and rational way we will miss the opportunity for job creation, we will fail to realise our potential for economic growth and increased diversity, we will fail to reap the benefits of greater wealth, better lifestyle and quality of life, greater peace and security and a better environment. In short, we will fall short of the type of community that realises to the full its advantages and builds a better, more sustainable life. If we fail to plan, if we have no vision, we will suffer the consequences of our folly. We will have 200,000 more people without the jobs to employ them. We already need to find more than 1,000 jobs for our young people to bring down to a tolerable level the present unemployment levels suffered by 15- to 19-year-olds. We had the Chief Minister spruiking about how many jobs she has created. I did not hear her say a word about the number of people unemployed.

The first 2020 report issued by the Government recently predicts the need to create 5,000 new jobs every year. If we fail to address unemployment as a major structural problem there will be people in our community that will never know the security of full and long-term employment, and I would not wish to see the average period of unemployment remain at the current 55 weeks, either. If we do not plan our future, set ourselves goals and clearly state our vision of Canberra in the twenty-first century, we will have young people leaving the Territory to find a rewarding life elsewhere because it is not available to them in the ACT, even after the economy in the rest of Australia has picked up.

The Chief Minister's vague program for 1993, which was announced in the *Canberra Times* earlier this year, is no plan; nor is it any substitute for one. It deals only with existing incomplete short-term issues and ignores the major fundamental long-term difficulties that we as a community face. Our plan for 1993, our vision for achievement in this year, must deal with those fundamental needs ahead of icons such as the ACT flag, I submit. I find small comfort in the knowledge and recognition that vision for the future is needed when there is no apparent capacity in this Government to deliver it. We have never seen a vision for Canberra coming from this Labor Government or from the Labor Party.

We will have needs in health and education that will not be met if we do not begin to identify issues and opportunities and plan for the best outcome. We will need facilities of all kinds to match the increasing population and the changing expectations of that population. Where is the plan to provide the 5,000 jobs a year identified in the report on Canberra in the Year 2020? The Chief Minister has not produced one. Where will our 200,000 new people be housed? We are told about 100,000; what about the other 100,000? How will they be educated? We cannot

even get them into our TAFE system now. What kind of industries do we want to encourage in the ACT? The Chief Minister talked about encouraging industry, but there is not very much evidence of it. What must be provided to meet the social needs of our increasing population?

These are all questions that the Government should be addressing now. Neither Ms Follett's budget nor her plan for 1993 has answered these questions. They simply cannot provide the answer. They reflect a confused vision that mistakes the tools or sees them as a substitute for real vision. The budget should follow the vision - and Ms Follett emphasised the budget; she spoke about it all the time - not the other way round. It should implement the vision in one-year increments. It is not a substitute even for the five-year financial plan that I proposed and worked towards when I was in government. The Government is without a vision of our financial future, as it is devoid of a vision about how we will be living in the next decade, let alone this one.

I have said on many occasions, Madam Speaker, that this year's budget is a do-nothing budget, as was the last one. But it is more than that. It is a visionless, directionless, aimless budget that seeks merely to mark time and avoid doing anything that involves risk. It does nothing to lift the community out of the economic malaise we are in. It provides a soft cushion for our ruin. For the sake of present comfort, we are trading away our future prospects. That might make us feel happy and secure, but our children - the next generation - will not thank this Government and hold it in high esteem for being so lacklustre.

The drift in our affairs is underlined by the Chief Minister's barren vision for this year. The Government's program is dependent on direction from across the lake. Why are we having an ACT Government Service? Because Paul Keating told her to go and establish it. Where is the direction coming from over this side of the lake? What is required is locally directed vision, locally directed ideas, locally directed plans. Fortunately, on 13 March the people of Australia will throw off the burden of a decade of Labor government. We will have vision at last, at a national level at least. But in the ACT I fear we will be left behind by other more active and energetic States and Territories that can see where they are going.

The Chief Minister talked about the Territory Plan. The Territory Plan reflects the turbid notion of the future that the Labor Party is struggling to avoid. They do not even know what they want the future to look like. It has a horizon that is only 10 years away. That horizon will barely allow us to come to terms with the demands of our population now, let alone deal with the problems caused by increased population in the future. We are not dealing with the future in this plan. We are merely extrapolating from our current needs. The Territory Plan needs at least a 15- to 20-year horizon to be adequate, and I think a lot of people would agree with that, except the Government.

I do not blame the planners for this. They cannot create a plan from a vacuum. The guidelines need to be made plain and the vision for our community needs to be clearly stated and fully articulated. But what we have had from this Government so far in planning policy direction terms is virtually zero. There has not been any direction. The Minister for the Environment, Land and Planning has missed an opportunity to make a major advance in urban development by

rejecting without negotiation the Gungahlin urban village. At the same time, he has made unclear and incomplete references to urban villages and light rail systems as being a good idea. What happened to the idea that he had in front of him? Vague references to urban villages are no substitute for a real village - a plan that has met with universal acclaim from planners and one that is being used as a model for developments elsewhere.

It is sad to think that the reputation of Canberra as a planned city will be enhanced by what it exports rather than by what it puts on the ground for its own community at home. The planning of the city cannot be left to a government so lacking in ideas, decisiveness and activity that it would casually reject a well-articulated and profitable proposal benefiting the people of the ACT, not only in terms of buildings, roads, new transport systems and the like, but by $300m in cash as well. I have to ask: Where is the planning vision beyond the Y plan?

The MPI speaks of lost opportunities and lack of vision. There is evidence on all sides that this Government has perpetrated a fraud on our community. It has presumed to create the impression that it has a view of the future that this Territory, our community, might have. Instead, we have been given nothing - - -

Mr Berry: I raise a point of order, Madam Speaker. I think "perpetrated a fraud" is a bit over the top and ought to be withdrawn. As a member of the Government, I can assure this chamber that there are no frauds being perpetrated by me or any of my colleagues, and it ought to be withdrawn.

Mr Kaine: If he had not cut me off and used up my time, I was explaining why it was a fraud, Madam Speaker. Under those circumstances, if he thinks I am going to withdraw it, he is wrong.

Mr Connolly: On the point of order, Madam Speaker: You have not actually ruled on that. Mr Kaine rather bombastically says, "If he thinks I will withdraw, he is wrong".

Mr Kaine: I said, "If he thinks", Madam Speaker; I said nothing about you.

Mr Connolly: I am sure that he is not pre-empting your ruling, Madam Speaker, and I am sure that if you were to rule against him he would indeed withdraw. But he should clarify that, because it is prima facie a contempt of the Speaker.

MADAM SPEAKER: The standing orders do not allow you to impute improper motives to individuals in the Assembly, Mr Kaine.

Mr Kaine: I did not impute improper motives, Madam Speaker.

MADAM SPEAKER: However, it is bordering on the unparliamentary to impute an improper motive to the Government.

Mr Kaine: I do not think it borders on anything.

MADAM SPEAKER: Mr Kaine, I believe that you should consider those words. Rather than asking you to withdraw them at this moment, perhaps you can consider them and we may consider a ruling which will determine that those types of words which impute improper motives will not be put.

Mr Berry: Come on, no!

Mr De Domenico: What do you mean by, "No, no"? Are you disputing the Speaker's ruling now, Mr Berry?

Mr Kaine: He expects the Speaker to do as she is told.

Mr De Domenico: I know; he expects her to do what she is told.

MADAM SPEAKER: Order! There will be order, Mr De Domenico. I am asking Mr Kaine to consider his words, and we may revisit this matter later.

MS SZUTY (4.13): Madam Speaker, I believe that the Government needs to be commended, first and foremost, for adopting the Assembly's reference on the development of a strategic plan and for the general high quality of its first quarterly progress report, presented to the Assembly in late 1992. The Government's commitment to the task and its outline of the stages of the process are sound, and I look forward to the release of the issues papers before the end of the month. The following stage of the process - discussion and synthesis - is even more important, and it is to be hoped that the whole ACT community will be able to participate in the process.

It is important that we develop a vision for the ACT together with the community, in addressing the wishes, wants and needs of the people who currently live here and in establishing our likely wishes, wants and needs for the future. What is regretted is the length of time it took the Government to recognise that a strategic plan or a vision for the ACT was necessary in planning for our future. It was always obvious that the Territory Plan was not going to fulfil that requirement. Some attempt has been made to incorporate strategic planning principles into the Territory Plan. However, these do not take the place of the strategic plan the Government is now working on.

Government should, first and foremost, be about vision, about setting the parameters, the goals and objectives, which our community should participate in setting and responding to. They cover our population, the demographics of our community, our education, housing, health, justice, environment, economic, employment and finance sectors. It could be said that, due to the instability of the First ACT Legislative Assembly, the development of this vision was never possible. However, this is not the case now, and the Government's strategic planning task becomes a very important one, being the first of its kind since the Metropolitan Policy Plan of 1984.

It is unfortunate that decisions were taken during the life of the First Assembly which could have been different had a strategic plan been in place. The most obvious of these was the closure of Royal Canberra Hospital, which I and others continue to believe was a mistake. The Government has lost opportunities in not having a vision in place at the beginning of the life of this Second Assembly. However, the strategic planning exercise now in train enables us to focus on developing a shared vision for the ACT.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.15): Madam Speaker, I think the MPI as presented, and certainly as debated, is quite unwarranted. It is unjustified, and the remarks of those opposite have brought attention to that. In the first instance, it is based on one of the worst elements of opposition style, and that is to oppose the Government for the sake of opposing. Mr Kaine just demonstrated that when he gave the Territory Plan a good serve by talking about all the things it should be - the things he never mentioned, never discussed, never wrote in when as Chief Minister he had responsibility for the plan some years ago. Perhaps he has had a subsequent vision. He has not, of course; it is simply that he is beating up an issue. Ms Szuty put it in context a moment ago when she said that the Territory Plan cannot fulfil certain requirements, matters of the order of those that have been debated today. The MPI is simply a measure to oppose for the sake of opposing.

Further, it is an indication of their own prejudice, based on their own processes. They assume that because they do not have a vision, because they do not have an ideology, the Labor Party does not either. They are quite wrong. Of course, they are inconsistent in this. There are times when they accuse us of being ideologues, but that is when it suits them. We certainly are ideologues when it comes to a vision for Canberra. We have a very well expressed vision. The Labor Party is distinctive for the enormous hours we spend in discussion; sometimes they are very long indeed, as we take a great deal of time to work out our proposals. In planning specifically and the future for the ACT in general, that is certainly the case. We do that planning; then we get down to the details. For example, our election document, our vision for Canberra, has been expressed by the Chief Minister. We set down our vision, and then we go into enormous detail to fill out that vision. We are looking at both the long-term and the short-term vision for Canberra.

My memory tells me, and my notes have been carried over from last year, that when this matter was raised it was very much in the context of discussion about the Territory Plan. The Liberals have expanded it. Perhaps they have forgotten what sparked this, but it followed a lot of nonsense around the place about the Territory Plan. The Leader of the Opposition got carried away on this occasion. He wants to add everything imaginable to the Territory Plan so that it becomes the answer to absolutely everything that faces the ACT. It is not intended to be so, of course. In respect of the plan, our long-term vision is to retain the bush capital, to retain our wonderful environment, so that we have an attractive city, where our environment is protected and enhanced, but also, as the Chief Minister said, a successful city with an economy that is growing and diversified. We need a city that maintains and enhances residents' quality of life, safety, health and well-being. I believe that in what the plan has to do to deliver that we have the elements we need.

I am going to confine the rest of my remarks to the plan, because that is what sparked this debate. The plan is a physical planning document. I should have interjected on the Leader of the Opposition, because he has left the Assembly now. He needs to understand that; he needs to know that, because he has a different view now from the one he expressed earlier. I recall that when the current version of the plan was released for comment one so-called expert observer said, "It has no vision, but I will go away and read it". That is the sort of comment we have been getting. What is the plan? First of all, it sets out

principles and policies for the protection and growth of Canberra. It provides the strategic framework for planning Canberra. It needs to and does provide vision for the bush capital. Secondly, it provides a certainty. It is the statutory base for day-to-day growth and decision making in the ACT. It accurately defines - or will do when all the processes are finished - what may occur and how it may occur in the Territory, but it always does so under the guidance of the principles and policies we have set out.

The plan provides a clear vision in terms of Canberra's broad metropolitan structure for the next 15 years, to a population of about 400,000 people. In doing so, it proposes some changed ways of doing things, because Canberra is not going to stay the wonderful place it is if it continues going the way it is. Nothing can ever stay the same, and we have to make amendments to what we do today to ensure that we keep Canberra the way we want it. In other words, the plan is the very opposite of lost opportunities. It will create opportunities for economic growth, for improvements in service delivery, for urban renewal and better use of infrastructure and existing resources.

The residential policies in the plan are at the cutting edge of new developments in this field. The Commonwealth and the States are all promoting improvements to major urban areas through renewal and redevelopment. This concern is reflected, for example, in the Commonwealth housing strategy and building better cities program. While others are researching the matter, the ACT is putting it into practice. The policies in the plan are expected to lead to a much wider choice of housing and to meet the demand in a more efficient way. They are consistent with the model codes for residential development being formulated in the States and, being performance based, are a major improvement on the traditional basis of quantitative controls.

At the same time, it is the greenest plan in Australia. Through integration of land use planning, environment and heritage features, it aims to provide for growth, but in an environmentally friendly and ecologically sound way. It supports our determination to retain Canberra as the bush capital, while at the same time providing for the development of a viable metropolitan city. Energy efficiency is of particular concern to the Government. The policies in the plan are being supported by a range of educational activities to promote an awareness of energy issues within the building industry and amongst home buyers. I continue to give my attention to the ways in which they should and will be incorporated in the plan, and I know that the chairman of the Planning, Development and Infrastructure Committee has particular views about that, which I appreciate.

Members will be aware of the Government's commitment to urban renewal. It is our aim to make better use of existing infrastructure by promoting higher density development within and adjacent to existing settled areas. This has the multiple effect of making the provision of services easier, improving the viability of existing operations, and at the same time freeing up government funds that would otherwise be required for construction of infrastructure in greenfields areas. The Territory Plan has that visionary approach in that it encompasses those policies I have referred to, albeit rather too briefly, in the last few minutes. It sets out to provide the basis for planning in the future to ensure that the ACT retains all that we want for it and more.

MR DE DOMENICO (4.25): Madam Speaker, in the very brief time left to me, I would like to sum up what has been said. Ms Follett, the Chief Minister, said that people on this side of the house are prepared to knock, knock, knock.

Mr Moore: That was when you gave her a chance to talk.

MR DE DOMENICO: I will not listen to the tail that wags the dog on the right of me here. Ms Follett said nothing about the 10,900 people that are unemployed. She talked about all the people that are in jobs - that is fine; we applaud that; we want more and more people to remain in jobs - but she said nothing about the 10,900 people that are out of work.

Mr Lamont: And if you win on the 13th, there will be even more people unemployed.

MR DE DOMENICO: I take on that interjection. Let us look at the chances this Government did have. Ms Follett displayed to us that she knows nothing at all about business. Even Joe the blind miner would realise that the reason businesses are finding it so hard nowadays is the cost of employing people and the costs of business. Let us look at workers compensation, payroll tax, occupational health and safety, the industry training levy, the superannuation guarantee levy.

There are a few things this Government could have done to alleviate the impost on business. Last week - not so long ago - the Deputy Chief Minister, with great fanfare, held an enormous press conference, to which two people and a dog turned up, to talk about Worksafe Australia. He waxed lyrical, saying, "We want uniform occupational health and safety standards all over the country". They are fine words, excellent words, Mr Minister, but what did the Government do when it had a chance to implement that? It brought the number of people in a designated work group back to 10. What is it in New South Wales? It is 20. What is it in Queensland? It is 30. When the Minister says that he wants uniform standards, we applaud that. Minister, put your money where your mouth is. Actions are greater than words. You are in government. You have a chance to take action and put your money where your mouth is. But you have done nothing; you have sat on your hands, as the Chief Minister has sat on her hands.

The Chief Minister talked about high-tech industries. Does the Chief Minister realise that her Labor colleague, Mr Goss, and his Government are coming into Canberra, attempting to poach our high-tech industries?

Mr Lamont: The Liberals talking about a sound industrial relations policy!

Mr Berry: Bring the troops in. Would you bring the troops in?

MR DE DOMENICO: Mr Lamont knows that and Mr Berry knows that. Mr Goss is coming in, trying to poach our - - -

Mr Lamont: Will you bring the troops in?

MR DE DOMENICO: If we had to bring the troops in, Mr Lamont - not that we would ever need to - we would, yes.

Mr Lamont: You would?

MR DE DOMENICO: Yes, we would. Mrs Carnell said yes and nodded. I am pleased that she said yes as well; so would she. Let me also tell you that you, Minister, and the Government have had a chance to do all sorts of things, but you have not taken up that chance. You have done nothing; you have sat on your hands. If you read the *Canberra Times*, as we all do, on Saturday it said a very interesting thing. It said that this Government was doing nothing, virtually, in an attempt not to lose the next election.

Mind you, it is very careful in what it is doing. What have we had from one year of this Labor Government, since the last election? We have made it easier to procure abortions, we have banned circus animals, and we are talking about social justice things all the time. The greatest social injustice in this city is that 10,900 Canberrans are out of work - not by any fault of the Opposition, mind you. They are out of work because of Keating's spending nine years as Treasurer and one year as Prime Minister, giving us the recession we had to have.

I know that some people have their heads bowed in shame across the other side of this room, and so you should bow your heads in shame. But you do not have long to wait because, come 13 March, there will be vision nationally and the ACT will be a part of that vision. It is the cost of labour that is restricting us. As the Chief Minister says from time to time, the future of employment in this city rests in the hands of the private sector. It is about time the Chief Minister put her money where her mouth is, got off her hands and started making it easier for the private sector to employ more people.

MADAM SPEAKER: The discussion is now concluded.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Reports and Statement

MRS GRASSBY: I present reports No. 23 of 1992 and No. 1 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 23, dated 24 December 1992, which I have just presented was circulated when the Assembly was not sitting, on 15 January 1993, pursuant to the resolution of appointment of 27 March 1992. Report No. 1 of 1993 contains the committee's comments on 24 pieces of subordinate legislation and three government responses. I commend the reports to the Assembly.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Statement by Speaker

MADAM SPEAKER: I inform the Assembly that on 9 February 1993 the Standing Committee on Administration and Procedures resolved to review the standing orders which were adopted by the Assembly on 11 May 1989.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE
Statement by Presiding Member

MR MOORE: I ask for leave to make a statement regarding a new inquiry by the Standing Committee on Conservation, Heritage and Environment.

Leave granted.

MR MOORE: I inform the Assembly that on 14 January 1993 the Standing Committee on Conservation, Heritage and Environment resolved to inquire into and report on the effects that feral animals and feral plants have on the natural environment of the ACT, with the following terms of reference:

(1) the extent to which the natural flora and fauna in national parks, nature parks, public lands and other areas in the ACT are affected by feral animals and plants;

(2) the extent to which ACT land and water resources are affected by feral animals and plants;

(3) measures to control or eliminate feral animals and plants in the ACT; and

(4) any related matters that may arise.

SOCIAL POLICY - STANDING COMMITTEE
Alteration to Reporting Date

MS SZUTY (4.32): I ask for leave to move a motion to alter the reporting date for the inquiry by the Standing Committee on Social Policy on the Adoption Bill 1992.

Leave granted.

MS SZUTY: I move:

That the resolution of the Assembly of 8 December 1992, concerning the reference of the Adoption Bill 1992 to the Standing Committee on Social Policy, be amended by omitting "by 23 February 1993" and substituting "by 16 March 1993 and

(1) if the Assembly is not sitting when the Standing Committee on Social Policy has completed its inquiry on the Adoption Bill 1993, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.".

Members will recall that on 8 December 1992 this Assembly debated whether the Adoption Bill 1992 should or should not be referred to the Assembly's Social Policy Committee for more detailed examination and report. Following considerable debate the Assembly decided to refer the Bill to the Social Policy Committee. The clear expectation of everyone was that the committee would indeed report by 23 February this year. Unfortunately, personal tragedy in the life of Ms Ellis has intervened. It is for this reason that she has been absent from the ACT for some weeks, and she is absent from this chamber today. I am sure that we all empathise with Ms Ellis in her tragic loss and would wish to express our condolences to Ms Ellis and members of her family.

Madam Speaker, Mrs Carnell, Mr Cornwell and I have been faced with a difficult situation with regard to consideration of the Adoption Bill. In effect, we were faced with two options. The first option would have enabled the available aforementioned members of the Social Policy Committee to continue consideration of the Bill, to consider in detail the submissions we have received, to hold a public hearing and to finalise our comments and the committee's report by the due date. In fact, tentative arrangements were made in case the Social Policy Committee preferred this course of action. However, our task would have been accomplished without input from the committee chair, Ms Ellis, and with limited input from Mrs Grassby, who returned from leave yesterday.

Following discussion with the Labor Whip, Mr Lamont, representing Ms Ellis and Mrs Grassby, the second course of action was decided upon. This option involves the moving of this motion today requesting the Assembly to alter the committee's reporting date from 23 February to 16 March. The deferral will enable Ms Ellis and Mrs Grassby to fully participate in the Social Policy Committee's discussions and deliberations on the Adoption Bill. In normal circumstances the deferral of the committee's reporting date would perhaps not have been as difficult a decision as it was to make. However, the committee took serious account of the effect of a delay on the many groups and individuals intensely interested in the issues surrounding adoption. These people expressed extreme disappointment in 1992 that the legislation was not passed according to the expected and anticipated government timetable.

Madam Speaker, in the light of the above the committee has requested our secretary, Mr Greg McIntosh, to personally contact all groups and individuals expressly interested in the outcome of this legislation to inform them of the likely delay in the passage of the Bill and to outline the process of deliberation from this point. I have also placed the committee's views on this regrettable delay on the record to demonstrate to the Assembly how seriously we have considered our position and the motion to defer the committee's reporting date to 16 March. Madam Speaker, I commend the motion to the Assembly.

MR LAMONT (4.36): Madam Speaker, this side of the house support this motion for some of the reasons outlined by Ms Szuty. It is unfortunate that a bereavement has taken place. I will pass on to Ms Ellis the sentiments expressed by Ms Szuty. Ms Ellis has been out of Canberra for the last week and will return at the end of this week. However, this matter could have been dealt with and should have been properly dealt with last year.

Question resolved in the affirmative.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report on Draft Variations to the Territory Plan

MR LAMONT (4.36): I present report No. 10 of the Standing Committee on Planning, Development and Infrastructure on the draft variations to the Territory Plan: Curtin, section 63, blocks 5 and 6; Mawson, section 45, block 24; and Phillip, section 53, block 1, together with a copy of the extracts of the draft minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 12 February 1993, pursuant to the resolution of appointment. I move:

That the report be noted.

Two of these variations are fairly standard variations. One is to allow the continuation of a doctor's surgery in a residential area at Mawson. An approved interim variation had been in force for 10 years in respect of section 45, block 24 at Mawson. The committee believed that it was appropriate that a formal variation be granted to allow the doctor's surgery to continue. Indeed, the committee was interested to note that the only comments received by the ACT Planning Authority supported continuation of the operation of the surgery.

Section 53, block 1 in Phillip is currently known as the Phillip City Parks Depot. Operations there have gradually wound down over a period of years. It has now been determined that it is more appropriate that the functions of that depot be transferred to other facilities within the Woden Valley and that that land be made available for commercial purposes. That proposal received the unanimous support of the Planning Committee. It is my understanding that no negative representations were made in relation to this variation.

The third variation, Madam Speaker, is one which did cause some concern to the Planning Committee. While approving the variation for the area currently called the Woden Valley Club at Curtin, we expressed deep concern because it appears that the land proposed for redevelopment was a direct grant to the club for a specified purpose. It was quite clear that the land was to be used as a social club by a group of people who wished to meet in premises and wished to have some certainty about the availability of facilities and so forth.

That club has been on the decline for some years and is no longer economically viable. The block of land was in fact sold prior to this formal variation being dealt with by the Assembly's Planning Committee. The process which led to the committee considering this matter had been going on for in excess of two years. It was that singular fact, I suggest, which convinced the Assembly's committee to recommend the variation. We find it inappropriate that the club, being in dire circumstances, should on-sell the block of land, knowing that it would be used for other than community purposes as the existing club is. The committee says quite clearly that in general it should not be assumed that such variations will be approved by the committee in the future. We also heard from representatives of the Department of the Environment, Land and Planning that the Government is considering what to do with land occupied by organisations that become unviable. There is a great concern that we stop changes to planning policy by - "stealth" would be too strong a word - default. The Planning Committee and, I am sure, the Minister and the Government are keen to ensure that that does not occur.

I do not believe that I can emphasise too strongly that developers, proponents and clubs should not presume that the simple sale of such a site will be approved by the Planning Committee. Indeed, I suggest that it is highly unlikely. There would need to be fairly exceptional circumstances before the committee considered such variations. I hope that I have placed emphatically on record the views of the committee. Those views stand as a warning to would-be developers of sites similar to this one. Having said that, Madam Speaker, I commend this report to the Assembly.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE TERRITORY PLAN
Papers and Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present approvals of variations to the Territory Plan for Curtin, section 63, blocks 5 and 6; Mawson, section 45, block 24; and Phillip, section 53, block 1, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, these variations are tabled with background papers, a copy of the summaries and reports and a copy of any direction or report required. Madam Speaker, I seek leave to make a statement concerning the variations.

Leave granted.

MR WOOD: Madam Speaker, these three variations were referred to the Standing Committee on Planning, Development and Infrastructure as required by the legislation I mentioned. The Act requires the Executive to have regard to any recommendations of a committee of the Assembly before approving any draft variation to the Territory Plan.

The first variation I deal with relates to blocks leased to the Woden Valley Club and the club's intention to redevelop the site for residential units. This variation proposes to change the existing land use policy from group centre uses to residential. Within the general terms of current metropolitan policies, the land is considered suitable for residential development. Mr Lamont has pointed to the difficulties the Government is attending to in respect of a number of the small clubs around Canberra. On this matter, the Australian Valuation Office will, as is routine, be requested to revalue section 63, blocks 5 and 6 so that a determination regarding betterment can be made. I will have a very careful look at that recommendation. On this proposal, five written responses were received, with one respondent objecting to the proposed variation. The committee considered and endorsed the variation as proposed and, through Mr Lamont, expressed its concerns quite forcefully. I endorse the remarks that Mr Lamont made.

Madam Speaker, let me make it clear that the fact that the Government proposes a variation to the community means exactly that. The Government seeks the community's views, and its subsequent decision is affected by those views. Any draft variation may be rejected or significantly amended. While proponents may be inclined to take a risk on a variation being approved, the Government is not presently considering measures to prevent anticipatory sales. However, my department will continue to advise proponents that it is extremely unwise to anticipate approval of a variation by the Government or by the Legislative Assembly. I am pleased that the PDI Committee has given a strong message in this respect. Mr Lamont has indicated the purposes of the other proposals, which are fairly routine, and I will make no further comment.

HEALTH BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.47): Madam Speaker, I seek leave to present the Health Bill 1993.

Leave granted.

MR BERRY: I present the Health Bill 1993.

Title read by Clerk.

MR BERRY: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the Health Bill 1993 and the Health (Consequential Provisions) Bill 1993 transfer health administration in the Territory from the Board of Health to the Department of Health. It is now appropriate for the management of health services to shift onto a departmental basis. The Board of Health has fulfilled a very useful role in managing the health service in the Territory and in dealing with some significant issues, among which the redevelopment project and accountability for health finance dominated. These matters are now well in hand. The necessity for a board to provide stewardship has been drawn into question by members opposite, and the board is now unable to pursue the course which it was originally set.

Madam Speaker, I anticipate that the transition to a department will provide for more streamlined and efficient management decision making processes, and clearer lines of accountability in relation to linking new policy with government priorities and planning. The savings and transitional provisions of the Health (Consequential Provisions) Bill, which I will introduce shortly, will ensure a smooth changeover without disruption to service providers or to clients of the ACT health service, whilst preserving full accountability to me as Minister for Health and to the Assembly.

The Health Bill provides for certain matters in relation to the administration of health services that it is more appropriate to deal with in substantive legislation than administratively. Firstly, the Health Bill carries over provisions from the Health Services Act 1990 by providing for the appointment of quality assurance committees by the Minister. These committees are set up on a statutory basis as

they fulfil an important function in assessing and evaluating health services and, in particular, in investigating deaths in hospitals. The Bill gives protection to committees in relation to confidentiality and admissibility of evidence in order to encourage full and frank disclosure and discussions in these matters.

Secondly, the Health Bill substantively carries over from the Health Services Act 1990 the provisions relating to clinical privileges for, and variation or termination of, the engagement of health service providers. The right of appeal against the withdrawal or variation of clinical privilege is preserved to ensure that the capacity of health service providers to earn a living is subject to appropriate due process. Thirdly, the Health Bill provides for the determination of fees and charges, and interest on those fees and charges. Fees and charges could be levied on a fee for service basis. The determination of these fees and charges has been included in the Bill in the form of disallowable instruments in order to ensure that the determinations are subject to proper scrutiny by the Legislative Assembly.

On 29 January I signed the Medicare agreement on behalf of the ACT, and the Health Bill provides a statement of the Medicare principles and commitments. Of course, Madam Speaker, it is important that we show to the people of the ACT that we hold those principles uppermost. The adoption of those principles and commitments is a condition of the grant of financial assistance by the Commonwealth to the Territory in respect of the provision of public health services by the Territory. Madam Speaker, I suspect that we may be the first State or Territory to include those in legislation.

This legislation specifies that the following guidelines govern the delivery of public services to eligible persons in the Territory. Eligible persons must be given the choice to receive public hospital services free of charge as public patients. Hospital services are deemed to include in-patient, outpatient, emergency and day patient services consistent with currently accepted medical and health service standards. Access to public hospital services is to be on the basis of clinical need. This means that factors such as whether people have health insurance, their financial status, their place of residence or whether they elect to be treated as a public or private patient have no place in assessing priority to public hospital services. This also includes referrals to booking lists. That is where we stand very much apart from those on the other side of this chamber. Of course, they make it clear in their announced policies that those who are privately insured will be treated quite differently.

To the maximum practicable extent, the Territory will ensure the provision of public hospital services equitably to all eligible persons, regardless of their geographical location. This does not mean that local hospitals will be required to provide eligible persons with every hospital service they need. However, it does require the Territory to accept responsibility for onwards referral or transfer should a person's clinical condition require access to same, and the Commonwealth and the Territory must make available information on the public hospital services eligible persons can expect to receive as public patients. The agreement acknowledges that both the Commonwealth and the Territory will work together to format a public patients hospital charter which will be the vehicle to disseminate this information. Thus, by informing the public as to their entitlements, the Commonwealth and the Territory are committed to make improvements in the efficiency, effectiveness and quality of hospital service delivery.

We are not committed to dismantling Medicare, as the Liberals are, despite their protestations to the contrary. What they are about is the old sneak attack after the election.

Mr Connolly: That is what Malcolm Fraser did in 1975.

MR BERRY: Malcolm Fraser did it. Of course we will see it over and over again. Our new Victorian Premier, with his sneak attack on workers, is another fine example of what the Liberals will do after the election.

Already we have had a clear statement from the Liberals opposite in support of Dr Hewson and his ripping off of $17m from ACT health finances, which will create an enormous burden on hospital services in the Territory. But the Liberals do not care about that. I can see why they are twitchy and interjecting all the time. They are embarrassed and they know that they are in deep trouble over Medicare. The way that they have approached this entire matter is a national disgrace. They want to make sure that there are two standards of health care in this country - one for the rich and well-off and one for the others. That is what these people are about, despite their protestations to the contrary.

This Medicare agreement is significantly different from its predecessor. In addition to specifying the guidelines covering the provision of public hospital services, it requires the Commonwealth and the States and Territories to further refine their respective roles and obligations. This will bring greater clarity to the role of each party. The ACT has joined in a cooperative arrangement with the Commonwealth to reach an agreement which is in the best interests of the people of Australia. Of course, that is in stark contrast to that which is planned for the people of Australia by the Liberals opposite. Health darkness is what is planned for them.

Mrs Carnell: You are going to have to get used to it, Wayne.

MR BERRY: Mrs Carnell interjects, "You are going to have to get used to it". We are going to have to get used to the plans of Hewson. Health darkness is what the Liberals prescribe. Madam Speaker, they are going to cost the people of Australia an extra $22 a week. They will also milk $8 billion from public health finances across this country over the next six years. That is what they are going to do. That is what they are up to.

They do not like being found out. Dr Hewson has been found out. He knows now that Medicare is a prime issue in the forthcoming Federal election. Of course, the Liberals will dodge it like the plague. No wonder. I would feel guilty too. Theirs is a poor plan which leads us nowhere. It leads us into darkness, and they know it. That is why we have made sure that these Medicare principles are enshrined amongst - - -

Mrs Carnell: No, it is not. It is because you had to. It is part of the agreement.

MR BERRY: That is why we have agreed to include them in the legislation - because it gets right up the nose of those opposite. It gets right up the nose of those opposite that we would include them in the legislation, because it shows to the people of the ACT that Labor governments - - -

Mr Cornwell: You are going to be in a real lather by 13 March.

MADAM SPEAKER: Order! Members of the Opposition will cease interjecting.

MR BERRY: As has been said in the past, it is always left to Labor to do something positive. All the Liberals seem to want to do is undo Medicare and lead us into darkness. That is what it is all about. We know that when it comes to public hospital funding we will be worse off in the ACT as a result of that which is being planned by the Liberals. As I have said, or as I began to say a little while ago, we intend to include those Medicare principles in the legislation, by agreement. In fact we supported the development of that proposal right through the process till the final agreement in order that we could enshrine in legislation in the ACT a commitment to those Medicare principles and demonstrate to the people of Australia that Labor is committed to Medicare. We are going to put those principles in legislation to make sure that we cannot dodge the issue. That is not what will happen under those opposite. We saw what happened in 1975. We were told that nothing would happen to Medicare. What did Malcolm Fraser do?

Mr Connolly: He chopped it.

MR BERRY: We all remember that. What happened in Victoria? All sorts of promises were given to the Victorian people, but after the election there was a sneak attack by a bunch of sneaks. That is what we will see if there is an election win by the Liberals - and I know that there will not be, because the people of Australia are starting to wake up to this mob.

Mr De Domenico: It took them 10 years to wake up to yours but, by gee, you will see what happens on the 13th, with a vengeance.

MADAM SPEAKER: Order, Mr De Domenico! Mr Berry has the floor.

MR BERRY: It is getting close to naming time, I think. Finally, Madam Speaker, the Medicare agreement requires States and Territories to prospectively negotiate with each other for the purpose of making payments for residents of one jurisdiction being treated by another. This is a significant feature of the new agreement which will more appropriately recognise the costs to the ACT of having approximately 20 per cent of its case load referred from across the border.

Madam Speaker, all of this is in stark contrast to what is proposed by the Liberals opposite. We heard Mrs Carnell carping about the ACT moving too quickly to sign the Medicare agreement when we indicated our very clear preference. She was wrong. That is proven by the outcome of the Medicare negotiations. In fact, if she has a look at the outcome of the negotiations and compares it with the situation in those Liberal States that waited before signing the agreement, she will get a pleasant surprise. The ACT did pretty well in the circumstances. This legislation, though unfortunate in its origins, will take health services into a different era. I say "unfortunate" because Mr Jim Service, Ms Gail Freeman and others on the board have put their shoulder to the wheel to attempt to manage - - -

Mr De Domenico: As Mrs Carnell did when she was a member of the board.

MR BERRY: She never forgot that she was on the board. She still tried to manage it from in here; that was the problem. She had to be talked into resigning from the board in the first place. It would have been a bit of relief for the people of the ACT if she had stayed there. But she never forgot the experience and wanted to stay on. The problem was that all of the hyperbole and the attacks on the Board of Health made it almost impossible for the board to manage its affairs. The board, as the organisation charged by law to manage the hospital system, folded under that pressure.

Mrs Carnell: That is rubbish.

MR BERRY: Mrs Carnell says that that is rubbish. I am not the only one saying that. The chairman of the board is saying it and other people are saying it. As has been correctly reported, the Liberals have miscalculated on this one. The Liberals giveth and the Liberals taketh away. They appointed to the Board of Health people who later resigned because of their actions. The problem for the Liberals is that they have made it more difficult for those who remain to manage the health system, to get on with their job. They have made it more difficult because of their continuous attacks, which are mostly wrong and sometimes designed to create mayhem and concern in the community. We only had to listen to Mrs Carnell in relation to police just recently. She tried to frighten all the old ladies in the ACT by telling them that they were in for something terrible if they - - -

Mr De Domenico: I raise a point of order, Madam Speaker. I respectfully refer to the speech notes handed out by the Minister. I do not see anything in them about Mrs Carnell frightening people and causing mayhem. It is the Health Bill 1993 that we are trying to - - -

MADAM SPEAKER: There is no point of order. Please proceed, Mr Berry.

MR BERRY: I have four minutes to go. I did not want to waste time. I gave up about five minutes to interjections, Madam Speaker. I do not know what Mr De Domenico is whingeing about. Here we are at another crossroad, I suppose, for health and we are introducing a piece of legislation which not only changes the way that we administer health services but also enshrines the very important principles of Medicare for the people of the ACT to see. It is not a sneak attack after an election - none of that sort of stuff. That is the sort of stuff that we can expect from the Liberals. We have put the Medicare principles in the legislation to make sure that the people of the ACT know where we are going on health. Madam Speaker, I present the explanatory memorandum for the Health Bill 1993.

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

HEALTH (CONSEQUENTIAL PROVISIONS) BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (5.04): Madam Speaker, I seek leave to present the Health (Consequential Provisions) Bill 1993.

Leave granted.

MR BERRY: I present the Health (Consequential Provisions) Bill 1993.

Title read by Clerk.

MR BERRY: I move:

> That this Bill be agreed to in principle.

Madam Speaker, this Bill is complementary to the Health Bill 1993, which I have just introduced. This Bill repeals the Health Services Act 1990 and the Health Services (Amendment) Act 1991, which set up the Board of Health; provides for savings and transition arrangements for transferring the functions of the Board of Health to the Department of Health; and makes consequential amendments to other legislation which refers to the Health Services Act, the Board of Health or the Chief Executive established by the Health Services Act. The transition arrangements cover, among other things, quality assurance activities, committees appointed by the board, legal proceedings, vesting of property, and contracts and agreements.

The transfer of administration from the Board of Health to the department is to occur in two stages in order to cause as little disruption as possible. From 1 March 1993 to 30 June 1993 the financial administration of the health budget will be undertaken by the administrative head of the department. For this interim period the administrative head is deemed to be a public authority to ensure a smooth transition to a department. On 1 July 1993 the financial administration of the health budget will operate within the legislative framework of the Audit Act. These extensive transitional arrangements will ensure a smooth management transfer. Transitional financial arrangements will enable Health to report on its operations for a full financial year. This will avoid duplication of effort which would be costly in terms of time and resources. Madam Speaker, I present the explanatory memorandum for the Health (Consequential Provisions) Bill 1993.

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

Sitting suspended from 5.08 to 8.00 pm

OFFENSIVE WORDS

MADAM SPEAKER: Members, at the meeting of the Assembly on 26 November last year, I undertook to consider certain words used in debate and rule on them later. Standing order 54 states:

> A Member may not use offensive words against the Assembly or any Member thereof or against any member of the judiciary.

Standing orders also place upon the Speaker a responsibility to determine whether or not words are offensive or disorderly. The words my attention was drawn to are "a litany of half-truths", used to describe a member's speech, at page 3490, and "a whole range of Goebbels-speak", used with reference to comments by a member of the Assembly, at page 3493. *The Macquarie Dictionary* defines "half-truth" as "a proposition or statement only partly true, esp. a statement intended to mislead or deceive".

Having considered the words complained of and the context in which they were used, I have determined that they are out of order. The word "half-truths" imputes an improper motive to a member as it implies that she sought to mislead or deceive the Assembly. The word "Goebbels-speak" not only implies the use by members of propaganda - a charge that in itself could not be regarded as offensive in this context - but implies the use of propaganda of an insidious or deceitful type. This, I have concluded, is offensive. I therefore call on Mr Berry to withdraw both of those terms.

Mr Berry: I withdraw, and apologise to Mr Goebbels.

MADAM SPEAKER: Thank you, Mr Berry. I also note that on the same day I undertook to examine the *Hansard* following a point of order concerning an imputation contained in a comment by the Leader of the Opposition. The words used with reference to Mr Berry were:

> You have been caught with your hand in the bickie barrel. That is your problem.

Those words appear on page 3495. Having considered the *Hansard*, I have determined that the words used imply that Mr Berry had committed a crime or was guilty of a misdemeanour. I therefore call upon Mr Kaine to withdraw the words.

Mr Kaine: Madam Speaker, I do not know whether they were Jatz or Iced Vo-Vo, but if you find the words offensive I withdraw them.

MADAM SPEAKER: Thank you, Mr Kaine.

STATUTE LAW REVISION (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 1992

Debate resumed from 10 December 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (8.03): I indicate at the outset that, although the Liberal Party is not going to oppose this Bill, we are opposed to the principle of omnibus legislation of this kind. The reason is stated fairly clearly in our legislative affairs policy. I think we are the only party in this place to have a legislative affairs policy.

Mr Berry: Oh! That is a bit rough.

MR HUMPHRIES: Where is yours? Put it on the table. Our policy states:

Each amending Bill shall, wherever practicable, amend only one Act of the legislature.

This is because, for a person who might care to use legislation passed by this Assembly, omnibus legislation, legislation amending a whole series of Acts, brings immense complexity. A person who seeks to know what the law of the Territory is on any given day asks, "Where do I find amendments to laws? Where do I find an accurate statement of what the law is today?". Regrettably, because of the nature of the process, those amendments are great in number, particularly for laws which have not been reprinted for some time - and, regrettably, there is a large number of them. Therefore, discovering all the amendments that might touch on a law is a very great task.

If I have an up-to-date document entitled "The Alphabetical Table of Laws made from 1 January 1911", then I am greatly assisted, because this document - which I gather is published and distributed by the Australian Government Publishing Service or some like body - tells me what laws are in force in the Territory and indicates what amendments have been passed since the original Act was enacted and which Acts touch on that particular enactment. If that tool is out of date - and of course there is the risk that on any given day the tool will be out of date - it must be an inadequate tool because it might not be accurate or reflect what the law I have in front of me actually says.

There have been very many amendments to laws which have not recently been considered by this Assembly. Looking through that alphabetical table, I see, for example, that there have been no fewer than 14 separate amendments to the Electricity and Water Act 1988. The Act is less than five years old, yet it has already had 14 amendments made to it. To be sure that I know what the law is with respect to electricity and water I have to find the original Act plus 14 separate amendments. That may be a task which I can accomplish; it may not be. For me as a lawyer, with the resources of the Assembly's secretariat very generously supplied, it is not quite so difficult.

Mr Berry: Overgenerously supplied.

MR HUMPHRIES: "Overgenerously", says the Deputy Chief Minister. He is obviously anxious about the amount of information that the Opposition is getting.

But for others, for poor mortal citizens of the Territory who barely understand the process, much less have access to it, it is a daunting task. It is no wonder that people frequently make the mistake of acting on obsolete or out-of-date law. It is a very easy thing to do. Even members of this Assembly operate on that basis from time to time. Who would guess, for example, that the Electricity and Water Act 1988 was amended by the Government Solicitor Act 1989 or that the Enclosed Land Protection Act 1943 was amended by the Magistrates Court Act 1985? The Dog Control Act 1975, which may or may not still exist - it is certainly still in the table - was amended by the Sex Discrimination (Miscellaneous Amendments) Act 1986. Perhaps we cannot call - - -

Mr Kaine: Is there sex discrimination amongst dogs?

MR HUMPHRIES: Apparently we cannot call female dogs bitches any more. That is what I assume, Mr Kaine.

Mr De Domenico: I think you are barking up the wrong tree, Mr Humphries. You will not have a leg to stand on.

MR HUMPHRIES: I could be, Mr De Domenico. The Act Revision (Decimal Currency) Act 1966 amended the Pounds Act 1928. There is a joke there somewhere but I will not make it.

Madam Speaker, it is difficult to know what the state of the law is. Particular offenders in this situation are two types of legislation which crop up regularly in that list. They are the various Acts revision Acts and statute law revision Acts of the very kind that we are considering tonight. As I have indicated, it would be our policy in government to pursue these sorts of amendments by concentrating on only the Act concerned, not by having many pieces of legislation dealt with in a single enactment.

Putting that argument to one side, I acknowledge that it is not our job from the Opposition to prise apart these sorts of Bills. We therefore will be supporting the Bill before the house tonight. The amendments, I believe, are not objectionable and are, for the most part, extremely minor and technical in nature. But I raise an interesting question. This Bill is supposed to be an exercise in simplifying the law, but I submit to you, Madam Speaker, that in many ways that is precisely the opposite effect to what in fact is achieved. For example, the Minister said in his presentation speech:

> The Bill ... is a housekeeping exercise to bring the language of Territory legislation up to date and remove formal errors from the statutes of the Territory.

With respect, that is not so. With respect, this Bill is patchy. It brings some language up to date in some of the Acts it deals with and it removes some errors from other Acts it deals with, but we cannot assume, in respect of any Act dealt with in this Bill, that the Bill achieves what the presentation speech says is the object of this whole exercise. I give an example. The Minister says that he is intent on removing sexist language from legislation, but several of the Acts which are dealt with in this Bill in fact retain a great many examples of sexist language - the Police Offences Act 1930, the Long Service Leave Act 1976 and the Maintenance Act 1968, to name but three.

I think it is worth asking the question: What is the point of bringing in a Bill to remove sexist language if it leaves a number of Acts with sexist language? The argument I put is that this adds to confusion. It multiplies the number of times that a government has to dive back into legislation to achieve the job it set out to do in the first place. It makes a mockery - - -

Mr Berry: Where are your amendments?

MR HUMPHRIES: I do not propose to put any amendments forward, because they would be enormous and would require a great many resources to prepare. If the Government cannot do it, it is certainly not up to us to do it. It is also asserted that this Bill is designed to improve accessibility to legislation. If we are dealing with a very large number of amending enactments to any particular Act of the Assembly we certainly do not improve accessibility; in fact, quite the opposite.

Madam Speaker, these problems will be mitigated by the establishment of an effective and comprehensive computerised database for legislation in the Territory. This is something which I understand the Government law office is working towards. Indeed, I understand that many Acts are already available on a computer database which provides people who deal with Acts on a day-to-day basis with some certainty that they are dealing with fully comprehensive pieces of legislation. But if it is to be a really effective tool it must be accessible to everybody in the Territory, not just to lawyers.

I pose a few questions which the Minister may answer in the course of his reply. I see that this Bill proposes an amendment to the Common Boundaries Act 1981. The very helpful alphabetical table of laws which I referred to before makes no reference to a Common Boundaries Act 1981. I understand that a Dividing Fences Act was enacted in the Territory in 1981, and I wonder why two Acts with apparently similar objects but different names would be enacted in the same year. The Minister might have an explanation. I hope that he is able to enlighten us about that. If we are amending the Common Boundaries Act 1981 I would expect to see that Act in the list of Acts of the Territory, but it is not there.

Last year in the course of dealing with another ominous Bill of this kind we made reference to the danger of accidentally amending important legislation. In Schedule 2 to this Bill we are repealing the Interim Planning (Amendment) Act 1991, the Interim Planning (Amendment) Act (No. 2) 1991 and the Interim Planning (Consequential Amendments) Act 1990. I take it as read that those Acts are no longer of any value or use to the Territory, but these are quite significant pieces of legislation that are being wiped away. The Church of England Lands Act is also being repealed. I hope that the Church of England does not have a use for any of that land any more.

Madam Speaker, as I say, we would prefer not to have these sorts of very broad-ranging pieces of legislation thrown into one great big pot and thrust in front of us like this. It is not convenient and the amendments will not really be accessible to people who want to use the sorts of enactments covered by this Bill. Nevertheless, we will not be opposing the Bill. We believe that these changes are, for the most part, useful and positive developments in the emerging law of the Territory.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.15), in reply: I would love to pretend that I was aware, off the top of my head, of the information I am about to give but I must acknowledge my indebtedness to the ever efficient Assembly secretariat, who were able to advise me that the answer to Mr Humphries's question about the Common Boundaries Act apparently is that the original ordinance was the Dividing Fences Ordinance 1981. It then became the Dividing Fences Act 1981. Then in that slender piece of legislation, the land planning and management package - of which we have fond memory, having been here debating it until about 2 o'clock every morning over a period of about a week - the Assembly took the decision to change the title to the Common Boundaries Act. The Dividing Fences Ordinance 1981 became the Dividing Fences Act 1981 and had its title changed.

I am not quite sure why the Common Boundaries Act is not in the list of ACT Acts. The list probably needs to be updated and reprinted. We will check the list. The problem is that we did not change some provisions in the schedule to that Act when we changed its title. Obviously, that slipped our attention in the early hours of one morning.

Mr Humphries: It was not a rushed job, was it, Terry?

MR CONNOLLY: Given the period that that legislation was before the Assembly, one could hardly accuse it of being a rushed job.

The substantial point that Mr Humphries made and on which we fundamentally differ is that you should have one amending Bill for each Act. We believe that the process of these omnibus Bills is a sensible one. It is a process that we inherited from the Commonwealth. My understanding is that it is also used by most States. I think it is an efficient way to go about legislation. If we wanted to play little political games and try to compare our record as legislators and law reformers with the record of the Alliance Government as legislators and law reformers, I could embrace Mr Humphries's suggestion and at the stroke of a pen - or at the stroke of very many pens - and at the expense of many hours of Assembly sitting we could have 54 pieces of law reform notched to our belt instead of one, as is the case with this Bill. This single Bill will amend 35 Acts and repeal an additional 19 Acts.

Omnibus legislation is an efficient way of using legislative time in the ongoing process of tidying up the statute books. Mr Humphries made the criticism that this process can never be perfect. He said that you could not guarantee that you had removed all sexist language; so you should not proceed down that track but should wait until you get it perfect. We reject that. We say that it is not a piecemeal approach; it is a process of progressive reform. It would be very difficult to say that you had the entire corpus of legislation in immaculate form. We will always find problems, as Mr Humphries well knows. A provision may sit on the statute books for years, and suddenly someone will look at it and see that it makes no sense at all and should be changed.

This will be an ongoing process. We said in our introduction speech that this Bill would be part of a series of Bills introduced every 12 months or so to tidy up, modernise and simplify the body of law in the ACT. In all of those pages that we see in the red volumes on the table in the centre of the chamber - thousands of pages of laws going back, in some cases, through the imperial Acts application Acts to the 1890s - we will find many errors and anomalies.

The Attorney-General's Department in the ACT is in the process of putting that body of laws onto a computer database. That will significantly simplify the process of modernisation and simplification. For example, it will allow us to do an electronic word search to pick up where "he", "his" or other sexist or gender specific words appear. At the moment it is a quite difficult process to guarantee that in any of the old Acts you have picked up every sexist term. This process will be ongoing. I can never guarantee, and I do not think any government could ever guarantee, that we have got it right; but at least we are moving in the right direction.

Madam Speaker, as the Opposition's only concern was the principle of whether one should have omnibus legislation, and as I have answered that, I thank the Opposition for their general support for the procedural reforms, the tidying up, that we are achieving by passage of this Bill. There is a corrigendum to the explanatory memorandum. The Scrutiny of Bills Committee, in its report No. 21, picked up an error in the explanatory memorandum. The memorandum, on page 10, refers to a series of interim planning amendment Acts which are repealed pursuant to Schedule 2 of the Bill. A reference to an Interim Planning (Amendment) Act (No. 3) 1991 has been erroneously included in this reference, and the corrigendum corrects that. I am sure that only Professor Whalan would have had the eagle eye to pick that up. I table that corrigendum.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.19): I ask for leave to move four amendments to Schedule 1 together.

Leave granted.

MR CONNOLLY: Madam Speaker, I present a supplementary explanatory memorandum and move:

Schedule 1 (amendment of *Artificial Conception Act 1985*), page 25, omit the reference to the Act and the amendment.

Schedule 1 (amendment of *Birth (Equality of Status) Act 1988*), page 29, omit the reference to the Act and the amendment.

Schedule 1 (amendment of *Children's Services Act 1986*), subsection 4(1) (definition of "adopting parent", paragraph (a)), page 32, omit the amendment.

Schedule 1 (amendment of *Testamentary Guardianship Act 1984*), page 48, omit the reference to the Act and the amendment.

The need for these amendments arises from the Assembly's failure to pass the Adoption Bill 1992 last year and, instead, to defer consideration of that Bill. Among the numerous technical amendments to a range of Acts included in the Statute Law Revision Bill are a number of amendments consequential upon the provisions of the Adoption Bill. The amendments alter references in other Territory legislation which, had the Adoption Bill been passed, would have been incorrect. As the Adoption Bill is yet to be debated and passed by the Assembly, the consequential amendments to the Artificial Conception Act 1985, the Birth (Equality of Status) Act 1988, the Children's Services Act 1986 and the Testamentary Guardianship Act 1984 relating to that Bill which are included in the Statute Law Revision Bill require removal. I commend the amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

EVIDENCE (AMENDMENT) BILL 1992

[COGNATE BILL:

CRIMES (AMENDMENT) BILL (NO. 4) 1992]

Debate resumed from 16 December 1992, on motion by **Mr Connolly**:

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 Crimes (Amendment) Bill (No. 4) 1992? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR HUMPHRIES (8.23): The Evidence (Amendment) Bill, which we are now considering, was presented in the Assembly late last year. It constitutes what could be described as a reasonably controversial piece of legislation. It is a Bill which, I would argue, is in need of very careful thought and reflection by the Assembly before it passes it into law, if indeed it does at all. One aspect which especially presents difficulty for me, Madam Speaker, is the proposal to abolish the longstanding rule against the unsworn, uncorroborated evidence of children being admitted into court.

Mr Lamont: Are you supporting this Bill?

MR HUMPHRIES: Be patient, Mr Lamont. Madam Speaker, the timing and the handling of this Bill have been a bit disturbing. The Bill was presented by Mr Connolly in the Assembly in December as a very important Bill, a very vital Bill and a very urgent Bill. It was a Bill, apparently, of such importance that it could not wait for two months until the Assembly returned today.

The presentation speech that Mr Connolly gave on that occasion did not indicate any of the background to the rule being abolished, and it might have led one to believe that this was a fairly simple piece of law reform sweeping away an archaic provision which was no longer relevant to the interests of the Territory or any people of the Territory who might find themselves in a court. There was no mention of why such a rule existed in the first place. The blithe assertion that this Bill was good and necessary and urgent cannot be supported by the facts. Real life is a little bit more complicated.

The proposal has required much careful thought and analysis. It has also required a degree of consultation with the community affected by this provision. With respect, I do not believe that the Government has undertaken that consultation. It is quite clear that this Bill was not properly ventilated with many of the people whom it directly affects. I am thinking particularly of those legal practitioners in the Territory whose responsibility it is to defend people or who otherwise act in court proceedings which are affected by the present law. I had discussions only today, for example, with a member of the Law Society's criminal law committee, and I understand that members of that committee expressed concern about the general thrust of this legislation. There was disquiet about, if not opposition to, the changes which are being proposed with respect to children's evidence. It disturbs me that I had to find that out in such a way, rather than having had it clearly presented to me as a member of the Assembly or knowing about it because the Government had ventilated the issue in the community beforehand. Consultation was overlooked by the Government, or possibly even deliberately avoided.

Madam Speaker, the disquiet, or even anger, which this proposal generates centres on the position of a defendant in criminal proceedings, particularly criminal proceedings involving a child, and it comes fairly naturally, as my remarks already have indicated, from lawyers. Lawyers are trained - and Mr Connolly will confirm this - in their education about the law to focus very much on the position of the defendant. That is the focus of legal education in many ways. The defendant's rights and legal protections are very much a highlight in the teaching of criminal law in this country.

A maxim underpins the criminal law in the whole of the English legal system. I might not state it quite accurately, but it is to the effect that it is better that nine guilty people be acquitted than that one innocent man be convicted. The legislation could be described as attacking that principle, because it removes a particular protection for defendants in courts which has existed for many hundreds of years but which, by the same token, cannot be described as an archaic piece of legal gobbledegook. It is in fact, I would argue, a living and relevant piece of law which protects defendants in the position of being charged in a court, and it ought to be removed or modified only with the greatest care and caution by this Assembly.

By way of background to this legislation, I point out that in the ACT each year there is an unacceptably large number of unsuccessful or even unattempted prosecutions against alleged sexual offenders. By that I mean alleged sexual offenders against children. This Bill aims to reduce that number by changing the rules of evidence and removing a particular rule provided for the protection of a defendant. As I have indicated, that rule is not, in my view, archaic or anachronistic. It is not like the wearing of wigs in a courtroom, the calling of certain barristers queen's counsel or things of that kind. It is in a very different category.

You would not guess from the presentation speech that this is a very major breach of a common law tradition which has protected both innocent and guilty people over many centuries. I say "innocent and guilty people" advisedly, because the sorts of protections that we build into our criminal law system operate in that way. They are broad-ranging and are designed to cover as many people as possible on the assumption that many innocent people will be in that bag of people who are protected from successful prosecutions. Obviously, many guilty people are there as well, but that is the nature of these things. As I have indicated, it is better that nine guilty people be acquitted than that one innocent man be convicted.

It is the nature of these assumptions that that is the case. I give an example. The rule of evidence is that in criminal proceedings the onus of proof rests on the prosecution, not on the defendant. If you are looking at this purely from the point of view of logic, you could easily argue, "Why not say that it is simply a matter of balancing the two arguments put forward by both sides, hearing both parties in a case - the defence and the prosecution - and deciding on the basis of all the evidence whether the accused is guilty?". We do not do that. We say that a prosecution has an onus to establish a case against a defendant and, if the prosecution has not done that in the first place, then the defendant is not required even to give evidence before the court. It is the court's duty, where a case has not been made out against a defendant, to dismiss the charge without hearing the defendant, because the onus falls on the prosecution to prove, not on the balance of probabilities but beyond all reasonable doubt, that the defendant has committed the crime.

That is a rule designed to protect defendants, and that rule undoubtedly means, in practical terms, that many guilty people walk away from courts free. It also means that innocent people escape the clutches of conviction. I for one am happy, perhaps because of my training, to see the law continue to exist on the basis that it concentrates principally on protecting the innocent and not so much on catching the guilty. That might appear to be a very strange thing to say but, clearly, we must devise laws and rules of evidence which have a broad, shotgun effect rather than a narrow focus on each individual case.

In the kinds of rules that I have referred to - the onus of proof and the burden of proof - there has been an assumption that if there were an open hearing with no rules of evidence many more innocent people than would otherwise be the case would be likely to receive convictions. Therefore, Madam Speaker, I think it is reasonable to say that these rules are not anachronistic, but they are relevant and they are valuable in protecting individuals.

At the heart of this question, therefore, is the issue: Do children, when they appear in court as witnesses, tell lies? Stating it in another way: Having told lies perhaps to a member of the police force or to a parent or to some kind of public official, do children sustain those lies when they appear as witnesses in criminal proceedings against the person that they have accused? Is it possible that children can be untruthful? In an ordinary court proceeding there are, of course, a number of protections that individuals have against being falsely accused. First of all, an individual who gives evidence is required to swear an oath on the Bible. That dates back to the days when it was assumed that a person would not perjure themselves in swearing an oath because that would affect the fate of their mortal soul. I suspect that there are many individuals who appear in our courts today for whom that would be of very little relevance indeed.

That rule was so inflexible and so strong a part of the English common law that, in fact, at one time it was impossible for a defendant to give evidence in his own proceedings where a criminal charge was brought against him, because it was assumed by the law that that person would be inclined to tell lies because of the position they were in and thereby condemn their mortal soul to damnation; and that, rather than the defendant doing that, it would be better for the person to be convicted of the offence and spend some time in gaol or maybe go to the gallows, in which case they would go to heaven because they had not perjured themselves.

Madam Speaker, this is the very great weight which we have attached to this question of perjury and of giving evidence on oath. Of course, we now provide the opportunity of making an affirmation so that a person who does not necessarily believe in eternal damnation can still have his or her evidence received in court. There are other protections. Of course, witnesses can be cross-examined in all proceedings. Their evidence will be put in the court, and then the person acting for a defendant will cross-examine that person and will attempt to discredit that person if that person's evidence works against the interests of counsel's client.

We need to ask ourselves whether those protections carry over to a situation where children are giving evidence. Madam Speaker, I do not have any children - - -

Mr De Domenico: Not yet.

MR HUMPHRIES: Not yet. But I have taken the opportunity over the last two months of talking to many people in the community who do have children or who deal with children in crisis either before they come to court or in court. Having heard those people, Madam Speaker, I am convinced that it is possible for young people, for children, to lie in a court and to do so for a range of reasons.

I suspect that particularly younger children do not often lie for the vindictive or self-serving reasons why adults will lie in court but do so because they are genuinely mistaken, because they have been primed perhaps by an emotionally involved parent to present a certain version of events or because they want to please a parent by supporting a particular version of events. One only has to talk to a number of people involved in these sorts of proceedings in courts to realise that these things do happen. They do occur. It is a sad reflection but they do.

Children can be led into asserting lies as truth. Moreover, they can actually come to the stage of believing that what they present is the truth, even if it is not. Dr John Masters, a New South Wales psychologist or medical practitioner, has argued that children below a certain age can be made to believe that anything that a parent, a teacher or an adult they trust tells them is the truth. Perhaps those in this chamber who have been parents can consider that proposition. If I told my five-year-old child that tomorrow was Sunday when tomorrow was in fact only Wednesday, would he believe it?

Madam Speaker, a number of safeguards exist. A child who appears in a court in proceedings against an alleged sexual offender has to persuade an officer in the Australian Federal Police sexual assault unit that he or she is telling the truth, persuade a person in the child risk assessment unit that he or she is telling the truth and persuade an officer in the office of the Director of Public Prosecutions

that he or she is telling the truth. I think that there are people of perspicacity in those places who are trained and likely in many situations to pick up the likelihood of a child telling lies or giving a version of events which is untrue. Of course, at the end of the day, the child must appear in court and persuade the court.

Madam Speaker, nobody involved in any of those stages has been able to say to me, "We are sure that the process of investigation and interrogation that we go through results in our being able to say with complete certainty that a child is telling the truth or a child is lying".

Mr Connolly: But you cannot say that about any witness.

MR HUMPHRIES: Indeed you cannot. Given the question of doubt which hangs over each stage in this process - it might accumulate to very little, but given the question of doubt in these human and fallible processes - I ask whether we should be abandoning a rule of law which, with the other protections we have in place, has protected individuals. In a court, for example, a child's evidence is tested by defence counsel cross-examining that child as to the veracity of that child's evidence, but there are problems even in a court. In this Territory sexual assault cases are generally heard before juries. Juries consist of people who, like all of us, have their own prejudices and emotional starting points. If I were a juror sitting in a jury box and I saw a child in the witness box crying, sobbing and clearly emotionally distressed about what he or she was talking about, I would find it very hard to disbelieve him or her. That would be a fairly natural reaction. One tends to make assumptions about the way these things work.

What is also very difficult is for counsel representing a defendant or accused in a case of this kind to vigorously cross-examine that child, because that child has the sympathy of the jury, if not of the judge and other members of the court. That child has the sympathy of the jury, and I think it can be reasonably asked just how far a defence counsel can go in vigorously cross-examining that child in the same way as he would an adult in proceedings against another person. The rules of play are very different. I think, too, that the empathy a jury might feel for a sobbing child or a frightened child might override the doubts they may have about the inconsistencies in a child's story. One would tend to forgive a child for not giving a clear, accurate and sharp picture of what might have occurred. One would forgive that because it was a child.

There is the added dimension of videotaping of evidence and closed-circuit television evidence in use in courts in criminal proceedings involving children. Videotaping or closed-circuit television puts the child at some distance from the court. That child is giving evidence from another place and it is being relayed to the courtroom. It is in those situations harder, arguably, for a defendant to place pressure on a child to expose an inconsistent or concocted story than it might be if the child were actually sitting there in the court. It also removes the child from a setting in which he or she might be encouraged, by a fear of the consequences more than anything else, to tell the truth. There is no doubt about that. When you sit in a courtroom, even as an adult, surrounded by men in wigs, with a large crest hanging over you and panelling all around you, it is an imposing setting. You do feel compelled to be cautious, not to tell lies. That is part of the aura, part of the reason the courts have looked like that for hundreds of years.

Mr Berry: It has not worked a lot of times.

MR HUMPHRIES: It does not work a lot of times; that is quite true. Indeed it does not, but I suspect that, if our courts looked more like somebody's living room and judges, magistrates and counsel looked like people who had just wandered in off the street or like your Uncle Ben, you probably would not get the same kind of results either.

I want to make it very clear that I am not against the use of closed-circuit television in criminal cases involving children. I supported that amendment when it was brought up last December and I stand by that. But we must recognise that there are pitfalls and that it does present some difficulties. If the Government had discussed some of these proposals with members of the legal profession in the ACT who deal with them on a day-to-day basis, not just as defence counsel but also as practitioners involved in prosecutions, they would see the dangers that are shown up by these changes. *(Extension of time granted)*

The problem gets worse the younger a child is. I think it is fair to say that, the younger a child is, the more the risk that the child will believe what it is saying, even if it is not true, because it has been involved in the emotional feelings of, say, a mother who has been anxious for that child to be involved in a particular way in that proceeding. It is also hard to cross-examine that child, and it is easier for a jury to empathise with that child and forgive inconsistencies in that child's evidence.

To answer Mr Lamont's question, we are not opposed to the principle put forward in this Bill. We recognise that, as a legislature, we must make a stronger effort to encourage complainants to believe that the system will deliver them justice and to have faith in the system. I have to say that there is not a lot of faith in the system presently, in some quarters at least. I believe that it would be appropriate to consider an amendment to the proposal to relax the rule about the uncorroborated unsworn evidence of a child in court as it relates to children between the ages of seven and 13 but to retain the rule as it relates to children under the age of seven. I give notice at the detail stage that I will be moving an amendment to the Bill that will do just that.

It is a matter that I believe we need to monitor. It is a matter that needs to be kept under very close scrutiny. The reason the age of seven has been chosen is more an historical one. I do not pretend that there is any empirically sound reason why it should be seven, except that, historically, the law has drawn a line at the age of seven. Between the ages of seven and 14, approximately, there has been a rebuttable assumption that a child cannot commit an offence, and it has been up to the prosecution, where they proceed against a child in that age group, to show the court that the child did have the understanding of what it was doing to constitute mens rea - to constitute the necessary mental capacity to commit the crime.

Below the age of seven, the law says, even today, that a child cannot commit a criminal offence. It does not have the mental capacity to understand what it is doing in committing an offence. I understand that the law in the ACT was amended by the Children's Services Act a few years ago to raise that age to eight, so that any child of seven or below is assumed by the law not to have the mental capacity to commit an offence. I think it is reasonable to ask the question:

If a child does not, by fiction of the law, if you like, have the capacity to commit an offence below the age of eight, does it have the capacity to understand the necessity of telling the truth in a court? Arguably, Madam Speaker, it does not, and that question of doubt that lingers in my mind urges me, therefore, to put to the Assembly tonight that we should not completely remove that ancient provision defending those who appear before courts charged with these sorts of offences but should relax it for the age group between seven and 13, see its progress in those circumstances, and then decide at a later stage whether we also remove it for children aged under eight.

Just briefly, there are other provisions in this Bill. There are provisions for the quasi right, if I might put it that way, of a person accused of an offence to the use of an interpreter in a court. It is a commendable development and we would certainly support it. It does seem to me a little incongruous, though, that the Government that has put this forward also rejected an amendment last year to give people an absolute right to access to information in their own language about bail conditions and the availability of bail. I think Mr Connolly called it a cheap debating point. The sister Bill, the Crimes (Amendment) Bill, which we are debating cognately tonight, extends that privilege to proceedings in a police station, where a person is being interviewed and interrogated by the police.

It is a little ironic that in the Crimes (Amendment) Bill we are strengthening and protecting the position of defendants, to the extent that if a confession obtained in front of witnesses has not been tape-recorded that confession will be dismissed and not useable in a court - that is how far we go in the Crimes (Amendment) Bill; we are protecting and enhancing the position of a defendant in those circumstances - but in the case of a defendant in child proceedings we are actually derogating from his or her position. There is a slight irony in that. Nonetheless, I think that provision is a good one. We would support measures that protect the rights of people who appear before our criminal justice system to get the justice that I think we all believe is available with that system.

MR MOORE (8.49): Madam Speaker, I am delighted to follow Mr Humphries in this debate this evening because the issues he raised are issues I have considered at length. I find his arguments quite persuasive, to a certain extent, because he argues from the point of view of an ancient principle and a principle of law. Those ancient principles of law were based upon protection of property, and I think it is only in the last century or so that we have moved away from the notion of the law being designed to protect property to see what we can do to protect people and, more recently, what we can do to protect our children. When I say "our children", I am talking about the children of our society.

In this legislature we have a great responsibility, which we probably face more profoundly this evening than we have at any other time, in terms of weighing up two principles. There is the principle espoused by Mr Humphries of nine guilty men being acquitted rather than having an innocent man found guilty. It is interesting that what comes to our lips very easily is the notion that it is man, because that is how the ancient principle was developed. I think, though, that that notion, which was designed specifically to protect the innocent and, as Mr Humphries pointed out, often protected the guilty, did not take into account the fact that there is another more important principle, and that is the protection of children. What has become more obvious and more open in discussion over the last decade or two is the notion of the need to protect children, whom we no longer see as part of a man's property, in particular, as was the case when these laws and principles were formed.

We have to look at what action we need to take to protect those children. Would it be better for one innocent man to be found guilty so that nine children can be protected? I think we need to reverse the onus this way to look at what we need to do to protect children from that most insidious of crimes, sexual assault. This Bill obviously will apply to other things, but I think it is aimed specifically at that area and therefore it is a very difficult issue to deal with. The Government should be congratulated for being prepared to take this stance, for being prepared to sacrifice to a certain extent the principle Mr Humphries has carefully outlined, in order to favour the other principle.

When we look at Mr Humphries's notion of taking an oath and the idea of eternal damnation for those people who believe in the power of that oath, I wonder whether, when they face their maker, as they look at it, they will be able to say, "Yes, but I took a decision to protect children". There is a multitude of writings in Christianity about the protection of children. Do children tell lies and do they sustain those lies? We would be naive to think that children do not at some stage tell lies. The magnitude of the issue being dealt with, though, can be weighed up, and there are examples from Europe in particular of criteria-based statement validity analysis - the sort of criteria that can be set out to determine to what extent statements given by children in particular can be objectively analysed in order to determine whether or not they are valid. That would weight the evidence more heavily as far as the judge and the jury are concerned.

I think that, administratively, there is room for the development of such criteria. Perhaps we are gaining a little more faith in some ways in the responsibility of judges or magistrates to hear the sort of evidence that is brought before them and to recognise that when the evidence is presented by a three-year-old or a four-year-old it will have far less weight; that when the evidence is presented by a 10-year-old it will carry more weight, depending on the evidence that is being presented.

In determining the need to protect children under these circumstances, by supporting this Bill, we are putting an even greater responsibility on our judges and magistrates and on our jury system. I am supporting this Bill and opposing Mr Humphries's amendment in the spirit of protecting the children who need protection, recognising that this decision will mean that occasionally a man who is innocent may well be found guilty and may suffer very badly for that - may suffer even a year or two in gaol. But I compare that suffering to the suffering of a victim of sexual abuse. I feel that I have no choice but to come down on the side of supporting this legislation, and I congratulate the Government for bringing it forward.

MS SZUTY (8.56): Madam Speaker, I too welcome the opportunity to speak on two of the issues that are taken up in the Evidence (Amendment) Bill 1992. Both of these amendments are about empowering people who use the court system. The enlarging of the provisions for interpreters sets out more clearly the intent that people should not be at a disadvantage by virtue of their inability to effectively use spoken English in the courtroom. It is important that such basic rights as the assistance of an interpreter are spelled out.

By far the most eagerly awaited and important change outlined in this amendment Bill is the admissibility of uncorroborated evidence given by children. The message here is clear and strong: Perpetrators, offenders, and those who would use the age of victims or witnesses to crime as a means of escaping conviction will no longer be able to dismiss the challenge to the

evidence against them. I do not believe that this leaves anyone open to allegations from children of being manipulated by evil and twisted adults. Cases will still have to satisfy the usual criteria about being proven beyond reasonable doubt.

The evidence before the court will have to give weight to the argument that the accused person did in fact commit a crime. Where this will be of most benefit, of course, is in cases of alleged sexual assault and abuse, which by their very nature mean that there are no corroborating witnesses. Children can now tell the court of their experiences and be heard. Workers who counsel incest victims cite non-belief as one of the most damaging aspects of the treatment of an occurrence of sexual assault by a relative. By giving young victims the chance to speak in court of their experiences, we are signalling that the court system is prepared to believe their version of events and giving them a means of coping with their distress and the feelings that arise after they have been violated. This does not mean that there will be an automatic belief of the alleged victim's evidence and a condemning of the alleged offender without a fair hearing, but it will present young children with an opportunity to be heard.

Courtroom convictions are by no means the whole solution for victims, and by changing this legislation we address only part of the overall problem of proving crimes against children. Even if children can now make uncorroborated claims against adults, the matter still needs to be proven in court and the victims need to be able to return to some form of normal life. At least one case in recent times has shown that, even after conviction and sentencing, often the trials of the children involved are not over as they struggle with the anger and fear engendered by the incident. Parents can continue to struggle to reassure violated children that they can feel safe. How much more difficult can this be when the court process is prolonged for years? After a harrowing process, the offender, even when found guilty, is often given a perceived lenient sentence.

Victims in the area of sexual assault need intensive and ongoing support and counselling so that they can resolve the distress and fear caused by their experiences. Often offenders are sentenced to rehabilitation for their behaviour or addictions, in some cases for 12 months or more. However, the support given to the victims is almost always not as intense. It has always been a dilemma for the parents of children who say that they have been assaulted: Do we proceed via the court system, which could take months, during which time warnings can be given against getting counselling for children in case it jeopardises the court case; or do we abandon the idea of retribution and possible prevention of reoffending by perpetrators, but get swift and speedy help for the children to come to terms with what has happened and overcome the rage, fear and other emotions that result from being violated?

Madam Speaker, I believe that the Assembly's action in amending the Evidence Act 1971 will allow for more offenders to be brought before the courts, and I hope that the efforts that have been made to date to expedite child sexual assault matters will continue. I also hope that in the long-term future we may begin to see at least a decline in such offences, as the adult population gets the message that children have been given the right to speak and will be heard.

While many people have lamented the fact that this is a phenomenon of the decadent late twentieth century, incest phone-ins have shown women in their eighties finally admitting to a violation against them that may have taken place 75 years before. The crime is not new but, as we now consider ourselves to be a more equal society where no-one is considered to be the property of another person, we can hope that the silence that has followed allegations by children will be broken. The nineteenth century notion that children are unable to clearly tell the truth about incidents that happened to them must be shattered, and considerable research exists to support this view. Experts in the field of child abuse in Canberra say that the probability of a child lying is about the same as for an adult. However, children cannot keep up pretences. They do not have the mechanisms or strategies to sustain a pretence. As well, the development of criteria-based statement validity analysis in Australia - a technique used in Germany for many years and now being used in the United States - gives objective criteria on which to validate a child's disclosure of sexual abuse or assault.

Other aspects of children's evidence will now need to be addressed by courts. Research shows that a child can have an 80 per cent recall of incidents and may recall 100 per cent of particular incidents after making an initial statement. Often children's statements can come in parts, as they assess the reactions of the adults in their immediate circle and feel comfortable about releasing further information. The fact that this information does not come forward in an ordered manner, as has been called for in the past, does not mean that the child is confusing reality with fantasy; it is just a function of the way children relate their experiences. Research has shown that this happens frequently and that this does not affect the validity of the data.

What will be needed in conjunction with this legislative change is more emphasis on public education, so that this move is welcomed as a positive initiative towards the development of an open and honest society. Perpetrators can no longer assume that they will be able to evade prosecution because their victim was under 14 years of age and could not give uncorroborated evidence. I call on the Government to make a concerted effort to ensure that this legislative change gets a good airing in the media, and that all groups who are involved with victims, perpetrators and their families are given detailed information as soon as possible. I also hope that the Housing and Community Services Bureau is working on new proposals for the next budget for expanded counselling services for victims, to help them understand the court process, and to support them through the years subsequent to their cases going through the court system, whether a prosecution is successful or not.

This change in legislation may prompt more people to pursue convictions. I certainly expect that the police will take advantage of the changes to bring more perpetrators before the courts. This may cause some concern that innocent people will be brought before the court and possibly convicted unfairly. Research again indicates that this will not be the case. However, I suggest that it would be useful for the Government agencies involved in sexual abuse and assault of young children to monitor the effects brought about by these changes.

MR STEVENSON (9.04): Earlier speakers have emphasised clause 6, and I think with good reason. People in Canberra would be very concerned about children in particular being subjected to sexual assault, and well we should be.

Mr Berry: Here we go.

MR STEVENSON: I note that Mr Berry and someone else said, "Here we go". I suggest that you do not know where we go. Sometimes you have trouble knowing where you are going. Perhaps you could be quiet and pay me the courtesy of listening for a moment or two - or not listening; I do not care. I suggest that people are concerned, and with good reason. I commend Mr Humphries for a superbly presented speech. I have had some concern about this area, and I wondered about various aspects of specifically removing subclause (3) of clause 6. Mr Humphries's arguments were compelling, they were reasonable, and he came to a reasonable compromise. He did not say, "There are major concerns and, because of that, we will have none of it". He came to a reasonable compromise, and his amendment is just that.

We have heard from Mr Moore about whether it would be better that an innocent man be convicted and suffer, perhaps even go to gaol. It is easy to say that, provided you are not the innocent man. Then your view tends to change rather dramatically. Ms Szuty talked about children and whether or not they lie, whether or not they can sustain lies, how long they need to sustain them for. Mr Humphries said, very reasonably, that we all understand that children can tell lies. He made the point that it may not be a malicious lie, that there may be various reasons. It is also true that children can be, and are, coached into adopting a particular line. The Mr Bubbles case would be one of the best known examples of children being coached, and the evidence was not accepted because of that.

If we say that it is better for innocent men and women to be convicted, could that not lead to the suggestion that, if a person is accused, on the basis of "Where there is smoke, there is fire", it would be best to convict him just in case? Would that not make it safer for people to walk the streets, safer for children? I would say clearly, no. As Mr Humphries mentioned, there are maxims of law. There are principles of law that have protected us for many hundreds of years. When we look around the world at various systems - I will not say "systems of justice" because many of them are not; many systems that people think are just are not - I feel that Australia has a superb system of justice, based on certain principles, about which Mr Humphries spoke so well.

There is also concern that there was not consultation with the community, or with those people in the legal profession who act on behalf of people that are accused where children are involved. I have not spoken to many lawyers on that point, but I spoke to one who was heavily involved in that area. He has grave concerns, not because of any theoretical problem but because of what he has seen in the courts - the real life situation. Unfortunately, it is not only the parents, the mother or the father, who may coach a child or suggest to a child - however you want to put it - that certain things happened; it can also be people in the social services area, and cases of that exist within our law. I do not think it is better that innocent men be convicted. However, I would agree that there are some guilty people who go free because children have not been able to give uncorroborated evidence in the past. It is something that is of concern. I am not sure of the answer, but I am fairly certain that Mr Humphries's amendment is reasonable and should be agreed to by this Assembly.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.10), in reply: I must say that I am disappointed at the straight-out statement of conservatism from the Opposition that is leading them to vote against this amendment, supported by Mr Stevenson. When this idea was first floated, there were some comments in the media from Mr Humphries that led me to believe that the Liberal Party would support it. Some politicians make a career on whipping up fear and hysteria about sexual assault and sexual matters, and Mr Stevenson is the epitome of that. He is the politician who has made his career on sex and sexuality. He runs around talking about pornography: We are all about to be engulfed by an immoral tidal wave, we all have to do something about sex and sexual assault and rape and all the rest of it. But, when we bring forward a concrete proposition to give justice to the victims of sexual assault and their families, he votes against it.

I challenge Mr Stevenson - although this will not occur because the good sense of the majority of this Assembly will see this law passed - to explain to the parents of a five-year-old who has been sexually assaulted why they cannot even go to a court and seek justice. The law as it presently stands says that that five-year-old's evidence cannot even be heard by the court.

Mr Humphries: No, that is not true. If it is corroborated it can be brought before the court.

MR CONNOLLY: That is right. Unless you have corroboration, it cannot be heard. An adult victim of sexual assault can go to court and get justice, but you cannot if you are a kid - at the moment under 14. Mr Humphries says, "We will accept that 14 is perhaps a bit much, but at seven you cannot go before the court". We had an example of this in Canberra recently which resulted in a woman setting up a picket outside the Supreme Court for a period of time. Mr Stevenson, could you explain to that woman why her child's case could not even be heard by the court? That is what this provision is about. It is not about saying that you will always get a conviction. It is not about saying that it is better that innocent men go to gaol than that one guilty person get off. Ms Szuty put it best. Ms Szuty said that this is about ensuring that the evidence can be heard by a court - not that it will automatically be accepted, not that it will automatically result in a conviction, but that it can be heard.

The process Mr Humphries went through he took from a question he put on the notice paper today, which we managed to get answered within a couple of hours because it was germane to this debate. It related to the Federal Police's standing instructions on how you go about bringing a case for prosecution, so there has been some testing there. Do they think the child is telling the truth? Children can lie, that is true, Mr Humphries. Adults can lie too. There is very little difference. There is a filtering process there. When it gets to a court - we are talking here about a child giving an uncorroborated, unsworn statement - the judge will always have to decide whether a child is able to give evidence. That is a question that will go to the judge's or the magistrate's assessment of the circumstances of the individual child. I would say that most seven-year-olds and six-year-olds would be able to give evidence. I cite *Cross on Evidence*, paragraph 811, on the general principles of unsworn evidence:

> Before receiving the unsworn evidence the court is required to satisfy itself that the child is possessed of sufficient intelligence to justify the reception of the evidence and aware of the duty of speaking the truth.

That is a common law test. It has always been in the law. Most seven-year-olds would probably pass that. I suspect that a lot of six-year-olds would. Some three-year-olds might. It is a question in every case for an assessment by the judge after it has been through the police, after it has been through the prosecuting authorities. What you are saying, and what you would be saying to these parents, is, "We will not even let you get your justice".

Mrs Carnell, who last week put out an inflammatory press release and got her little write-up in the *Community Times*, "Canberra's Streets of Terror" - a politician seeking to exploit community fears about sexual assault, a politician who is prepared to get some publicity, whipping up hysteria about sexual assault - is going to vote against this provision tonight. I would like her to explain that to a family who have been told by the police and the DPP, "We cannot take your case to court because all we have is the evidence of your child, and the law says that that must be corroborated". You explain to them why that is a good law in the ACT, because it is not the law in many other States. The only States that now have this absolute bar are the Northern Territory and Tasmania. Most States have moved - Western Australia most recently - to do away with this absolute statutory bar, because there is no reason in principle to retain it. We are not saying that a person will automatically be found guilty when the child gives evidence. What we are saying is that the court should have the opportunity of hearing that evidence, and from that what we are saying is that the child and the family should have the opportunity to get justice.

Mr Humphries's speech about the presumption of innocence was a classic conservative tribute to the English and Australian judicial system. I was expecting him to come out with the Rumpole line about the golden thread of the common law that is often used when Rumpole talks about the presumption of innocence. It was a wonderfully traditional recitation of the presumption of innocence and the traditional English justice system.

A lot of Australians in 1990 do not think that the justice system delivers justice in this area of sexual assault. Most Australian women think the Australian justice system, when it comes to sexual assault, is stacked heavily in favour of the perpetrator of sexual assault and that they, who are going to the court seeking justice as they see it, are the ones who are on trial. That has been brought out in opinion poll after opinion poll and study after study. The Australian justice system does not deliver justice to the victims of sexual assault. This Government has recognised that. We have already sent a major reference to the Community Law Reform Committee on looking at the procedure by which we go about prosecuting sexual assaults in this country.

If Mr Humphries is concerned that we are parting from tradition in relation to this provision, he ain't seen nothing yet. I expect that over the next couple of years we will be bringing forward a series of major changes to the way we prosecute sexual assaults in this community. The current system is not working.

It is not delivering justice to women and children who are victims of sexual assault in this community, and we have to change it. A lot of those quite radical changes that I think we will be bringing forward will come out of a long process of community discussion.

This is a more simple matter. It is a fairly straightforward matter, and that is why we thought we would bring it forward late last year. It is a simple issue of principle, as the Government sees it. Do you say that people have a right at least to have their allegation heard in court? Can the family whose five- or six-year-old has, on the evidence of the child, been molested, been assaulted by the baby-sitter, by a friend of the family, by whomever, have that matter pursued by the police and the prosecution authorities and taken to court, where the ordinary tests will apply? Again I should remind the Assembly that the judge will always remind the jury that this is unsworn evidence and that they are entitled to bear that in mind in weighing up the truth. All the ordinary tests will apply.

Can they at least go to a court and seek justice? We say that they should be able to do that. You, the Liberal Party and Mr Stevenson, say that they should not. I say particularly to Mr Stevenson, who has been so vocal on issues of sexual assault and rape and the need for the community to protect women and children, and to Mrs Carnell, who put out her alarmist media release last week accusing the Government of not protecting the women of Canberra, who were being engulfed again in this tide of sexual assault: I challenge you two to justify your position. You go out and seek to make some political capital about sexual assault, but when we come forward with concrete proposals to redress the imbalance in the system and to ensure, not that someone is convicted but that the opportunity is there for the case to be prosecuted and for the court at least to hear that evidence and then weigh it up, you oppose it. If you vote against that, you have some explaining to do to those parents.

Madam Speaker, this is a significant piece of reform. It is one step in what will be a long path of change to the law of sexual assault. Ms Szuty made the comment as she was closing her remarks that we all hope that we see a gradual reduction in this type of offence. We would all share that hope, but I have to tell the Assembly that we will see dramatic increases in reports and rates of prosecution for sexual assaults before we start to see a reduction. The sad reality is that there is still a perception amongst too many people in the community that this sort of thing is okay, that this is acceptable behaviour. Sexual assault of children, particularly sexual assault of children by their relatives, is something that has been almost a hidden crime in Australia. It was not spoken about in past years, and we know that the incidence of the offence far exceeds the rate at which that offence is reported to police or brought before the courts.

If we are successful, in the challenge we are setting ourselves as a government, in modernising and bringing into the twenty-first century the way the criminal justice system deals with sexual assault, we will see dramatic increases in the rates at which these crimes are detected and prosecuted and brought before the courts and dramatic increases in the rates at which we get convictions before we see that decrease which Ms Szuty and, I am sure, all of us would like to see.

Madam Speaker, I thank members for their support for the other propositions in this Bill in relation to interpreters in the system, and I also foreshadow that I will be moving an amendment. This Bill contains also a provision to remove the sunset clause on video evidence. When it became apparent last year that the Opposition had difficulty in principle with this aspect of the Bill - the issue of getting the evidence of a child before a court - we agreed that it would be better that we bring forward a separate Bill to repeal the sunset provision for video evidence. That could then go through without the sort of acrimonious debate which, unfortunately, an issue of this importance is bound to produce. We have already dealt with the removal of the sunset clause on the video evidence provision, and clause 8 of the Bill is redundant. I will therefore be moving an amendment to repeal that.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 5, by leave, taken together, and agreed to.

Clause 6

MR HUMPHRIES (9.22): I move:

> Page 3, line 2, after "subsection (3)" add: "and substituting the following subsection:
>
> '(3) Where the evidence of a child under the age of 7 years is admitted under subsection (1) on the trial of a person charged with an offence, that evidence shall be disregarded unless it is corroborated by other evidence implicating the person.'".

Madam Speaker, I do admire Mr Connolly on occasions. I wish I had the capacity to come before this Assembly on matters of enormous moral and emotional complexity with the certainty that he exudes on these matters, with the belief that these things are not really complex at all, that there are not many infinite shades of grey and great questions of balance to be resolved here; and to say, "This is the right answer. I know where I am going, and pow, off I go in that direction".

Mr Connolly: We are in the Labor Party, mate.

MR HUMPHRIES: Well, that says it all, does it not? If you believe in the Labor Party you are very close to God. You can decide whatever you want, and anybody who disagrees with you must be completely wrong because they are not of the same point of view.

Madam Speaker, I did not present my concern about this Bill as some kind of crusade. I presented it having listened to people in the community who deal with this area - more, I might say, than it appears the Minister has done - and come to the conclusion that there are very complex questions which are not fully resolved by this change in the law. Mr Connolly might not be aware of what they are.

He made no reference in either his presentation speech in December or his reply tonight to that very important principle about which I spoke in my speech, that question of the common law rights that protect the defendant's position in criminal proceedings. Perhaps he does not think that they are very important. Perhaps he does not think that putting them to one side is a matter of any gravity. I happen to think that they are important. I happen to think that taking this step is a matter of very great importance and significance to this Assembly and that we should weigh it up very carefully before we take it.

Mr Connolly told us at the very beginning of his remarks that I had indicated at the time of this Bill being brought down that I would broadly support the concept behind the Bill, and he was disappointed to see that I had apparently changed my mind. Can I make it clear that this Bill was delayed by a majority of members of this Assembly because they believed that it needed to be examined in more detail and more closely. Having done so, it is imperative that we bring any doubts, any concerns, we have about this Bill by force of that process to the attention of the Assembly. I have discovered such doubts and I have therefore brought those doubts to this Assembly.

I am sorry if Mr Connolly finds it unfortunate that I might say one thing on one occasion and, having had the chance to look in detail at the Bill, which I did not have at the end of December, when he wanted to rush it through this Assembly, come back with a slightly different view. I also point out that we do support the concepts espoused generally in this Bill. We are prepared to support the idea of extending the capacity of children to give evidence in court, uncorroborated and unsworn, but we do believe that it should not go as far as has been presented by the Government at this time.

Maybe after we have seen these changes working in the case of children between the ages of seven and 13 we should consider going further. We have not seen any evidence of it working at all so far. What has the Minister put before this Assembly to bring us to the same lofty position that he is now in of understanding on this higher plane that this is a law eminently successful, eminently designed to achieve much better things for the women and children of this Territory? Where are the studies the Minister apparently has access to that prove that point? I would like to have seen them.

Ms Szuty asserted that children do not have the capacity to keep up a deception. I frankly do not have any evidence one way or the other, whether they do or they do not, but I can say this: There are people involved in dealing with children in courts in this Territory who take a very different view from that, who maintain that it is possible for children to maintain deceptions, if you like, often because they do not know that they are deceptions, because they believe that what they are telling is the truth. I do not understand the complexities of how that comes about, but I suspect that if members took the time to talk to some of the people involved - not just defence lawyers but people involved in prosecutions in this town, in our own office of the Director of Public Prosecutions, for example - they might find that it is a rather more complex scenario than they imagined. There is, as Mr Connolly points out, a common law rule that requires a court to reject the evidence of a child if it believes that the child does not understand the need to tell the truth. As I indicated before, it is possible that a child will fully believe that it is telling the truth to a court but in fact not be doing so.

I share the desire expressed by the Attorney to ventilate these changes and to encourage people who might feel cheated or frustrated by the system in the past to come forward with their cases. However, I am also afraid that, if a case comes before the courts and it is subsequently shown that an innocent man is convicted and perhaps sent to gaol by virtue of evidence obtained from a child which is wrong, this will undermine the process of reform the Minister is now trying to put in place. We have seen plenty of cases of that kind of unfortunate outcome in courts being well ventilated in our newspapers and media. That would not be conducive to people having faith in the system.

To sum up, Madam Speaker, I think it is unsafe to proceed as far as has been suggested by the Government. I think it is safer for us to assume that a child of the tender age of five or six might present difficulties to a court in giving completely reliable evidence. I do not think it is too much to say that a child's evidence in those circumstances ought to be corroborated by some other factor. In those circumstances, I believe that we protect the child, but I also believe that we protect the accused, which is as much our duty as the other question when we face changes to the law of this kind.

MR STEVENSON (9.28): Mr Connolly suggests that anybody who disagrees with him is totally wrong and is barely worth listening to.

Mr Wood: That makes good sense.

MR STEVENSON: Mr Wood said, "That makes good sense". Yet Mr Connolly and Mr Wood, with the rest of the Labor members, in this Assembly last year banned horseracing in the ACT. They refused to accept the logical explanations, put not only by members of the Assembly but also by the horseracing industry, that where in sections 7 and 8 of the Animal Welfare Act - - -

Mr Connolly: On a point of order, Madam Speaker: Reluctantly, one has to raise two standing orders - one about relevance and one about reflecting on a previous vote of the Assembly. We would be interested in hearing the member address this Bill.

MADAM SPEAKER: I ask you to focus your remarks on this particular amendment, Mr Stevenson.

MR STEVENSON: I think it reasonable, Madam Speaker, to draw a parallel under these circumstances. I will be brief on that point. Under that Act, where there is cruelty and pain, in effect, horseracing in the ACT is illegal.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: It being 9.30 pm, I propose the question:

> That the Assembly do now adjourn.

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

Question resolved in the negative.

EVIDENCE (AMENDMENT) BILL 1992

Debate resumed.

MR STEVENSON: Once again, there are plenty of tracks one could take. One could move down the same track of no consultation on the Animal Welfare Bill, and we end up at the same place as we are at today.

MADAM SPEAKER: Mr Stevenson, please speak to the amendment.

MR STEVENSON: There was no consultation on this matter with people in the ACT who should have been consulted. Mr Connolly acknowledged that. He said that it was just a simple matter. It may be simple to you, but it is not simple to a lot of people. A lot of people have concerns in the area. Unlike some who profess to have a remarkable ability to be totally right all the time, there are people who have concerns. Mr Humphries mentioned those concerns. I mentioned some concerns. I specifically said that I was not sure of the matter, but what did you do? In misrepresenting what I said, you talked about whipping up hysteria and whatever. You also issued a challenge. Let me accept it. You, in this Assembly, approved X-rated video pornography that shows depictions of child pornography, and you have the hide to stand up in this Assembly - - -

Mr Connolly: On a point of order, I demand that that be withdrawn. It is indeed a lie. An X-rated video, to be lawful, cannot include child pornography. You know that, and I ask you to withdraw that.

MADAM SPEAKER: Order! Please, Mr Stevenson, withdraw that.

MR STEVENSON: I have not the faintest intention of withdrawing what I said because what I said was - - -

MADAM SPEAKER: Mr Stevenson, I have asked you to withdraw it. Will you be seated when I am speaking to you.

MR STEVENSON: And I have just said that I have not the slightest intention, because what I said was not what he just misrepresented. I said "depictions of child pornography", and X-rated videos show depictions of child pornography - - -

MADAM SPEAKER: Mr Stevenson, I have asked you to withdraw. You will withdraw.

MR STEVENSON: I will never withdraw that X-rated videos show depictions of child pornography, because that is what they depict. They may not show child pornography but they depict it.

MADAM SPEAKER: Mr Stevenson, I have asked you three times to withdraw. You will withdraw, or I will be forced to name you.

Mr Connolly: Rephrase it. Say what you rephrased; that is all right.

MR STEVENSON: I will not say what I rephrased. I said exactly what the situation is. They are depictions, if you check a dictionary. Madam Speaker, could we have a look at a dictionary? Could we check the definition of the word "depiction"?

MADAM SPEAKER: Mr Stevenson, I am sorry; you have been specifically asked to withdraw.

MR STEVENSON: And if you do so you commit a grave injustice, because the word "depiction" covers it absolutely.

MADAM SPEAKER: Mr Stevenson, will you stop shouting.

MR STEVENSON: I ask you to look at a dictionary - not take what he said but look at what it says.

MADAM SPEAKER: You will stop shouting. You will be seated, and I am to name you. You have wilfully disobeyed my order. I have asked you to withdraw three times.

MR STEVENSON: What about some justice? Is that of no concern to you?

MADAM SPEAKER: You will stop shouting. I have named you. I name you, Mr Stevenson.

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

> That Mr Stevenson be suspended from the service of the Assembly.

Mr Stevenson: What an appalling situation! That is absolutely disgusting. You know it. Why do you not tell what the situation actually is?

MADAM SPEAKER: The question before us is that Mr Stevenson be suspended. Those of that opinion say aye; to the contrary no. The ayes have it.

Mr Stevenson: You talk about justice. You would not understand the definition of the word. I call for a division on that. Let us see who cares about truth and justice or about politics. What would you know about the law? Why do you not acknowledge the truth of the matter?

MADAM SPEAKER: Mr Stevenson, you will stop shouting. We are calling a division. I will entertain no points of order and no further discussion on this issue.

Question put:
That Mr Stevenson be suspended from the service of the Assembly.

The Assembly voted -

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

Question so resolved in the affirmative.

MADAM SPEAKER: Therefore, Mr Stevenson is suspended from the service of the Assembly for three sitting hours.
Mr Stevenson accordingly withdrew from the chamber.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.37): I wish to refute Mr Humphries's red herring the size of a whale when he says again that we are altering the burden of proof, that we are somehow tampering with the fundamentals of the Australian justice system.

Mr Humphries: I did not say that at all.

MR CONNOLLY: The *Hansard* will record - - -

Mr Kaine: He did not say that at all. Madam Speaker, on a point of order: I think the Minister ought to be asked to withdraw his statement. He is misrepresenting what Mr Humphries said, and he should be asked to withdraw that.
Mr Humphries: Yes, and I demand that he withdraw it, Madam Speaker.

MR CONNOLLY: Which particular bit do you want me to withdraw?

Mr Humphries: That I was saying that we should reverse the onus of proof.
Mr Kaine: Exactly the same position Mr Stevenson was in a few minutes ago.

MR CONNOLLY: I withdraw that, Mr Kaine. What I do say is that Mr Humphries said that we had ignored a fundamental principle, that this Bill in some way was undermining fundamental principles. He has spoken very eloquently about the presumption of innocence and the need for people to be acquitted so that innocent people are not sent to gaol. I had assumed that he was talking about the burden of proof, and that is why I made those remarks. Perhaps that was not precisely what he said. He was somehow suggesting that we were undermining that fundamental proposition.

The answer, as Ms Szuty said, is that in no way does this require a conviction or require the evidence to be believed. Mr Humphries is quite right in saying that children can tell lies. Adults can tell lies. Even politicians can tell lies, Mr Humphries - apart from when they are in opposition, it would seem, from your earlier remarks. It is always up to the judge to make that decision or, fundamentally, for the jury to decide veracity. The judge will have to decide, first of all, whether the child is capable of giving evidence, and there are established common law principles for that, and at the end of the day the judge will always warn that the evidence is uncorroborated, and that is another factor.

No fundamental principle is involved here, other than the principle of whether the child should be able to have his or her case heard. Mr Humphries accepts that principle in that he is prepared to do away with the absolute bar at age 14, but he introduces a new principle that says that at age seven or below there is an absolute principle that the child's evidence of sexual assault, of rape, cannot even get before a court. That, Mr Humphries, I do say is a simple issue of principle which you can either agree or disagree with, and we fundamentally disagree with your proposition.

The other point that must be made is that Mr Humphries repeatedly comes in here and says that we do not consult with the legal profession. He whipped out a press release during early January when things were quiet. I heard him saying that one of the issues he had addressed this year was a concern that the legal profession is not being properly consulted on Bills before the Assembly. I actually took that up with the president of the Law Society. I asked, "Are there any problems with the flow of material you are getting, the fact that we are getting the Bills to you and giving you the opportunity to come and talk with the Government if you have problems?", and he was not aware of any problems. We are getting that information to the Law Society, as one of the principal lobby groups, unions, what-have-you, in the community. They seem to be happy that they are getting that information.

So, Mr Humphries, we are getting information out, getting Bills out. Every Bill that comes into this Assembly we send to the Law Society, and it is a matter for the fairly intricate committee system of the Law Society as to how they disseminate it. If they have problems, they do not have any trouble in picking up the phone and letting me know of them.

MR MOORE (9.40): In speaking to Mr Humphries's amendment, I am compelled to think about the difference between the evidence of a child over seven and the evidence of a child under seven. I happen to be in the fortunate position, in this case, of having two children under seven and one over seven, as do Mrs Carnell and Mr Lamont. It seems to me that the arbitrary division that has been drawn by Mr Humphries is not valid. I feel that I can interpret that a child under seven could well be able to present to a court evidence that the court may find useful. That is the question - whether or not it is going to find - - -

Mr Kaine: On the basis of a sample of one?

MR MOORE: Mr Kaine will remember that when your children are a given age you are exposed to a wide range of children of that age by the nature of preschools and schools and so forth. The point is that what we are trying to achieve is to allow evidence to come before a court. I think the rather arbitrary line of seven is inadequate. It is not that we do not draw arbitrary lines in many ways; we do. One could use the same argument about whether 18 is the appropriate age for voting, because that has a certain arbitrary measure about it as well.

I think in this case the courts are quite capable of determining the weight they are going to give to evidence from children of different ages. There are on many occasions situations where children under the age of seven are subjected to sexual assault, and we really must be in a position to do what we can to protect them.

MR HUMPHRIES (9.42): I think Mr Connolly's assertion that I was arguing for some reversal of the onus of proof is quite unfounded.

Mr Connolly: Accusing us of that.

MR HUMPHRIES: I was not saying that at any stage in what I was referring to. I was saying that we were removing a protection for a defendant. There are all sorts of protections for defendants in our criminal justice system. Some of them are based on the onus of proof; some of them are based on the burden of proof, and there is a difference which Mr Connolly will understand; others are based on simple procedural rules which act as, if you like, little obstacles set up in the path of a prosecution to obtaining a conviction. They might appear quite arbitrary in some cases, but they are designed around that principle I spoke about before; that the law regards the protection of the innocent as being of paramount importance.

We seem to be focusing here on the protection of victims in a way which, unfortunately, does not embrace the full range of implications, the full range of issues. I think Mr Moore summed it up fairly well when he said that we put the question in this Bill that we might be better off convicting one innocent man for the sake of having nine children freed from the scourge of sexual abuse. That is obviously a very rough numerical calculation, but it is a very fair assessment of what we are doing here. We are putting at risk certain principles which have protected innocent people in the past, for the sake of coming down hard on sexual abuse.

I also point out one other thing that has not been made clear so far. These rules do not relate, unless I am very much mistaken, just to sexual assault prosecutions. They relate to all criminal proceedings in which a child is involved. So this could be used, for example, with a person who is accused of murder, and the child might be the only witness in regard to that person being accused of murder. That five-year-old child on his own evidence, without anything else, has the capacity to convict that person and send him to 20 years in the clink.

Mr Connolly: If they are believed.

MR HUMPHRIES: If they are believed. And as I have indicated, there are plenty of reasons why a child might well be believed in a court.

Mr Kaine: It could be most convincing.

MR HUMPHRIES: It could be most convincing because of the age of the child, the demeanour of the child, and the court genuinely believes what that child is saying, even though that need not necessarily be true. I do not think the evidence in these matters is by any means as clear cut as others have suggested in this debate. It is complex and it does not indicate any particularly clear direction. I, for one, think we are safer to extend this rule gradually rather than all at once.

Question put:

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

The Assembly voted -

AYES, 5	*NOES, 9*
Mrs Carnell	Mr Berry
Mr De Domenico	Mr Connolly
Mr Humphries	Ms Follett
Mr Kaine	Mrs Grassby
Mr Westende	Mr Lamont
	Ms McRae
	Mr Moore
	Ms Szuty
	Mr Wood

Question so resolved in the negative.

Clause agreed to.

Clause 7 agreed to.

Clause 8

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.48): Madam Speaker, as I foreshadowed, the effect of the clause is to remove the sunset clause in the Evidence (Closed-Circuit Television) Act. That was achieved in a separate Bill brought before this Assembly in the dying hours of the 1992 sittings, so this clause is redundant. It can therefore simply be opposed. I urge members to oppose it, and I have explained why we are doing that.

Clause negatived.

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

Bill, as amended, agreed to.

CRIMES (AMENDMENT) BILL (NO. 4) 1992

Debate resumed from 16 December 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (9.49): Madam Speaker, I have already spoken briefly about this Bill in the course of my remarks on the other Bill. We support this Bill, despite the ironies of its being brought forward in conjunction with the other Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 9.50 pm

ANSWERS TO QUESTIONS

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 338
Education and Training Portfolio - Committees, Boards and Advisory Groups

MR KAINE - asked the Minister for Education and Training on notice on 17 September 1992:

For all Government Committees, Boards and Advisory Groups within the Education and Training portfolio

(1) How many people are appointed to each of these bodies and what is the date of appointment of each member.

(2) What are the terms of reference for each of these bodies.

(3) What is the total time of the appointment for each of these bodies.

(4) What is the gender breakdown of each of these bodies.

(5) What cost is associated with each of these bodies, ie fees or salaries paid to members.

(6) How many public servants, service each of these bodies, by position and salary and how much time is devoted to that task daily, weekly etc.

(7) How many of these bodies produce a publication, how are these distributed and how much does it cost to produce them.

MR WOOD - the answer to Mr Kaines question is on the attached pages.

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Canberra Institute of Technology (CIT) Advisory Council

1. Present Members

Mr B Livermore Chairperson 12/l/93 to 11/l/95
Ms D Proctor Deputy Chairperson 9/7/91 to 8/7/94
Mr M Alves Industry 22/11/90 to 21/11/93
Mr E Attridge Community 6/9/90 to 5/9/93
Mr K Peoples Teaching 3/5/90 to 2/5/93
Mr C McDonald Union 13/8/90 to 12/8/93
Ms P Keightley Student 3/4/92 to 2/4/95
Prof M Reynolds VTA Chair Ex Officio

The CIT (Amendment) Act 1992 r,-vised the membership of the Council to 11 members including the Chair, VTA. Three new positions are not yet filled.

2. Terms of Reference

The function of the Council is to advise the Director of the Institute with respect to matters relating to the Institute and, in particular, in relation to:

(a) the education policies to be implemented in the Institute;
(b) the welfare of students at the Institute and the management of the Institute;
(c) the development of relationships between the Institute and the community; and
(d) the planning and programming of educational services to be provided by the Institute and the financial policies for the Institute.

3. Term and Power of Appointment
For a period not exceeding 3 years, and on the terms and conditions specified in the instrument of appointment

4. Gender Breakdown
6 Males - 2 Females

5. Remuneration Mechanism
Nil

6. Public Servants
One public servant services the Canberra Institute of Technology Advisory Council, at SOG C level ($42768 - $46457) spending an average of 5-7 hours per week.

7. Publications
No publications are produced by the Council

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Vocational Training Authority

1. Present Members

Prof M Reynolds Chairperson 13/10/92 to 30/9/95
Mr N Fisher Director CIT
Mr M Alves 1/9/89 to 31/8/95
Mr C Haggar 1/9/89 to 31/8/95
Mr C McDonald 22/4/92 to 31/3/95
Mrs A Murray 7/12/92 to 31/8/93

2. Terms of Reference

Plan and co-ordinate the provision of training programs, devise and develop training programs, including the determination of their nature, syllabus and duration, determine requirements as to age, education or any other matter to be satisfied by persons wishing to undertake training programs, accredit training programs, whether provided in the Territory or elsewhere, accredit qualifications for training awarded by other bodies or persons, inquire into the provision of training programs outside the Territory and arrange for the provision of similar programs which the Authority considers should be provided in the Territory, promote the provision and undertaking of training programs, promote equity in access to training opportunities, keep under review the adequacy of training programs and their implementation, supervise general"-y the adequacy of training programs and their implementation, supervise generally the theoretical and practical training, keep under review the adequacy of facilities provided at institutions concerned in the provision of training programs, assess whether by examination or otherwise, the competency of persons who undertake training programs, issue, or arrange for the issuing of, certificates to persons who complete training programs, advise the Minister on matters relating to training in the Territory, inquire into and provide advice to the Minister on matters referred to the Authority by the Minister in relation to training in the Territory.

3. Term and Power of Appointment

A member of the Authority other than the Director of CIT shall be appointed in writing as a full-time member or as a parttime member and holds office for such period not exceeding 5 years as is specified in the instrument of appointment.

4. Gender Breakdown

5 Males, 1 Female and 4 Vacancies

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5. Remuneration Mechanism

Chairperson - Specified Office - Rate of fee per them - $262 (from 15.8.91) - Remuneration Tribunal det No 26 of 1991 refers.

Member - Non-Specified Office - Rate per them - $194 (from 15.8.91) - Remuneration Tribunal det No 22 of 1991 refers.

Travel Allowance (for Chairperson and Members) -Sydney - $230; Capital Cities - $190; Other than Capital Cities - $145

6. Public Servants

Meetings of the Vocational Training Authority are serviced by one ASO 6 ($36132 - $41507) who would spend approximately 40% of his/her time on this function.

7. Publications

The Authority produces an Annual Report and an Annual Business Plan. These are distributed widely within the ACT Government Service and the education and training sector in the ACT and nationally. Costs of production in 1991 were $678 (1990/91 Annual Report) and $1330 (1991/92 Annual Business Plan).

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ACT Accreditation Agency

1. Present Members

Prof H Hyland Independent Chairperson expires 31/5/93
Ms D Summerhayes Private Training
Representative expires 31/5/93
Dr S F Humphrey Outside ACT Representative
with CIT experience expires 31/5/93
Mr C McDonald Union Representative expires 31/5/93
Mr C Klimek Union Representative expires 31/5/93
ms J Colwill Employer Representative expires 31/5/93
Dr J Grant ACT Higher Education
Representative expires 31/5/93
Ms M Kinsman CIT Representative expires 31/5/93
Prof M Reynolds VTA Representative expires 30/9/95
Mr W Monaghan Employer Representative Expires 31/5/96
Director,
Education Policy Department of Education and
Training Representative

2. Terms of Reference
To accredit courses offered by the CIT, private providers of vocational education and training and training courses offered by industry and the public service.

3. Term and Power of Appointment
Appointed by Minister for maximum of three years.

4. Gender Breakdown
7 Males - 4 Females

5. Remuneration Mechanism
Sitting fees where appropriate $234 per day (chair), $189 (member) -Category 2. Remuneration Tribunal rates.

6. Public Servants
The ACT Accreditation Agency is serviced by a full time staff of three and comprises:
a director at SOG B salary $54471;
two ASO 5 positions, one at $34502, due for an incremental raise in June 1993 of $972 and one at $33456, due for an incremental raise in February 1993 of $1046.

7. Publications
No publications are produced by the Agency. The estimated cost of promotional material for the current financial year is approximately $2000.

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Ministerial Advisory Council on Public Education (MACPE)

1. Present Members

Ms D Mildern Chair Expires 11 Oct 95
Ms F Dargavel Member Expires 11 Oct 95
Dr M Fleer Member Expires 11 Oct 95
Dr R Gerritsen Member Expires 11 Oct 95
Mr R McCulloch Member Expires 11 Oct 95
Dr S Ryan Member Expires 11 Oct 95
Mr C McDonald Trades
and Labour Council Expires 11 Oct 95
Ms M Hird ATU Expires 11 Oct 95
Ms W Coutts ATU Expires 11 Oct 95
Mr T Cobbold ACT Council of P&C Expires 11 Oct 95
Mr R Dalton ACT Council of P&C Expires 11 Oct 95
Ms T Payne School Board Forum Expires 11 Oct 95
Ms C Machan ACT Student
Representative
Council Expires 10 Dec 93
Ms M Walshaw Canberra Preschool
Society Expires 11 Oct 95

2. Terms of Reference
To report to the Minister both broad and specific policy advice on longer term priorities in ACT government schools.
To advise on such matters affecting government schools as the Minister may refer to the Council from time to time.

3. Term and Power of Appointment
Members of the Council are appointed by the Minister for a period of up to three years and are responsible and accountable to the Minister.

4. Gender Breakdown
5 Male - 9 Female

S. Remuneration Mechanism
The chair of the Council receives a sitting fee, under the Remuneration T--ibunal Act 1973, as determined by rates established by the Remuneration Tribunal. Members of the Council do not receive payment.

6. Public Servants
Two public servants service the Advisory Council on a part-time basis. A SOG B (salary $53,403) spends 2 hours per week and an ASO 6 (salary $35,424) spends 4 hours per week.

7. Publications
No publications are produced by the Council.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 365.

Government Schools - Average Per Student Costs

MR CORNWELL - asked the Minister for Education and Training on notice on 14 October 1992:

Further to your reply to question on notice no. 7, what was the average cost per student in 1991-92 at ACT Government (a) primary schools; (b) high schools; and (c) colleges.

MR WOOD - the answer to Mr Cornwells question is:

The estimated average cost per student in 1991--92 in ACT government schools was:

(a) Primary $4,290 per student
(b) High $5,290 per student
(c) College $5,730 per student

The estimated average cost per student comprises those costs included in AEC returns as follows

- salaries;
- building operations and general maintenance;
- payments to schools;
- payments on behalf of schools (eg utilities);
- building construction;
- grounds development; and
- any rental revenue.

Costs excluded include evening colleges and community use.
Average costs for all sectors except colleges fell in 1991-92. Attached is a brief explanation taken from the Departments 1992 Data File.

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Section 4: Expenditure on Public Schools

Expenditure on schooling in the Australian Capital Territory is expected to grow by only 1.59 per cent in 1992-93. This movement is in keeping with the ACT Governments overall budget savings strategy.

Expenditure on ACT public schools is estimated to grow by 1.77 per cent with growth restricted to the salaries area. Other areas are expected to decline overall. Expenditure O-Li non-govemment schooling ;-Vill grow slightly, by 0.93 per cent, with decreases in the salaries and administrative areas. The grants to schools area will grow by 1.98 per cent.

The ACT public education sector budget base underwent changes during the 1991-92 financial year. Funding was transferred to the Corporate Services Bureau for the personnel, staffing, computing, registry and other functions previously included in the Departments budget. This amounted to $4.5 million, or approximately $106 per student. Other functions were transferred to the Chief Ministers Department, involving a further $0.5 million.

The full-year effects of budget strategy savings in the 1990-9f budget also contributed to the general decrease in per student expenditures. This decrease was in the order of $0.8 million.

Other influences on the general decrease in expenditures include the removal of one-off funding of minor plant and equipment and a backlog of repairs and maintenance expenditure in 1990-91.

The net effect of these budgetary changes has been to show per student costs as lower than in previous years.

Per Student Costs 1990-91 and 1991-92

Sector 1990-91 1991-92

P.-esciiools 1,990 Primary 4,380 High Schools 5,460

Colleges 5,640

1;950 4,290 5,290 5,730

While expenditure has decreased in the preschool, primary and high school sectors several sectoral features have combined to increase per student expenditures in colleges.

The college sector has only 17 per cent of enrolments, but also has the highest proportion of Advanced Skills Teachers (over 35 per cent).

Capital is a highly variable factor of per student costs and the decrease in capital expenditure was less in colleges than in the other two sectors. The difference between the sectors in the 1991-9y_ financial year has combined with the effects mentioned above to impact markedly on the inter-sectoral results

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 410

Woden Valley Hospital - MediLINC Software Package

Mrs Carnell asked the Minister for Health:

In relation to Unisyss MediLINC work -

(1) Was this work approved by the Chief Ministers Consultancy Review Committee.

(2) What was involved in this consultancy and is it on-going.

(3) What steps were followed in putting this consultancy opportunity out to tender.

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

(1) The MediLINC work undertaken by the Unisys contractor, was on a time and materials basis as an extension to Healths software support arrangements with Unisys, and was not approved by the Chief Ministers Consultancy Review Committee.

(2) MediLINC is a proprietary product of Unisys Australia and is a software package that supports the Patient Administration functions of Woden Valley Hospital. The work was initiated to assist the merging of the two (2) public hospitals by modifying the MediLINC software to reflect the new principal hospital. The contractors work was completed at the end of May 1992.

(3) Because of the proprietary nature of the MediLINC software package, it was inappropriate to seek tenders from organisations or individuals not associated with Unisys.

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Legislative Assembly Question No. 441

Police Force - Recruitment and Training Costs

Mr Humphries: To ask the Attorney General - In relation to training of ACT Police Officers in each of the last two financial years

(1) What has been the total cost to the Government to (a) recruit, (b) kit out and (c) train police officers to basic level.

(2) What is the total cost, including meals, to the Government to accommodate new members at the residential Barton College over the 16 week course period.

Mr Connolly: the answer to Mr Humphries question is as follows:

(1)(i) As the recruitment, kitout and training of new members to the Australian Federal Police (AFP) is a national responsibility the costs are met by the Commonwealth. In providing police services to the ACT, the AFP provides fully trained and equipped officers and charges the Government for them on the basis of a personal unit cost (Paragraph (2) (b) of Schedule C of the Commonwealth/ACT Policing Arrangement refers. Schedule C figures are now out of date but the charging principles are the same).

(ii) The AFP did not conduct training courses for new members during the 1991/92 financial year.

(2) See 1 above

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 478

**Department of Education and Training -
Financial Statements**

MR CORNWELL: - asked the Minister for Education and Training on notice on 10 December 1992:

In relation to the Department of Education and Training Annual Management Report 1991-92, and its financial statements
(1) At page 106, point 13 (Other Revenue) what were the miscellaneous items and why is there such a difference in revenue between 1990-91 ($167,531) and 1991-92 ($94,111).

(2) At page 107, point 16 (General Overhead Expenses - Schools) (a) why is there a decrease between security expenses between 1990-91 ($329,704) and 1991-92 ($314,314) and (b) why is there such a difference between other expenses between 1990-91 ($1,336,898) and 1991-92 ($612,946) and what were these other expenses.

MR WOOD: - the answer to Mr Cornwells question is:

(1) The miscellaneous items included in the Other Revenue item on page 106, point 13 are furniture sales, publications sales, sale of curriculum material, consultancy services, professional development courses, administrative costs from operating specific purpose programs, supervision of ASAT tests, and others income.

The main difference in the amounts from 1990-91 to 1991-92 is that in 1990-91 the net income from full fee paying students was included in this item. In 1991-92, receipts and payments from this source are included in the statement of restricted funds on page 116 of the report.

(2)(a) The difference in the security item included in the General Overhead Expenses - Schools item on page 107 from 1990-91 to 1991-92 is due to savings achieved by the Department through the revised contract arrangements for the maintenance of intruder security systems.
(b) The difference in the other expenses item in the same category, from 1990-91 to 1991-92, reflects the one-off payment in 1990-91 for removal of hazardous materials from schools. The expenses included in the item are pest control, hire of sanitary disposal units, translating and interpreting services, Birrigai salaries, therapy pools, Pine Ridge Farm, isolated establishment allowance, sundry debtor expenses and recoveries, special swimming classes, copyright charges, correspondence lessons, Theatre in Education, and rent.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 479

School Based Management Program

MR CORNWELL - asked the minister for Education and Training on notice on 10 December 1992:

In relation to the trial of school-based management in a number of ACT schools (Department of Education and Training Annual Management Report 1991-92, page 40
(1) Which schools by name are involved in the trial.

(2) When is it anticipated the trial will be completed.

(3) Will copies of the results be available to interested Members.

MR WOOD - The answer to Mr Cornwells question is:

The Department of Education and Training is working through the details of implementation of a trial school based management program. Until the details are finalised, the trial, as mentioned in the Annual Management Report, will not go ahead in 1993 as planned.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 481

Capital Golf Course Development
Betterment Premium

Mr Moore - asked the Department of the Environment, Land and Planning
(1) How much betterment tax was charged on the variation on the Crown lease of Block 13, Section 100, Narrabundah (Capital Golf Course).

(2) What would have been the revenue to the Government had 100% betterment tax been levied.

Mr Wood - the answer to the Members question is as follows:
(1) & (2) A variation to the Crown lease of Block 13, Section 100, Narrabundah has not yet been approved. Neither has the processing of the lessees application reached a stage where it is possible to determine the amount of a betterment premium.
I am therefore unable to be more specific at this stage, about the amount of revenue likely to be generated should the proposal proceed.

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION No 482

ACTION - Stop Work Meetings

Mr Westende asked the Minister for Urban Services:

(1) Can the Minister reveal the outcome of the discussions held during the recent stop work by ACTION bus drivers.

(2) Is the Government still on course with its ACTION cost saving target of $10 million over the next three years.

(3) Can the Canberra public anticipate further inconvenience through stop work action by drivers over negotiations to make the bus service more efficient

(4) Is it necessary for all the ACTION employees to stop work for negotiations with the employer. Is not this the role of the union.

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

(1) The specific issues discussed at the stop work meeting are matters for the Transport Workers Union. Consultative ACTION Budget Working Parties were established at my instigation and have been meeting to investigate measures to achieve ACTIONs cost savings. It is understood that the stop work meeting provided the driver representatives with a mandate to discuss various issues within the Budget Working Parties deliberations.

(2) Yes. The Government remains committed to the cost saving target for ACTION.

(3) Some minor inconvenience may occur if union and management agree that a further meeting of all drivers is necessary to advance the savings issue. Should such a meeting be necessary it would be held to ensure minimum inconvenience to the public.

(4) The Government is committed to proper consultation and where major changes are involved all staff may need to be briefed consistently and accurately. This is negotiated with the union. The distribution of staff across the three depots and the problems of availability created by shift work make any other approach labour intensive and less reliable for the accurate dissemination of information to employees.

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 483

ACTION - Cost Reductions

Mr Westende - asked the Minister for Urban Services:

(1) In view of the revelations recently about the huge overspend on overtime for ACTION bus drivers what action has the Minister taken to ensure that there will be no further excesses in overtime.

(2) Will ACTION be providing counselling services to drivers who are reported to be suffering from low morale due to the Governments supposed action to reduce costs and will the Government remain firm in its resolve to continue its program of cost reductions with ACTION buses.

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

(1) There has been no huge overspend in overtime for ACTION bus drivers. ACTION is expected to come in on budget for the 1992/93 year.

(2) The Government does not accept that there is low morale in ACTION. We have approached these necessary reductions in ACTIONs subsidy in a consultative manner. As part of this process ACTION has hired an Industrial Relations facilitator jointly chosen by union and management. This facilitator is assisting unions and management in identifying areas where savings can be made.

The Government recognises that in any large organisation like ACTION, staff and their families may have problems they need to discuss. To this end ACTION has for several years provided all employees and their families free access to professional counselling through the Employee Assistance Service ACT Limited

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MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION

QUESTION 486

Cardiac Bypass Pumps - Purchase and Disposal

Ms Szuty - asked the Minister for Health:

In relation to a recent article in the Canberra Doctor that after 1978 a cardiac bypass pump was purchased by the then ACT Health Commission

1. Was such a pump and associated equipment purchased according to ACT Health Authority records; if so (a) where was it stored; (b) what has happened to the pump and equipment; (c) when did the pump and equipment disappear from stock inventories and (d) what efforts have been made to locate the pump.
2. What is the current cost of purchasing a bypass pump and associated equipment.
3. If there is no record of such a purchase, will the Minister take the matter up with the Canberra Doctor.

4. If the ACT Government can ascertain that the pump did exist, and that it had been taken without authorisation, would the Government then seek compensation from the Federal Government, which had the responsibility at the time to administer the ACT health system.

Mr Berry - the answer to Ms Szutys question is:

1. Seams bypass pumps and associated equipment were purchased for Canberra Hospital in 1969. The pumps were to be mounted on a stainless steel trolley manufactured by the Hospitals Instrument Workshop. Work on the project was halted by direction of the then Clinical Superintendent, Dr Frank McGarn

(a) The equipment was initially stored in the Instrument Workshop Storeroom at Canberra Hospital. Some years later, it was moved to Mitchell.

(b) It is believed that this equipment was disposed of in accordance with Commonwealth "Board of Survey" guidelines in approximately 1975. Accounting documentation, including asset and disposal records is only retained for seven years and records for this period are therefore no longer available.

(c) See l(b).

(d) See l(b).

2. To undertake cardiac surgery with todays standard of medical technology would require an investment of approximately $240 000. This would purchase the main cardiac bypass pumps, backup pumps, heater/coolers and monitors.

3. There is no reason to believe that the Seams cardiac bypass pumps were not purchased and later correctly disposed of. Accounting records from the period in question are not available.

4. No further action is required.

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 487

Bicycle Helmets Legislation
Non-Compliance Statistics

Ms Szuty - asked the Minister for Urban Services: In relation to the compulsory wearing of bicycle helmets

(1) How many people have been cautioned about the non-wearing of bicycle helmets since the wearing of helmets became compulsory.
(2) How many people over the age of 16 have been fined for non-compliance with the helmet law.
(3) How many children and young people under the age of 16 have been fined for the offence of not wearing a helmet while riding a bicycle.
(4) How many of the above had not paid their fines by the due date.
(5) How many of the above have yet to pay their fines.
(6) What course of action is open to police and authorities to pursue fine defaulters.
(7) Is the same course. followed for over 16s and under 16s.
(8) Given the Ministers justification for compelling adults to wear helmets included the need for adults to provide an example for children and young people, can the Minister provide examples of other legislation which regulates the behaviour of adults specifically for the purpose of providing an example to children.

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

(1) Statistics on the number of people cautioned for failure to wear cycle helmets are not maintained by the ACT Region of the Australian Federal Police.

(2) Nineteen people over 18 years of age have been fined for non-compliance with the cycle helmet law. The age of 16 years has no relevance to the cycle helmet legislation as Traffic Infringement Notices (or on-the-spot fines) are only issued for offenders over 18 years of age.

(3) None.

(4) & (5) Not applicable.

(6) The course of action open to Police and authorities is exactly the same as for Parking Infringement Notices and other Traffic Infringement Notices. If the offender fails to take any action (Ie pay or dispute the fine) within 28 days of receiving an infringement notice, a letter is sent advising of further action. The offender is given a further 14 days to pay the original fine plus an administrative charge of $25 to cover processing costs. Should the offender fail to pay the total amount owed, suspension of licence, registration or the fight to drive in the ACT will follow. All outstanding penalties have to be paid before a licence or registration can be re-instated.

(7) No. For offenders under 18 years of age, the Police have the option to issue a summons for the offender to appear in court. Offenders who are 18 years and over are issued with a Traffic Infringement Notice.

(8) Compelling adults to wear helmets to set an example to children was a very minor factor in legislating for adults to wear helmets. The major reason in compelling adults to wear helmets was the overwhelming evidence that the wearing of helmets reduces the risk of death or serious injury for all cyclists, regardless of age. One could suggest that many other laws that apply to both adults and children have the inferred effect of adults setting a good example to children. However, in most cases, and certainly in the case of the compulsory wearing of bicycle helmets, the primary purpose of the law is to regulate the behaviour of adults and children for the good of the individual.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 488

Medium Density Housing
Development - Charnwood

Ms Szuty - asked the Minister for the Environment, Land and Planning -

In relation to the medium density housing development located at Block 10, Section 17, Lhotsky Street, Charnwood -

(1) Is the Minister satisfied that this development conforms to existing design and siting guidelines.

(2) Is the ACT Planning Authority aware that the bathroom window of one of these medium density dwellings fronting Lhotsky Street is less than 700 millimetres from the footpath.

(3) Why was planning approval given for such a minimal setback for this unit from the footpath.

(4) Will the builder be required to provide screening for the bathroom window in question.

(5) Is the Minister aware of other examples of minimal setbacks approved for medium density developments.

(6) If yes, what are these examples.

(7) What action will the Minister take which will prevent such minimal setback provisions being implemented in the future.

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

(1) Yes. Neither the Development Conditions for the block in question nor the standard Design and Siting Controls for Town House Blocks require the building to be set back from the street frontage. Building on, or close to, front boundary is therefore permitted

(2) Yes.

(3) Easements,for drainage and gas supply were a major constraint on the design of the complex. It was possible to build a unit forward of the main east-west easement unless it was positioned close to the front boundary. The ACT Planning Authority considered this to be acceptable as the only adjacent development was commercial , and because it was desirable to seek a maximum use of the site due to its proximity to the Charnwood group centre and public transport.

(4) No. The window is obscure glass, and I am advised that the unit has been sold.

(5) 1 understand that there are other examples of minimal setbacks for medium density developments, particularly adjacent to commercial centres.

(6) 1 do -not have a full list, but examples would be at Sections 59 and 184 Belconnen (Enterprise Zone) and .Sections 158 and 159 Phillip (Woden East).

(7) None. There will continue to . be occasions when minimal setbacks from property boundaries are appropriate.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
FOR THE AUSTRALIAN CAPITAL TERRITORY**

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 494

Rental Bonds Office - Costs and Interest

MR CORNWELL - Asked the Minister for Housing and Community Services upon notice on 17 December 1992:
In relation to the Office of Rental Bonds -
(1) How many staff were employed at the Office of Rental Bonds at 30 June 1992.
(2) What was the cost of salaries to 30 June 1992.
(3) What were the administrative costs to 30 June 1992.
(2) What was the interest generated to 30 June 1992.

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

(1) Seven staff were employed at the Office of Rental Bonds at 30 June 1992.
(2) The cost of salaries for the financial year to 30 June 1992 was $237,875.
(3) The administrative costs for the financial year to 30 June 1992 were $207,019. The breakdown of these costs is as follows:
Accommodation $20,624
Other Operating Costs $86,812
R&M P&E $99,583
Total $207,019
(4) The interest generated to 30 June 1992 was $486,630.13.

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MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION No 498

ACTAID Pty Ltd - Financial Statements

Mr Cornwell - asked the Minister for Education and Training on notice on 17 December 1992:

In relation to the Ministers recent statement on the purchase of shares in ACTAID Pty Ltd and the additional information that the company recorded a turnover of $1.96 million in 1991

(1) Could a copy of the separate accounts and financial statements of ACTAID (ACT TAFE Annual Report 1991, Appendix 7, page 9) be made available.

(2) Why were these financial details not published separately in the Annual Report instead of being part (,f the consolidated statements.

Mr Wood - the answer to Mr Cornwells question is:

1) ACTAID Pty Ltd prepared and had audited, financial statements for the financial year 1990/91, and for the six monthly period I July to 31 December 1991. The latter period was a transitional one to allow alignment with the calendar reporting period of the Institute.

These financial statements, together with unqualified reports from the Auditor General of the ACT, were lodged with the Australian Securities Commission in accordance with the Australian Corporations Law.

Copies of the financial statements for both periods have been provided to the Member or his perusal.

2) ACTAID Pty Ltd is a company incorporated under the authority of the Australian Corporations Law, and prepares its annual reports in accordance with that law.

There is no requirement under the Audit Act 1989 or any other ACT legislation to report ACTAIDs annual financial statements separately in the annual report of the Institute, and the Institute has to bear in mind the commercial-in-confidence nature of detailed annual reports from this commercial subsidiary. Nonetheless, there are statutory requirements for the Institute to produce and publish a consolidated set of audited financial statements, and this obligation is fulfilled

MINISTER FOR THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 499

Rock Concert Grants

Mr Cornwell asked the Minister for the Arts

(1) In 1991 and 1992 how many rock concerts were subsidised by the (a)ACT Government or (b) ACT Arts Grants Program

.(2) How much was the subsidy in each case

(3) If no rock concerts were subsidised, why not.
Mr Wood the answer to the Members question is as follows:
(1) (a) Three grants were given to subsidises rock concerts in 1991 through the ACT Government; six in 1992.
(b) No grants were given in 1991 through the Arts Grants Program; one in 1992

(2) Grants were made as follows:
ACT Government
1991
1991 ACT Battle of the Bands 3,500 (YORAD)
Metal for the Brain 2,500 (Impact)
Rock Eisteddfod 1991 25,000 (HPF)
1992
Top-up to ACT Battle of the Bands 680 (YORAD)
Metal for the,Brain 11 2,500 (Impact)
Winter Rock Review 1,450 (Impact)
Alec Hurley Benefit Concerts 5,000 (HPF)
Rock Eisteddfod.1992 25,000 (HPF)
1992 ACT Youth Centres Battle of 7,000 (SE&F)
the Bands
Arts.Grants Program
1991
nil:
1992
Graham Eagar free concert project 2,OOG
YORAD: Youth Organisation-Resea rch-and Development.
Grants Program
Impact: IMPACT Grant,Program
HPF:. Health Promotion Fund
SE&F Special Events.& Festivals

(3) Each of the grant programs listed above responds to applications. Each program has different objectives and criteria and considers applications against these. Grants are awarded on merit on the basis of applications received..

In addition to direct subsidy to rock concerts, both the Impact and the Arts Program grants assist young rock musicians through assistance to groups to make demonstration tapes.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE NO. 500

Personal Development Program for Boys

Mr Cornwell - asked the Minister for Education and Training on notice on 17 December 1992:

In relation to the publication Personal Development Program for Boys [40OA4 10/91 (92/1542)]

(1) How many (a) high schools and (b) primary schools, by name, have used the program.

(2) Is it intended to extend use of the program to other high schools and primary schools; if so, when; if not, why not.

Mr Wood - the answer to Mr Cornwells question is:

(1) (a) Three high schools, Stromlo High School (Weston Creek Campus), Lyneham High School and Charnwood High School, have used the program.

(b) Three primary schools, Flynn, Aranda and Fadden, have used the program in a form modified for primary schools

(2) Extensions of this program are expected as follows.

In 1993, teachers at two more schools, Alfred Deakin High School and Charnwood Primary School, will introduce the program to their schools.

A two day inservice has been planned for March 1993, and one male -teacher from each high school in the system will be invited to attend. This will very likely result in a number of other high schools undertaking the program in 1-91)3.

Adaption of the current program for use in primary schools has been done on an ad hoc basis by the primary teachers who have used it to date. Two primary teachers have received a curriculum grant to modify the program for primary students in 1993 and to devel,op an integrated primary program suitable for both boys and girls. This w3.11 facilitate the use of the program -Ln the primary sector.

Further extension of the program across the system would be difficult because of the high level of resourcing required.

The program and educational outcomes are still to be reviewed and evaluated.

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEM13LY QUESTION

Question No 503

Secretary of the Department of the Environment, Land and Planning - Sexual Harassment Complaints

MIR STEVENSON - Asked the Minister for the Environment, Land and Planning upon notice on 16 February 1993.

(1) Have any claims or complaints of sexual harassment or offensive behaviour, discrimination or other allegations been made against the Secretary of the Department of the Environment, Land and Planning; if so (a) how many claims or complaints; (b) how was each evaluated; (c) was the Departmenf s Secretary spoken to about any such matter and (d) what was the outcome or action taken.

(2) Does the Minister plan to initiate an investigate on these or any related matters. If no, why not.

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

(I and 2) 1 have not received any complaints about the Secretary of the Department of the Environment Land and Planning on any of the matters listed. There was one matter relating to an incident last year that I discussed with the Secretary, and while I do not propose to detail a confidential conversation, I am satisfied that due processes have been followed to a satisfactory conclusion.

More generally, the Chief Minister made the Governments position clear about sexual harassment when she responded to a question on 17 November 1992 in the Assembly from Mr Moore, and said that if a formal complaint of sexual harassment was lodged it would be handled quickly and using the same processes as are used for public servants. This remains the case.

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16 February 1993

Legislative Assembly Question No. 509

Police Force - Child Interview Guidelines

Mr Humphries: To ask the Attorney General - What guidelines are employed by the Australian Federal Police in the interviewing of children (other than suspects) under the age of fourteen years, especially alleged child victims of sexual assault.

Mr Connolly: The answer to Mr Humphries question is as follows:

Guidelines for the interviewing of children under 18 years of age are set down in Australian Federal Police (AFP) General Instruction 13 and AFP ACT Regional Instruction 15/91. There are no guidelines which specifically relate to the interviewing of children under the age of fourteen years or to child victims of sexual assault.

Children who have allegedly been the victim of sexual assault or of child abuse are interviewed in discrete premises away from police stations by members of the AFP Sexual Assault and Child Abuse Unit. Such interviews are normally recorded by audio and/or video recording to lessen the time that the child is interviewed, thereby minimising trauma to the child.

Paragraph 7 of ACT Regional Instruction 15/91 specifically
relates to the interviewing of children as witnesses and states:

7. (1) Where a member has cause to interview a child for the purposes of obtaining a statement in connection with a "serious offence" the member shall ensure that:-

(a) a parent of the child;
(b) a relative of the child acceptable to the child; or
(c) a barrister or solicitor acting for the child or some other appropriate person acceptable to the child

is present before interviewing the child in respect of an offence, or causing the child to provide a statement in relation to an offence.

(2) Where a person nominated in the class of persons listed in sub-section 7(1) is the subject of an investigation into an alleged offence, or is connected with the investigation in such a manner as to make his/her presence inappropriate in the circumstances or is not able to be present within two hours, after being requested, then the Duty Superintendent shall be contacted

.

(3) The Duty Superintendent shall:-

(a) speak with the child before the interview and satisfy himself or herself that it is not practicable to have a category of person listed in sub-section (1) present;

(b) explain to the child the procedures to be followed in taking of statements and the likely outcome of providing a statement;

(c) ensure that a Sergeant, not involved in the investigation, is present during the interview; and

(d) at the conclusion of the interview speak with the child ensuring the propriety of the interview.

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16 February 1993

ACT REGION

Regional Instruction 15/91

Children

This Instruction is to be read in conjunction with General Instruction 13.

2. This Instruction relates to the procedures to be followed where a child is in need of care or is taken into restraint pursuant to the provisions of the Childrens Services Act 1986.

Definition

3. A child is a person who has not attained the age of 18 years.

4. A serious offence is any offence which is subject to a term of imprisonment which exceeds 12 months.

Child in Need of Care (refer to S.71 Childrens Services Act 1986)

5. Where a member decides that a child is in need of care, that member shall:

a. consider whether the circumstances are such that action should be taken immediately to safeguard the welfare of the child;

b. where a decision is made to take action, take the child into custody and place the child in a shelter (Quamby and Merrimead), approved home (Outreach, Hackett House or Doctor Banardos) or a hospital;

c. notify the Youth Advocate (24hr service Ph. 247 8722) of the name and age of the child, the name of the place the -child was lodged, the time the child was taken into custody and any other information that the Youth Advocate requires;

d. take all reasonable steps to cause a parent of the child to be notified of the same information given to the Youth Advocate regarding the child;

e. attend at any meetings, conferences or court proceedings concerning the child as required by the Youth Advocate;

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f. supply any statements, documents or other evidence in relation to the child that the Youth Advocate requests;

g. complete 3 copies of an arrest sheet and forward 2 copies to the Criminal Information Management Branch with a copy of any other paperwork in relation to the matter; and

h. attach the third copy of the arrest sheet to the brief of evidence and forwarded to the OIC City District Police Station, Patrol Branch for the attention of the Sergeant in Charge, Juvenile Aid Bureau, for transmission to the Youth Advocate.

6. At times members may become aware of children who may not fall within the criteria established by the Childrens Services Act 1986, but are nonetheless apparantly at risk. Where these situations arise, members shall submit a report through normal channels outlining the circumstances, to the Sergeant in Charge, Juvenile Aid Bureau. This measure will ensure that the child will receive the attention of the Youth Advocate.

Interviewing Children as Witnesses

7. (1) Where a member has cause to interview a child for the purposes of obtaining a statement in connection with a serious offence the member shall ensure that:

(a) a parent of the child;
(b) a relative of the child acceptable to the child; or
(c) a barrister or solicitor acting for the child or some other appropriate person acceptable to the child

is present before interviewing the child in respect of an offence, or causing the child to provide a statement in relation to an offence.

(2) Where a person nominated in the class of persons listed in sub-section 7 (1) is the subject of an investigation into an alleged f, offence, or is connected with the investigation in such a manner as to make his/her presence inappropriate in the circumstances or is not able to be present within two hours, after being requested, then the Duty Superintendent shall be contacted.

(3) The duty Superintendent shall:

(a) speak with the child before the interview and satisfy himself or herself that it is not practicable to have a category of person listed in sub section (1) present;

(b) explain to the child the procedures to be followed in taking of statements and the likely outcome of providing a statement;

(c) ensure that a Sergeant, not involved in the investigation, is present during the interview; and

(d) at the conclusion of the interview speak with the.-child ensuring the propriety of the interview.

Criminal Proceedings

8. Where a member commences criminal proceedings against a child, that member shall:

a. place the child under restraint;

b. take all reasonable steps to cause a parent of the child to be notified;

c. where the member is not an authorised member under the Childrens Services Act 1986, notify an authorised officer;

d. ensure that:

i. a parent of the child;

. ii. a relative of the child acceptable to the child; or

iii. a barrister or solicitor acting for the child or some other appropriate person acceptable to the child,

is present before interviewing the child in respect of an offence or causing the child to do anything in connection with the investigation of an offence;

e. where none of the persons in sub-section (d) can be present within 2 hours after being requested, ensure that another person (who may be a police officer) who has not been concerned in the investigation of the offence, is present;

f. make a decision whether to prosecute or not;

g. consider whether a summons would be effective before deciding to summons or arrest;

h. obtain the consent of an authorised officer to initiate a prosecution whether by summons or arrest;

i. where consent is not given, release the child

j. where consent is given, obtain the Evidentiary Certificate from the authorised officer and attach it to the brief of evidence; and

k. where the child is charged with an offence, advise a parent of the child of the charge and the time and place of the childs appearance at Court.

Drunkenness

9. Where a child is taken into custody for drunkenness members should take the following steps:

a. Notify the Duty Superintendent of the matter.

b. Contact the parents of the child and have them attend at the police station and take custody of the child.

c. If the parents attend as in b. above, submit a field report of the circumstances.

d. If the parents are unable to be contacted or cannot or will not attend then lodge the child in custody under the direction of the Watch House sergeant.

e. If d. above applies submit a field report of the circumstances containing the reason for lodging in custody.

(Brian C. BATES)
Assistant Commissioner

8 April 1991
ACT REGION

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