



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 March 1993

Tuesday, 23 March 1993

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Tuesday, 23 March 1993

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

PETITION

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

By **Mr Moore**, from 803 residents, requesting that the Assembly create landlord-tenant legislation that addresses fair rent, lease agreements and security of tenure.

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

Landlord and Tenant Legislation

The petition read as follows:

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

The petition of residents and the lessees of Campbell Shopping Centre draw to the attention of the Assembly the following concerns:

- . That the livelihood of the lessees of the Campbell Shopping Centre and the continuation of this local shopping centre, including Pharmacy, Supermarket and Restaurant, is being threatened by the actions of the landlord.
- . The petitioners draw your attention to the fact that the pharmacy services the St. Vincent de Paul Aged Home and the general ageing population in Campbell.

Your petitioners therefore request the Assembly to:

Create Landlord/Tenant legislation that addresses fair rent, lease agreements and security of tenure.

Petition received.

QUESTIONS WITHOUT NOTICE

Quarterly Financial Statement

MR KAINE: I would like to direct a question to the Chief Minister and Treasurer. Chief Minister, we are now almost at the end of the third quarter of this current fiscal year. Will you indicate when you will be publishing the quarterly financial report for the period ended 31 December, as required under the Audit Act?

MS FOLLETT: Madam Speaker, I thank Mr Kaine for the question. It is becoming a bit of a perennial. I can advise Mr Kaine that that report went across my desk yesterday and it will be published as quickly as it possibly can be. It is normal for that report to be published as a *Special Gazette* and members will be provided with a copy as a courtesy, as is usually the case.

MR KAINE: I have a supplementary question, Madam Speaker. As the Chief Minister noted, this is more than a perennial. It happens every quarter. I wonder how the Chief Minister defines the words "as soon as possible" in the Audit Act. Is that three months, or six months, or nine months, or whenever the Leader of the Opposition asks for it?

MS FOLLETT: The Act itself does not define that, Madam Speaker. It is done as promptly and as efficiently as Treasury resources allow.

Laboratory Assistants - Industrial Dispute

MS ELLIS: My question is directed to the Minister for Education and Training. Can the Minister advise the Assembly of the current situation regarding the laboratory assistants dispute?

MR WOOD: Madam Speaker, there has been a dispute for some time - far too long, I say - concerning laboratory assistants, with the effect that practical science classes have been quite severely disrupted in some of our high schools and colleges. I might point out that not all high schools and colleges are affected. There is now a process under way to resolve the dispute. Despite the offers that the department had made, it became apparent that there was not going to be an agreement between the union and the department, so a dispute was lodged with the commission. That was heard, first up, last Thursday, and is due to come before the commission again on 1 April. That formal dispute resolution process is under way. As part of the commissioner's statement, he strongly urged the union to consider lifting the bans. Therefore I was delighted to hear on radio this morning that the union said that they would lift the bans. Unfortunately, that was not quite an accurate statement because the lifting of the bans remains conditional on certain things - conditions that I do not know that we can meet and that should not have been imposed, in my view, ahead of that process getting under way on 1 April. I am quite disappointed that in the period between now and 1 April the bans are not lifted. Students are being affected quite considerably by this time, and that is highly unfortunate. I am sure that we all, including the laboratory assistants, who are fine and honourable people, would want to look after the welfare of students. I hope that they will review the advice they have given to the department this morning and that they will lift the bans ahead of that process. The only place that that process can occur is in the Industrial Relations Commission.

Laboratory Assistants - Industrial Dispute

MR CORNWELL: My question is also about the school laboratory assistants dispute, Mr Wood. I was interested to hear your answer. This first arose, Madam Speaker, in September this year in the Assembly.

Mr Wood: Last year.

MR CORNWELL: Last year, I am sorry. Thank you. It is now the eighth week of the 10-week first term of 1993. Why has the Government allowed this dispute to go on for so long? Secondly, did it have any deleterious effect upon students' science results in 1992?

MR WOOD: Madam Speaker, I am not aware that it had any deleterious effects last year. The ban was on and off again over a period towards the end of last year and it was only reimposed again this year. That is my memory of events. I am advised that there were no effects last year. Obviously, it is starting to impose difficulties this year because school has been under way for a long time. The department, under the guidance of the Government, has been working very hard to settle the issue. We have been going through the processes. We have made a number of offers. It is simply the case that they have not been accepted by the union and the demands that the union makes are not such that we can accept them. I repeat what I said before; that we must look at the students. They are the ones who are now in a more difficult situation, and I ask the union, at least in this next week, to lift the bans so that the process can be followed.

MR CORNWELL: I have a supplementary question, Madam Speaker. What steps will the Government take to compensate students for missing full tuition in accredited science courses, effectively, for term 1 of 1993?

MR WOOD: There are steps under way between the Board of Senior Secondary Studies, the department and schools to ensure that students are not disadvantaged in this dispute. We will work that through. It is the case that students are missing important work. Teachers are endeavouring to compensate for that as far as possible, but it is the case that students do miss. They will not be disadvantaged. It will be allowed for in all their assessments, but the ultimate factor remains that the union must, as we do, consider the interests of the students.

Yurrambannaylinga Children's Service

MR STEVENSON: My question is to the Minister for Urban Services, Terry Connolly. Is an organisation called Yurrambannaylinga Children's Service a tenant of premises at Collett Place, Pearce, which are known as the Pearce Community Centre and administered by the ACT Department of Urban Services? If so, would the Minister please advise the length of the tenancy and the weekly or monthly rental due under the tenancy agreement? Also, what is the total rent received, and is the rent in arrears? If so, what has been done to collect moneys due? As a small supplementary question, will the 30 phone books in the basement be recycled or thrown out with the rubbish today?

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MR CONNOLLY: I thank Mr Stevenson for notice of his question in relation to the child-care facility at Pearce. The Yurrambannaylinga child-care service was a tenant at the Pearce Community Centre from January 1992 to August 1992 through a licence agreement with the Territory. The agreement was between the service and the Territory, rather than with the community centre, as would be the usual situation, because when it was being prepared we were still setting up the Pearce Community Centre as an entity. Under the terms of the agreement, the licence fee was \$22,875 per annum, payable to the Pearce Community Centre. The Pearce Community Centre has advised that the total rent received by the centre from the Children's Service was \$12,056. That represents the full amount of rent for the period that they occupied the premises. They, I understand, were funded by the Commonwealth Aboriginal and Torres Strait Islander Commission program. They were a tenant, but they are no longer a tenant. They paid the full amount of the rent that was owed to the community centre during the period of the tenancy, and they have now severed the relationship, with no money owing.

In relation to the telephone books in the basement, I can assure Mr Stevenson that they will be recycled, yet again showing the way that this Government has recycling and environmentally aware programs to the fore, but it will not involve the sort of recycling that the Liberal Party tends to be favouring at a Federal and territorial level, and there will not be politicians in the big bins.

Canberry Fair Site

MR WESTENDE: My question without notice is directed to the Chief Minister in her capacity as Minister responsible for tourism. Has the Government given any consideration to the future use of the Canberry Fair site, bearing in mind the significance of the ghost town image as the first thing that tourists see when they enter Canberra from the north? Would the Government consider, for instance, operating it as a training centre for the hospitality and tourism industry? Alternatively, could the National Museum use it as a gateway promotion and maybe as an annex of the museum? Surely it should not be left as it is.

MS FOLLETT: I thank Mr Westende for the question. Madam Speaker, may I say to Mr Westende that I will get a full reply to him. I obviously need to consult with others of my Ministers on this matter. I agree with Mr Westende that it is a pity to see the Canberry Fair site derelict, apparently mouldering away. I am aware that there have been attempts made to sell it - successive attempts - but it does seem that a suitable purchaser has not come forward. I think that the difficulties that that business has had over the years probably do keep investors away from it. It has been a difficult site over many years. Madam Speaker, Mr Westende has made a range of suggestions as to possible uses for the site. I will investigate those uses that he has come up with. As I say, I need to consult, particularly with Mr Wood, as Minister for the Environment, Land and Planning, to ascertain exactly what are the conditions on that site at the moment, and I will do so.

Industrial Relations

MRS GRASSBY: My question is directed to the Deputy Chief Minister in his capacity as Minister for Industrial Relations. Would the Minister explain to the Assembly the Government's policy and strategy for guaranteeing industrial harmony in the ACT?

MR BERRY: I thank Mrs Grassby for the question. Madam Speaker, some significant steps have to be taken in order to achieve industrial harmony and much work has been done in the ACT to ensure that that end result is achieved. The first and most important step is to stop the Liberals from getting elected, and we have achieved that. The Liberals federally had promised to tear apart our industrial relations system and to create a system of industrial turmoil that has not been the case in Australia since the turn of the century. Having made sure that that will not happen, we have to now continue in the ACT to build on the strengths of the industrial relations system that has been developed over many years. I note that accord mark VII has been agreed and that will play a significant role in the development of industrial relations in this Territory because, as all members would appreciate, the Federal Industrial Relations Act will continue to have a great bearing on the way that we deal with industrial relations here in the Territory. Most importantly, it is a system which involves workers, unions and the Government in a process of conciliation.

I noted with interest, Madam Speaker, a newspaper article which talked about the New South Wales industrial relations system which, in my view, has plotted a course which will lead to considerable confrontation. According to *Inside Enterprise Bargaining*, a magazine which is circulated by employers, legislation in New South Wales has resulted in a whole range of agreements being filed with the New South Wales Industrial Registrar.

Mr Kaine: I take a point of order, Madam Speaker. I understood the question to ask the Minister what he intended to do. We have heard about the Feds. We are now hearing about New South Wales. When is he going to answer the question about what he will do? I draw his attention to the question of relevance.

MADAM SPEAKER: Thank you, Mr Kaine.

MR BERRY: It is entirely relevant. We are talking about winners and losers. If you create a system of winners and losers, which you propose and which you supported, we end up with the sort of situation which is developing in New South Wales. We have to ensure that that does not happen here in the ACT. That needs to be pointed out in the context of the development of an industrial relations system based on harmony. In New South Wales 42 per cent of agreements successfully registered were negotiated without union involvement. The article goes on to say:

Most non-union enterprise agreements do not indicate any wage rises, whereas most union agreements do. The non-union agreements tend to focus on cost-cutting measures such as eliminating penalty rates, whereas union agreements are more likely to contain long-term productivity initiatives such as developing work teams and training programs.

So there is the positive and the negative in both of those areas. What we see developing in New South Wales is a very clear pattern of haves and have-nots - one with skills and decent wages and working conditions and one where skills and wages and working conditions are being undermined by the haves and have-nots program. That is not the sort of system that we will support here in the ACT. Neither was it supported by the people of Australia when they decided to elect the Keating Government. Madam Speaker, the basis of harmony in industrial relations in the ACT will be the Federal Industrial Relations Act and, of course, it is only there because Labor won.

"Keep Left" Signs

MR DE DOMENICO: Madam Speaker, my question without notice is to the Minister for Urban Services, Mr Connolly. I remind the Minister that this Government rejected an amendment by Mr Westende regarding "keep left" signs. I ask the Minister: Is he aware of certain "keep left" signs that have been erected in Canberra since he rejected that amendment? When were the signs erected? Who authorised their erection? How much did they cost? What force in law do they have?

MR CONNOLLY: I congratulate Mr De Domenico on his elevation to be spokesperson for urban services. It is a very important portfolio and I commend Mr Kaine for his initiative in so promoting Mr De Domenico.

We did reject a proposal to change the law to make it a legal requirement that a person keep left where there is a "keep left" sign, but we said at the time that we thought there was some merit in what Mr Westende was saying; that is, that as a courtesy people ought to keep left on major arterial roads, but rather than coercive legislation we would look to an educative campaign, including the erection of signs. We have been doing that. A number of signs have appeared on the parkway and on Belconnen Way, which say, "keep left unless overtaking". That is the standard form of sign that is employed around Australia. In some States they do have legal force. In the ACT they do not have legal force, but as a courtesy we expect people to obey them, and they seem to be doing that. Mr De Domenico asked for the timing of when those signs were erected. I do not have the precise details on that but the signs were erected before the Federal election, and the motorists of the ACT, observing the "keep left" signs, did exactly that at the ballot-box on 13 March.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. I ask the Minister: Is it not true, though, that signs that have no legal standing are usually black and yellow? Is it also true that black-and-white signs, which these are, tend to signify that they have some force in law? If that is not true, can the Minister please explain?

MR CONNOLLY: It is true that those indicative driving condition signs are black and yellow. Signs saying "drive courteously", "revive, stay alive", those sorts of signs that dot our highways, have no legal force but are there to send a message to motorists. The view that the Labor Government took at the time - a view that generally the Liberal Party, we would have thought, would support - was that, rather than immediately jumping to coercive legislation, we would try an educative approach. That was the view that the Government has adopted here.

Territory Plan Variations

MS SZUTY: Madam Speaker, my question without notice is to the Minister for the Environment, Land and Planning, Mr Wood. As the Minister is aware, the Planning, Development and Infrastructure Committee regularly considers variations to the Territory Plan where they are proposed and have been through the public notification process and community consultation phase conducted by the ACT Planning Authority. The Minister would also be aware that the PDI Committee is currently considering the Territory Plan. It has come to my attention that a number of prospective developers have been discouraged by the ACT Planning Authority to proceed through the variation process pending the finalisation of the Territory Plan. Can the Minister assure the Assembly that the variation process will continue while the Territory Plan is being considered, and that accusations and allegations regarding delays in the variation process will be fully investigated?

MR WOOD: I do not know about accusations, et cetera, but it is the case that we expect the Territory Plan to be through all processes by June or shortly thereafter. Mr Lamont will give me the exact date. That, I think, will be the end of a very long and thorough process. As the Planning Authority - incidentally, still working very hard on the Territory Plan - evaluates the proposals coming to it, it has to make the decision whether processes under the existing legislation would be completed before the Territory Plan comes in. If they look at the timeframe and say, "Look, we can run this through, but the Territory Plan will be in ahead of this", why would they undergo all that work and follow that existing process? Is it not more sensible, Madam Speaker, to wait until the Territory Plan is in place?

There is only one snag there, one potential snag, and that is if for some reason the Territory Plan still takes a long time to get through. I understand that it is not the intention of the PDI Committee to take it over to next year or anything. You have a very difficult task. I have seen the timetable and the plan, and it looks terrific. You are going to give it very careful examination, but I still expect it, as I believe your committee does, to be complete within that now relatively short timeframe. So it is eminently sensible on that basis to say to people who want to do some development, "Look, it is going to be just as quick, probably quicker, if you do it via the Territory Plan". That is what the advice has been, and it seems pretty good advice to me.

Influenza Vaccine

MRS CARNELL: My question is to the Minister for Health. The new haemophilus influenza type B vaccine, or HIB vaccine, approved by the NHMRC is now available. I understand that some Commonwealth money will be available in the near future for an immunisation program. As the most dangerous time for infantile meningitis and other associated HIB infections is May, June and July, can the Minister assure Canberra parents that HIB vaccine will be available as part of the childhood immunisation program from May this year, and can he guarantee that all Canberra children under the age of five will have access to the vaccine?

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MR BERRY: One thing I can guarantee is that things will be much better by the middle of this year than they would have been if we had had to put up with the policies which were being promoted by Mrs Carnell before. It never ceases to amaze me how people like Mrs Carnell can preach about health when they supported what was planned for the ACT prior to the Federal election. This Government is committed to immunisation, as it has demonstrated in the past. I note what you have said about the NHMRC in relation to that particular immunisation plan. I am not fully aware of all of the details about that matter, but I can say to you that, where it fits into our commitment to immunisation here in the ACT, we will continue to support immunisation programs, including this one, within the resources available to Health.

Mr Kaine: Do you know what it is, Minister?

MR BERRY: I have told you that I am not aware of all of the details and - - -

Mr Kaine: No. You would be more honest if you said that you did not know anything about it.

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

MR BERRY: To use an old and borrowed line, Madam Speaker, there is no room for duds in the Liberal Party; all the jobs have been taken. If you want to sit there and interject, I will play the game with you; but, as for answering the question, I have said that I do not have all the details. I will say to you now that we will continue with our commitment to immunisation, and haemophilus B will be part of that consideration.

MRS CARNELL: I ask a supplementary question, Madam Speaker. As 25 Canberra children a year contract infantile meningitis, of whom we could expect in May, June and July of this year at least one to die, and possibly two or three of them to be permanently incapacitated, I again ask the Minister whether we can look to having HIB vaccine available this year to solve the problems that those children will inevitably have if we do not, as a matter of urgency.

MR BERRY: Why do you not put it on notice? I told you. I gave the answer.

Road Funding

MR LAMONT: My question is directed to the Minister for Urban Services, and I do so as the Opposition spokesman probably has not yet had time to catch up on all the issues in his new area of responsibility. Can the Minister inform the Assembly whether any additional funding for roads has been granted by the Keating Labor Government?

Ms Ellis: The which Labor Government?

MR LAMONT: The Keating Labor Government.

MR CONNOLLY: This Labor Government continues to work very closely with the Commonwealth Labor Government, and the people of Canberra have benefited from that, with black spot road funding, quite significantly in recent years. I am pleased to be able to announce to the Assembly that we have again benefited to the tune of some half a million dollars.

The Commonwealth has recently allocated additional money to programs in the ACT. That comprises \$215,000 for improvements on the Yarra Glen-Melrose Drive roundabout. That is the big roundabout at Woden. We estimate that this will reduce the number of accidents on that roundabout by something like 30 a year, with a cost saving of some \$96,000 a year recurrent to the ACT community. We are also looking at alterations to existing traffic signals, plus an extension to the right-hand turning lane at the Hindmarsh Drive-Tuggeranong Parkway northbound ramp intersection, at a cost of \$110,000. That, we estimate, will reduce accidents by five a year, with a saving to the community of some \$32,000 a year. We are looking at providing a roundabout at the Jerrabomberra Avenue-Goyder Street intersection, by the Narrabundah College oval, at a cost of \$175,000, with a consequent reduction of accidents by approximately eight, and an expected cost saving to the community of some \$41,000.

Those cost savings to the community really relate to property damage. When you look at injury it is, of course, much more important. There are three major projects; half a million dollars of additional Commonwealth money to the ACT. My only regret is that this decision, as it has worked its way through the bureaucratic system, came too late to announce before 13 March. I am sure that, had we been able to announce this before 13 March, the majorities of Mrs Kelly and Mr Langmore would have increased even further than they did.

Freedom of Information Fees

MR MOORE: My question is directed to Mr Wood as Minister for the Environment, Land and Planning. Why has your department decided not to remit the application fee for a freedom of information request from the community group, Conservation Council of the South-East Region, with reference to section 22, blocks 6, 7, 8 and 9, Braddon?

MR WOOD: There is a fee that applies. People who seek freedom of information data submit an application fee along with it, and that applies. Madam Speaker, Mr Moore wrote to me about it, seeking a remission of it, but I am not sure that there was sufficient reason attached to the letter to induce the department or me to do so. That is not to deny the fact that the Conservation Council and the various bodies attached to it are nothing but very fine. They do a good job for the people of the ACT. They are a body that I meet with on a very regular basis, and to which I attend most closely. Nevertheless, I have yet to be convinced - put it that way - that they should get a particular advantage over other people or groups in the community by our waiving this fee, when those other people and groups have to pay the fee.

Seniors Week

MR KAINE: I would like to address another question to the Chief Minister. Chief Minister, yesterday - I think it was only yesterday - in opening Seniors Week, you paid lip-service to the concept of assisting the older people in our community. Will you undertake to assist our older citizens to gain information and to have access to the range of government services that are available to them by providing in the Government's shopfronts officers specialising in the needs of the ageing?

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MS FOLLETT: Madam Speaker, may I say at the outset that I do not pay lip-service to Seniors Week. The statements that I made yesterday were realistic expressions of government intent and government achievements in relation to seniors. Mr Kaine has raised a particular issue about having specialists available in government shopfronts. May I say at the outset that it is the intention that people working in the shopfronts can answer a wide range of requests for information and requests for assistance from members of the community, no matter what those requests might encompass, and certainly this is the case with seniors.

Madam Speaker, it is also the case that older people in the community do not have a single set of requirements. They are as diverse a group as any other group in the community. Their requirements range from sporting activities and community services, their domestic requirements and household services, and so on, through to health services, a whole range of assistance very similar to anybody else in the community, with the addition of those particular services like the seniors card which the Government does provide. Even in the area of concessions arrangements there are a range of concessions available to people who are on pensions or who are qualified for those, but, again, that is not exclusive to seniors in our community. There are other groups who also qualify for those sorts of arrangements. The question of putting specialists into shopfronts is not one that has arisen to this point. Mr Kaine is the first person ever to raise it with me. Madam Speaker, I thank him for raising it and I will give it very careful consideration in looking at the needs of older people in our community.

Health Budget

MRS CARNELL: My question is to the Minister for Health. I ask the Minister: How much of the \$4.2m budget overrun, to the end of December 1992, has been supplemented subject to the business rules?

MR BERRY: Madam Speaker, it has been announced here in this place, on a number of occasions, that there will be extra costs for health this year, and those extra costs go to the increasing number of people that we are providing services to in the public hospital system.

Mr Kaine: Are you on top of your budget, or are you not, Minister? Just answer the question.

MR BERRY: I am on top of it, all right. Mr Kaine asks, "Are you on top of the budget?". I am on top of it. That is the contrast with when he was in office. We know exactly where we are. We know the extent of the extra costs which are arising from the extra services that are being provided. We know that there is a declining level of private insurers in our public hospital system, and that is providing us with some finance difficulties, if you like. Negotiations continue with Treasury about the provision of funds up until the end of the year.

Mrs Carnell: How much has been supplemented?

MR BERRY: You do not just stop the clock. This is about the Treasury - - -

Mr Kaine: You stopped the clock 10 years ago.

MR BERRY: I did for you. This is a process that goes on as we go up to the end of the year - - -

Mrs Carnell: You do not know this one either.

MR BERRY: I do know the answer. I have said to you that we continue to negotiate with Treasury about the provision of those extra funds that we will require up until the end of the year.

Mr Kaine: How much?

MR BERRY: The funding will be provided.

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

PARLIAMENTARY EDUCATION STRATEGY REPORT Paper

MADAM SPEAKER: Members, for your information, I wish to present a report by a consultant on the Assembly's education strategy entitled "Parliamentary Education Strategy Report". A copy of the report is being circulated to all members. The report as presented to the Clerk included a number of attachments, the bulk of which would have made copying difficult. I have therefore arranged for a copy with these attachments to be available in the library so that members can peruse it if they so wish.

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 approved forms, determinations and regulations. I also present notices of the commencing provisions for Acts.

The schedule read as follows:

Animal Welfare Act - Determination of fees - No. 13 of 1993 (S27, dated 1 March 1993).

Crown Proceedings Act - Crown Proceedings Regulations - No. 6 of 1993 (S35, dated 4 March 1993).

Drugs of Dependence (Amendment) Act - Notice of commencement of sections 4 to 11 (S33, dated 3 March 1993).

Land (Planning and Environment) Act - Land (Planning and Environment) Regulations (Amendment) - No. 5 of 1993 (S20, dated 22 February 1993).

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Magistrates Court Act -

Determination of fees - No. 18 of 1993 (S32, dated 5 March 1993).

Notice of Approval of Forms - Determination No. 25 of 1993 (S39, dated 18 March 1993).

Magistrates Court (Amendment) Act - Notice of commencement of provisions (sections 4 to 19 inclusive, sections 21 to 24 inclusive and sections 26 to 32 inclusive) (S32, dated 5 March 1993).

Mutual Recognition (Australian Capital Territory) Act - Notice of commencement of remaining provisions (S24, dated 24 February 1993).

Public Health Act -

Public Health (Meat) Regulations (Amendment) - No. 7 of 1993 (S31, dated 2 March 1993).

Public Health (Dairy) Regulations (Amendment) - No. 8 of 1993 (S31, dated 2 March 1993).

Public Health (Sale of Food and Drugs) Regulations (Amendment) - No. 9 of 1993 (S31, dated 2 March 1993).

Public Place Names Act - Determinations -

No. 12 of 1993 (S21, dated 22 February 1993).

No. 14 of 1993 (S28, dated 3 March 1993).

No. 15 of 1993 (S28, dated 3 March 1993).

No. 16 of 1993 (S28, dated 3 March 1993).

No. 17 of 1993 (S28, dated 3 March 1993).

No. 19 of 1993 (S36, dated 9 March 1993).

No. 20 of 1993 (S36, dated 9 March 1993).

**LAND (PLANNING AND ENVIRONMENT) ACT LEASE
Paper**

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 a lease for Mitchell, section 18, block 51.

DOWN SYNDROME AWARENESS WEEK
Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.05): I seek leave to make a ministerial statement on Down syndrome during this Down Syndrome Awareness Week.

Leave granted.

Mrs Carnell: He has lost it now.

MR BERRY: I had misplaced it for a moment; you are right. Madam Speaker, last Saturday I had the pleasure of launching the ACT week's activities and I believe that there is a lot the community can do to assist those who have Down syndrome to actively participate in all aspects of community life. The ACT Down Syndrome Association is promoting the week and has organised a number of activities in the ACT as part of a national awareness program.

Down syndrome affects approximately one in 600 or 700 babies and is usually diagnosed at birth. It is caused by a chromosomal abnormality and is an irreversible condition. The chance of Down syndrome increases significantly with maternal age. However, now most children are born, along with the majority of births, to younger parents. In addition to the recognisable physical characteristics and delays in development, some babies have additional complications such as congenital heart defects, intestinal problems, respiratory infections, and vision and hearing problems which require medical treatment in the early months and close monitoring and support from health personnel afterwards.

Although children with Down syndrome look similar, as with all children, each child has his or her own personality and behaves in a most individual way. There is also a considerable range of ability amongst individual children with Down syndrome, as there is with all children, and this emerges as the child passes through the various stages of development. Madam Speaker, it is understandably difficult for parents to come to terms with the birth of a baby with Down syndrome. Unexpected and major adjustments have to be made by new parents to accommodate to a new situation made all the more difficult if there is a lack of understanding amongst their families, friends, and the community in general.

The ACT association has produced an information kit to assist new parents. It is personally provided to parents and this contact, together with the kit, has provided much needed support. The kit includes an information booklet and a reading list on Down syndrome and sheets on a range of subjects to help and encourage parents. Some of the areas covered are what to do in the first weeks, breast and bottle feeding, introducing solid food, and other helpful hints. The need for early stimulation and the desirability of starting on an early intervention program are also highlighted, together with information on how to contact the ACT Health Early Intervention Service. Early intervention means an early start in stimulation, and learning should begin soon after the baby is born. The first and most important teachers are the child's parents, who are encouraged to attend the Early Intervention Service as soon as they can. A positive approach, combined with early intervention programs, can result in successful outcomes for children who are now more likely to attend mainstream educational and community programs.

Parents need ongoing and long-term support to maintain a positive attitude through difficult periods. The Down Syndrome Association provides such support, as do paediatricians, staff at the Early Intervention Service, community support workers, other services, and many family members and friends. The Early Intervention Service aims to maximise the physical, communicative, cognitive, social and emotional development of the child, working with the family and the community.

Early intervention starts with baby and infant stimulation programs which are provided by physiotherapists, occupational therapists and speech pathologists for parents or carers to incorporate in the baby's or young child's everyday routine. It is by constant stimulation and repetition that skills are developed and reinforced in a familiar setting. The Early Intervention Service has an early education teacher providing home-based programs for children from nine months of age so that parents and carers can start on a broad early education program to maximise learning and develop social skills from a very young age. Intervention strategies change to meet the emerging needs of the child. However, the emphasis remains on incorporating new therapy activities into the child's daily routine and to allow for the gradual acquisition of motor, speech and language skills in a secure setting for practice and reinforcement. This combines effective use of therapy resources with the soundest way for the child to acquire and retain skills.

The overall needs of the child, Madam Speaker, and the family of course, need to be considered, and this covers the areas of health, development and education. Children with Down syndrome do take longer to learn and need planned assistance, and children will progress at different rates. At three years of age the Department of Education offers a range of early education programs to meet the needs of individual children with development delays or disabilities. Parents and health and education staff liaise to determine the most suitable program for each child and family. After full assessment and discussion the parents make the final decision, which may be a special school or early intervention unit, and possibly lead on to a mainstream preschool.

The level of education attainment is related to the intellectual capacity of the child, along with other social and emotional variables. Madam Speaker, nothing beats practice and for some children the programs in special schools provide the repetition needed to consolidate newly acquired skills. Social integration is very important and this can be balanced with the need for special education programs to meet the individual needs of the child. Some children are able to manage well with some support in mainstream school settings and they benefit from both the educational program and the social interaction with their peers. Therapists continue to support children in the education settings and individually with families according to the child's needs. As the child progresses through primary and high school the emphasis shifts to a focus on education which builds on strengths to assist with later employment and lifestyle choices.

Down syndrome is a disability, and together with other disabilities, is covered by Commonwealth and ACT legislation to protect the rights of people with disabilities. The Commonwealth Disability Discrimination Act 1992 applies in the areas of employment, education, accommodation, goods, services and facilities, clubs, land, sport, application forms and administration of Commonwealth programs.

The Australian Capital Territory Disability Services Act 1991 enables people with disabilities to receive services necessary to enable them to achieve their maximum potential as members of the community. I think that is the focal point of all of our efforts; that is, that individuals can achieve their maximum potential. Recent Australian Capital Territory guardianship legislation is another example of legislation recognising the rights of people with a disability. Madam Speaker, in this Down Syndrome Awareness Week we can all recognise that people with Down syndrome are individuals with the same needs, aspirations and rights as other members of the community. It is up to us all to provide them with the opportunity to take their rightful place in all areas of society. I present the following paper:

Down Syndrome Awareness Week - Ministerial statement, 23 March 1993.

I move:

That the Assembly takes note of the paper.

MRS CARNELL (3.14): Madam Speaker, I am delighted to add my support and the support of the Liberal Party to this important week. It is the third such week to be held by the Down Syndrome Association and a number of major events will take place during the course of the week. The aim of the awareness week is to promote and encourage both people with Down syndrome and their families. Mr Berry has already told us that Down syndrome occurs quite regularly in our community - one in every 600 to 650 live births - so it is a very real concern and problem for the community to face. It also increases with advanced maternal age, particularly over the age of 35, and the incidence is as high as one in 80 for offspring of women over 40. This becomes more of a concern as women have children later and later.

I believe that it is the support and encouragement of those in our community with Down syndrome that is our real challenge and something that we should focus on in this important week - not support in words only, but tangible support; that is, support, as Mr Berry rightly said, at the early intervention stage; stimulation to teach gross motor skills; help for families to come to grips with the problem that they have and the real positives that exist with having a Down syndrome child. But the problems do not stop with childhood. We then as a community must take into account the situations that occur when children get older, when they go to school and, just as importantly later, with housing problems, employment problems and respite care.

Support can lead to independence, acceptance and a real sense of worth. One only needs to look at the achievements of Tracie Sammut, who last week received a Logie award for her performances in the ABC's *GP* program. When independence is not possible, support to assist parents must be available. The Down Syndrome Association plays a large role in this early and continuing backup, but it cannot be left to only one association; government also must play a role. One of the most important areas, of course, is respite care. No matter how devoted parents are, there comes a time when a small break, a breather, is required, and without respite care parents just cannot cope. Coping does not stop when the children are 18 or 19; it goes on and on. The very real need for improved respite care in the ACT should not go without comment during this week. Madam Speaker, I and the Liberal Party support Down Syndrome Awareness Week, but let us make it in deeds, not just words.

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MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.17): Madam Speaker, I am going to take the opportunity to indicate further the measure of the Labor Government's support for Down syndrome children. I share the views of the two earlier speakers in pointing to the importance of this week. It is also the case that the Down Syndrome Association is working very hard and effectively over a period to bring these children more into mainstream life and well away from the sometimes traditional attitude - going back many years now - of keeping such people out of the public view.

For a long time in our school system Down syndrome children were not generally able to be enrolled in mainstream schools. They were encouraged - in fact it was often insisted - to attend special schools. Since coming into government - the second Follett Government - we have changed that policy and I think that is a major step. In the first year we ran a pilot program, as I recall, of five students in mainstream schools. Last year something like seven students were put into the mainstream schools, and again this year seven further students have moved in.

That is adding up to a reasonable number as part of a program that will extend necessarily over quite a few years before those parents who seek the integration into mainstream schools have access for their students to those schools. There may be parents - I have no doubt that there are - who wish to see their children remain at a special school, and I expect that that facility will continue to be provided.

I believe that this is an important step in turning around public attitudes. It is my advice that the children in these schools have taken the Down syndrome and other intellectually handicapped students into their care and have worked very well with them and have looked after them. I think that is what it is all about; that all students, all children, need to live together and we should get away from this separation due to some impairment or other. I am pleased that this week is being held and that it is being noted, but that recognition must continue at all times.

Question resolved in the affirmative.

NATURAL DEATH WITH DIGNITY Ministerial Statement and Paper

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.20): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on natural death.

Leave granted.

MR CONNOLLY: Madam Speaker, I wish to inform the Legislative Assembly of the Government's decision to refer the issue of natural death to the ACT Community Law Reform Committee. Under this reference the committee will consider the right of people to a natural death with dignity. This would involve allowing a person to die naturally at his or her request. I wish to stress that we have not asked the committee to consider the issue of active euthanasia that involves some positive acts, such as the giving of a lethal drug or injection.

Many Australian jurisdictions have already considered this issue. South Australia, Victoria and the Northern Territory - the Northern Territory under a Liberal government - have made legislation to protect the right to natural death. Such legislation allows a patient to refuse medical treatment. It protects doctors who heed this request from criminal or civil liability. It permits the withholding or withdrawal of medical treatment, including turning off a life support machine. It is worth remembering that in the ACT attempted suicide is not a criminal offence. However, assisting any person to commit suicide is a criminal offence under subsection 17(1) of the Crimes Act 1900 and possibly a range of other Crimes Act offences. A person's consent to the withdrawal or withholding of treatment will not remove potential criminal liability.

While this provision seems straightforward, it offers scant practical assistance to medical practitioners responsible for making decisions about the use of life prolonging treatment or equipment. A practitioner may incur a serious criminal liability if a decision results in the death of a patient. This is because a doctor or nurse who assumes care and treatment of a person has certain common law duties to that person. They must use all ordinary means of preserving life if other reasonable doctors would have thought to save or prolong life in the same circumstances. This may include providing a patient, with or without their consent, all medicines, treatments and operations that offer a reasonable hope of benefit for the patient and which can be obtained and used without excessive expense, pain or other inconvenience.

While the issue of natural death is relevant to all people who suffer painful terminal illnesses, and their families and care givers, it is of special concern in respect of the increasing number of elderly people who live in accommodation serviced by on-call medical professionals. In 1986 the *New York Times* noted that 80 per cent of all deaths in the United States occur in such institutions. The *New York Times* pointed out that:

... allowing someone to die naturally now involves a whole team of professionals who must consciously decide not to do what they can do. Few know the patient or family well but all have their own fiercely held views on professionalism and ethics as well as fears of litigation.

While the number of deaths in ACT institutions has not reached the American levels, more than 20 per cent of deaths in the ACT occur in our full-care institutions. Surprisingly, there is little readily available information about deaths in supported accommodation. Anecdotal material suggests that natural death is practised within the medical profession. A paper prepared for the National Bioethics Consultative Committee in February 1989 stated:

A recent report indicates that not only did 62 per cent of Australian doctors questioned support mercy killing, but one in eight admitted carrying it out.

An obstacle to determining how often natural death occurs in Australia is the problem of determining what just facilitating death is. There are times when a person's death is inevitable.

Mr Cornwell: Everybody's death is inevitable.

MR CONNOLLY: Well, imminently inevitable, Mr Cornwell. The issue of whether that person's death has been facilitated or has simply occurred because they could no longer live has become hard to determine because of modern technological advances. Consequently, at a practical level, our ACT law concerning the withdrawal or withholding of medical treatment is unclear.

Patients have a common law right to refuse treatment, except basic life services such as food, water or other care the refusal of which would amount to suicide. A doctor who treats a patient against his or her wishes could be civilly liable for assault. Nevertheless, a doctor who withholds treatment on request could, in some circumstances, be liable for murder, manslaughter, assault and other criminal offences as well as subject to a civil compensation claim by the deceased's relatives. The extent of criminal and civil liability is unclear and varies according to the circumstances.

Doctors owe a duty of care to the patient to employ all reasonable means to serve the interests of the patient and keep him or her alive. The withdrawal or withholding of treatment will, except in limited circumstances, amount to murder or manslaughter if a court or jury finds that the withdrawal was a cause of death. However, a doctor is not obliged to persist with futile measures or use extraordinary measures to maintain life where other reasonable doctors would have withdrawn treatment. The question of when treatment becomes useless or futile is, in large part, a decision or judgment of the doctor. The extent in law of the duty of a doctor to keep a patient alive is unclear.

Other States have moved to clarify the right to refuse treatment and protect the medical profession from criminal or civil liability for acting on such a refusal. South Australia and the Northern Territory have similar legislation. At various stages New South Wales, Western Australia and Tasmania have also considered reform. In 1988 Victoria passed legislation which applies to refusal of treatment by all adult patients, not just the terminally ill.

The South Australian Natural Death Act 1983 allows people to give an advance declaration, in a prescribed form witnessed by two people, that in the event of a terminal illness they do not wish to be subjected to extraordinary measures, that is, treatment which artificially prolongs life. The doctor responsible for the patient will not be criminally or civilly liable for withdrawing treatment, because the legislation says that such action does not constitute a cause of death. The legislation does not permit steps which cause or accelerate death, as distinct from an act which permits the dying process to take its natural course. Further, it applies only to treatment of the terminally ill and only in relation to extraordinary measures. The law in all other respects remains the same.

The Victorian Medical Treatment Act 1988 differs from the South Australian Act in a number of important respects. The legislation allows adults to refuse medical treatment, whether terminally ill or not. All medical treatment, except for palliative care as opposed to curative care, including food and pain relief, may be refused. The Act also makes it a criminal offence for a doctor to disobey a valid direction. A 1990 amendment of the Victorian Act provides for directions to be given by an attorney or agent of a patient who because of a mental or legal disability is unable to understand their situation if the medical treatment "would cause unreasonable distress to the patient" or "there are reasonable grounds for believing the patient ... would consider that the medical treatment is unwarranted".

The uncertainty of the law in the ACT adversely affects the right of the patient to determine his or her treatment and makes it difficult for the medical profession to make decisions in the best interests of the patient or act on the patient's legitimate request. It also contributes to a lack of public awareness of rights and obligations in this area. There are particular difficulties with respect to the treatment of a patient who is unable to comprehend his or her circumstances. The question then arises as to how best to determine the wishes and interests of such a patient and the rights and obligations of doctors, parents, guardians and the public in general with respect to treatment of such a person. Consideration needs to be given to changes to the law and procedure to allow people to declare in advance their wishes as to treatment in the event of terminal illness and to protect the interests of a patient who because of a medical or legal disability is unable to understand their situation, and to protect them from fraudulent or negligent conduct.

People may, because of religious or other beliefs, wish to ensure that in the event of a debilitating terminal illness they receive life sustaining treatment and that it is not prematurely taken away by a doctor or others who decide that treatment is no longer appropriate. Similarly people, because of religious or other reasons, may not wish or be able to make a decision in advance of illness. They may need to appoint an attorney or representative to make that decision for them if they become unable to make such decisions, according to strict religious principles and perhaps on the advice of a priest.

Another important issue concerns the rights and obligations of children or others under mental or legal disability to refuse treatment and the rights of parents or guardians to determine their care. At present there is no set age at which a child acquires the right to refuse treatment and when the parent's right to intervene disappears. Ultimately it is left to the court to determine whether a child is sufficiently mature to make a decision as to medical treatment.

Considerations of reform will also necessarily involve questions as to the extent of a doctor's obligation to pursue extraordinary measures to maintain life and whether there is a need for clarification of the law and greater consideration of the financial cost to the community of those extraordinary measures and the quality of life that they prolong. Proposals to introduce natural death legislation clearly raise many complex, controversial and emotive issues. Therefore, extensive community consultation and exchange of information is essential if the reform process is to have wide acceptance in the community.

The ACT Community Law Reform Committee is now a well-recognised law reform agency with the experience and resources to carry out the necessary consultation within the community and increase public awareness of the issues involved. The diverse backgrounds of committee members with experience in social, community and legal matters will assist it to examine this area and assess community concerns. The committee could usefully consider and report on these and other issues, including the practical effect of legislation in other States. The range of issues for the committee to consider are set out in the terms of reference, which I now table for the information of members. I also table a copy of this statement. Madam Speaker, I move:

That the Assembly takes note of the papers.

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

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HEALTH DEPARTMENT - STAFF APPOINTMENTS

MR BERRY: Madam Speaker, Mr Stevenson asked a question of me in relation to staff appointments. I have tabled an answer to that.

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

MRS GRASSBY: I present reports Nos 3 and 4 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 3 was circulated on 3 March 1993 when the Assembly was not sitting, pursuant to the resolution of appointment of 27 March 1992. Report No. 4 contains the committee's comments on 12 pieces of subordinate legislation. I commend the reports to the Assembly.

STANDING COMMITTEES Membership

MR KAINE (Leader of the Opposition) (3.31): Madam Speaker, I seek leave to move a motion regarding the membership of the Standing Committee on Administration and Procedures and the Standing Committee on Tourism and ACT Promotion.

Leave granted.

MR KAINE: I move:

That Mr De Domenico be discharged from the Standing Committee on Administration and Procedures and Mr Humphries be appointed in his place; and that Mr De Domenico be discharged from the Standing Committee on Tourism and ACT Promotion and Mr Westende be appointed in his place.

Madam Speaker, I am sure that you will be aware - in fact, I am sure that I informed you and the Chief Minister - of changes in the shadow Ministry and the allocation of tasks and responsibilities amongst the Liberal members of the Assembly. This motion is consistent with the changes in the allocation of responsibilities and simply records the fact that the Liberal members responsible for various matters should reasonably sit on the appropriate committees.

MR STEVENSON (3.33): I think we understand why Mr De Domenico is being taken off the Tourism Committee. However, I felt it worth while to mention some points about it. The committee, as we know, started a year ago, and is well into its report. I believe, from reports, that the committee is working well. Mr De Domenico, of course, is the chairman. The committee has done a number of trips. One would ask the question: Will the change benefit the people?

Mr Berry: How do you know?

MR STEVENSON: Mr Berry says, "How do I know?". It is called asking people. It is something that perhaps some members opposite could do more often with the public.

I would ask whether or not it is in the best interests of Canberrans to remove a chairman so far into an inquiry. We all understand that Mr De Domenico has had fairly vast experience in promoting Canberra - in tourism to some degree, as the president of the Chamber of Commerce.

Mr Berry: What did you have to do to get this speech?

MR STEVENSON: Mr Berry once again says to Mr De Domenico, "What did you have to do to get this speech?". But I think it is a relevant matter that we should look at: Should committees operate politically, or should they operate in the best interests of Canberra? After all, we say a prayer each day. One would ask: Is this going to be in the best interests of Canberrans? I understand the politics of the matter, but I am concerned that the politics of the matter will interfere with the Tourism Committee and interfere with the final report. I do not doubt that the new chairman, whoever that is, will do their utmost to do the very best possible. Nevertheless, not having been there for a year will make it exceedingly difficult. I think, once again, these things should not be just a formality; we should look at what we do when we change the chairmanship of a committee well into its report.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.36): Madam Speaker, how dare Mr Stevenson rise in this Assembly and tell members how they ought to be involved in committee work. This is the person who does least on committees in this Assembly and this is the person who takes the money and does not produce the goods.

Mr Stevenson: I did mention that I will be happy to be on any committee that looks at citizens' rights.

MR BERRY: As long as the other 16 agree with him. He will play a game that he wants to play, but in relation to the legitimate affairs of this Assembly where members are involved in the committee process - - -

Mr Stevenson: On a point of order, Madam Speaker: I do not believe that this has any relevance whatsoever to the question before the Assembly. My personal experiences in this Assembly have nothing whatsoever to do with whether or not this committee should be changed.

MADAM SPEAKER: I will not uphold that point of order, Mr Stevenson. Please proceed, Mr Berry.

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MR BERRY: I do not mind people taking a point or two about the way that committees work in the Assembly or the role that particular members play in those committees; but, when somebody plays no role - no role at all - and sets himself up to be judge and jury over other people who are at least participating in the process, that is just farcical. Mr Stevenson, as on many of his other issues, deserves to be exposed on this one. That is why the matter needs to be on the public record. How dare Mr Stevenson criticise others for the work that they are doing on committees. They are all working; he is not.

Question resolved in the affirmative.

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

Debate resumed from 16 February 1993, on motion by **Ms Follett:**

That the Assembly takes note of the papers.

MR KAINE (Leader of the Opposition) (3.38): Madam Speaker, the Government gave the citizens of the Territory a rare insight into the gaps in its program for 1993 when the Chief Minister tabled this statement in February. I say that it is a rare opportunity because this consultative Government rarely talks to anyone about anything and hardly ever takes any decisions, except those thrust upon it by circumstance or the activities of others. I suggest that this notion is reinforced by the Chief Minister's statement of 16 February.

In fact, I noted at the time that the Government's program for the Assembly was so short of business in the first six sitting days that it had to resort to debating Bills tabled only a matter of days before. This was after the Assembly had just finished and the Government had just had a two-month holiday. In light of that poor start to the year, the Government has delivered a paper program that is not only thin in prospect but also demonstrably inadequate right from the very first week of this year.

Mr Berry: Oh, Trevor, Trevor - - -

MR KAINE: Mr Berry just cannot stand it, can he? The Government continues to delude itself, Madam Speaker. Indeed, Mr Berry is part of that self-delusion. It deludes itself and it attempts to delude others that its agenda is both full and meaningful. In fact, it is empty of ideas; it is empty of reforms; it consists of programs that were already on the agenda last year. They just failed to get round to them last year.

Madam Speaker, we are asked to believe that the Government's legislative program is so heavy that there needs to be a distinction made between the priority Bills that we are going to deal with right now and the others which are being prepared more slowly. Yet, on past performance, the second priority Bills, however you define them, are just as likely to pop up tomorrow or perhaps might still be in preparation even a year from now. So there is no real distinction between the Bills that they claim are their priority ones and the others. It is just whichever Bills they like to pull out of the hat today or tomorrow or the ones they prefer to leave in the bottom of the barrel because they are a bit contentious.

The Government announced in February that it intended to introduce major legislation. That is what the Chief Minister said - major legislation. The finance Bill introduced in February simply changes existing legislation. The gaming machine legislation only modified existing legislation. That was ostensibly only to match legislation that already exists in New South Wales. These adjustments might be useful but you can hardly call them major. The Bill to establish the Health Complaints Unit, the food legislation, the Bills to register psychologists and podiatrists and the national uniform legislation for other health professionals all relate to legislative matters carried over from last year and, in some cases, the last five years. There is nothing new or major in any of those matters.

So where is this major legislation that the Chief Minister talked about, and where is the new legislation? There is not much comfort, Madam Speaker, in knowing that the Government considers the introduction of regulations for education and training service providers, a Boxing Control Bill or legislation creating an environment commissioner as matters warranting self-congratulation. They pat themselves on the back because they say that they are going to bring down this kind of legislation. The community is entitled to ask whether these Bills will improve the quality of life of the average man or woman in the street. Will they improve the educational opportunities for our young people? Will the Canberra economy be larger or more diverse? Will there be more jobs - except for jobs for the boys, that is?

The only legislation foreshadowed in the program that is likely to do any of the things that I just mentioned is the proposal to end age discrimination. I would be excused, I am sure, for suggesting that the Government's haste on this issue is due solely to the fact that I had issued drafting instructions for the preparation of such a Bill only a few short weeks before they suddenly found that it was so urgent. I am happy to give the Government a lead in such matters, but I would much prefer to have them develop their own ideas, rather than plagiarising those of the Opposition - if that is not such an impossible task to ask of them.

Mrs Carnell: It was such a good idea.

MR KAINE: Of course, but there have been seven or eight good ideas from the Opposition in the last year, and the Government has plagiarised every one of them. As soon as we put in drafting instructions for legislation, suddenly out pops a piece of government legislation dealing with the same issue. As I said, I do not mind them feeding off our ideas, but I would be much happier if they had a few ideas of their own, because that is what the government program said that they ought to be about.

Madam Speaker, the Government gives notice of its hope that the Adoption Bill will pass this year. The Opposition is similarly hopeful. I hope that we also will get it right this time. It is a pity that the Government did not approach this Bill in a more consultative way in 1992 and present it earlier, because it could have been passed last year, and passed after the Assembly had had the opportunity to scrutinise it fully. The Government's tardiness on this issue, as on many others, has caused inconvenience to members of the community. In fact, there have been some heightened temperatures on the part of some people. I expect that the committee's report, when it is brought down tomorrow, will raise issues of substance that will justify the additional scrutiny that was required by this Assembly.

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The sad fact is that the Government could have provided relief for people affected by the Adoption Bill last year, if only they had brought it forward earlier and provided an adequate time for examination by the Assembly. It was another case of whack it on the table today, and we have to get it through tomorrow; do not worry about whether it is right or wrong, just let us ram it through. Well, in this case it did not happen. Simply tabling the Bill and then complaining that the Opposition would not debate it the next day is a poor excuse for proper planning of business in this Assembly. It is a poor excuse for serving the interests of the community. It is no excuse for failing to ensure full and open debate on very controversial issues.

I think the community is also entitled to ask why there are no Bills on the list which seek to assist small business - for example, for reducing payroll tax or for removing restrictive regulations on business development and growth. The Government pays lip-service to employment, but there is nothing in their program that addresses that question.

I note that the Chief Minister refers in her statement to the Opposition's use of the implementation of the legislation program as a measure of the Government's success in meeting its program. I can assure the Chief Minister that until a better measure comes along, that is, unless they can tell us what they in fact intend to do, the Opposition will continue to measure the Government's performance in terms of its capacity to carry out its own program. That does not mean that we will not use other measures of performance as well, but we will certainly use this one because it is the only time that the Government ever comes clean and does anything about telling us what they want to do. Madam Speaker, I have often called this a "do nothing, status quo" government. Nothing has changed. My remarks have been directed towards the Government's imperceptible performance in respect of its legislative program, and its almost unidentifiable performance in other more discretionary areas of activity.

We are told that the Government is to tackle the effects of the national recession. The Labor Government gave us the recession, or the depression - call it what you like - and the Chief Minister has presented no program to deal with it on the local scene. Her policies, where they exist, are simply inadequate to deal with the problem. Her solutions so far have been, to use her words, to "throw money at it" - to train people for jobs they cannot get and to employ people for six months in programs that reduce the unemployment statistics but which lead nowhere in terms of real jobs for real people.

We are informed that this Government is to continue to be concerned about unemployment. I am glad that they are going to continue to be concerned, because that is about all they do. The Government congratulates itself on the fact that 11,600 jobs have been created. I guess that will be of great comfort to the 45 per cent plus of 15- to 19-year-olds that are unable to find work. That is about 2,500 of them. I am sure that it is a great comfort for the 8.8 per cent of the general population that are unemployed. That is about 15,000 of them. So, for the Government to crow about what it did or did not do, and not address the real problem of those people that are out there unemployed today, does not do it much credit.

I am sure that people living out on the streets, in rubbish bins, or struggling to keep food in the mouths of their families, will be gratified to learn that the problem is difficult and the Chief Minister will do what she can. I am sure that they read that and then have a very joyful day. I hope, Madam Speaker, that the just returned Keating Government, the architects of the recession -

Mr Wood: Say that again.

MR KAINE: I hope that the architects of the recession will be of assistance to Ms Follett, but I doubt it.

Mr Cornwell: The great breaker of promises.

MR KAINE: Yes, it was less than five days before he broke his first one. The people of the ACT will live to rue the day that they opted for the devil they knew. Those are not my words.

What is the Government's program? What is the strategy that will get the ACT out of its deep problems? What will the Government do to give hope to the young, the school leavers and the tertiary studies graduates who cannot get a job and who, under this Government, are unlikely to get one for some time yet?

Mr Lamont: I rise to a point of order, Madam Speaker.

MR KAINE: What? I am making a strong point, am I?

Mr Lamont: No, not at all, but in fact the comment that Mr Kaine has just made is in direct contravention to a comment that was made on 16 February 1993 at page 36 of *Hansard*, where Mr De Domenico said:

But you do not have long to wait because, come 13 March, there will be vision nationally and the ACT will be part of that vision.

You were correct, Mr De Domenico; the Leader of the Opposition is wrong.

MR KAINE: It is hardly a point of order, Madam Speaker. I think he should not be interrupting my speech.

MADAM SPEAKER: I agree with you, Mr Kaine; it is hardly a point of order.

MR KAINE: His arrow did not strike home, anyway, because we come back to this devil that you know. Madam Speaker, before I was interrupted, I was talking about these young people who cannot get a job and who, under this Government and the Keating Government, are unlikely to get one for some time. Just when is this Government going to stop the platitudes and begin to do something positive and specific to create the odd job around this town - and I mean positive and specific? What sort of government program is it that consists entirely of developing ecotourism and agonising over assessing the social equity implications of government programs? That is about what their program does.

I remind the Assembly that the creation of a separate ACT Public Service, for example, is not a new program. I have been pursuing it for years. Even now it is going ahead only because Paul Keating directed that it did. I am not comforted by the knowledge that the process is to be pursued slowly. There is no excuse

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for delay. The process is complex and it has some difficulties, but it should not consume yet another year. The Government is simply dragging its feet on this issue to protect the trade unions. It is not even noting a need to discuss the issues with its own public servants; they are talking only to the trade unions. Why do you not get out and talk to the people whose jobs we are talking about?

I applaud the Government's creation of an Aboriginal Advisory Council. In this Year of the World's Indigenous Peoples it is fitting that the ACT recognises its own original citizens and assures them of an appropriate and secure place in our community.

Two things, in particular, concern me about the Government's program or lack of it. For example, the Government has announced the finalisation of the Electoral Bill which, they say, reflects the electorate's wishes. The Opposition can give the community a firm undertaking that it will ensure that the Electoral Bill, as implemented, will reflect the community view. However, I will be keen to see how quickly the Labor Party can bring this legislation forward.

Secondly, the Chief Minister announced the Government's intention to complete the Territory Plan. At last, I say. Mr Wood talked about it a little while ago in answer to a question. It has been almost two years since the plan was put forward, more or less in a final form that reflected the community's views - two years in which the Government has pursued consultation of a sort and made more promises than a salesman at a conference. The plan is still not delivered and out there in the community there are real and continuing misgivings over this "consultation" which must now be addressed, by default, by the Planning Committee of this Assembly. We are being approached by people who say that they are not satisfied with the consultative process and they want the Planning Committee to take up their issues - after two years of consultative government. You have to be joking!

Reflecting the Chief Minister's closing words in her statement of 16 February, I too believe that this year will be one full of interest and promise. In fact, we have had a lot of interest already, have we not? Unfortunately, that has nothing to do with anything that this Government may or may not do. This Government certainly will not help business or economic growth, except by accident. On its past record it will not help to reduce unemployment or help to create jobs. It will not even be any more successful in finding out that consultation actually means talking to people rather than looking out at the world from behind the blinds on the fifth floor.

The interest and the promise will come from paying attention to the bread-and-butter issues, not the social engineering ones. It will come from guiding and being guided by the community, not by turning the community into a social laboratory but by actually doing some of that consultation that the Government talks about - talks about ad nauseam - - -

Mr Lamont: Isn't this a direct take out of Fightback?

MR KAINE: This is a direct take out of my intellect and my intellectual capacity. Madam Speaker, as far as the Government's "program" is concerned, perhaps the best thing that could happen to it would be for the Government to take it back for a rewrite. At least after a second go at it we may actually have a comprehensive, practical and useful program rather than simply a laundry list.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.53): The Government's program is about fulfilling our election promises and remaining true to our commitment to the people of the ACT. I think that one of the most important things to happen in recent times is the rejection of the economic rationalist policies that were planned for us by the Liberals nationally. I refer to the divisive nature of their package of promises to the people of Australia - a package which, I am pleased to say, they will never deliver. We will be able to work instead with a government which is creating a more socially just society. I saw the inherent criticism in Mr Kaine's speech about issues of a social nature. That is where a Labor government shows a very stark contrast to that of the conservatives opposite. We see as an integral part of our approach to government the development of a more socially just society - something that the Liberals are not able to come to grips with, as has been recently demonstrated.

In the 1992 ACT election campaign many promises and commitments were made. We did not attempt to buy votes or dream up grandiose schemes, or come up with those divisive plans that the Liberals have become infamous for. We have made very good ground on moving to fulfil all of the promises that we made to the people of the ACT. Labor's responsible attitude to government here has guaranteed that the people of Canberra will not be disillusioned by government. That is the difference between us and those opposite.

Major legislation from my portfolio area that we plan to introduce in the sitting period includes legislation relating to the Independent Health Complaints Unit. That issue, brushed aside by Mr Kaine, is something which many people in the community, concerned about the social issues surrounding health delivery, have supported for many years. There will be amendments to the registration Acts relating to various health professionals. As promised, podiatrists and psychologists will be registered. All of these legislative changes will be achieved in the term in which we said they would.

Amendments to the tobacco products health warnings legislation, ACT food legislation, amendments to the long service leave Act and the Boxing Control Bill are important pieces of legislation. Mr Kaine brushed aside the Boxing Control Bill. That legislation is very important to mothers whose sons and daughters might be involved in organised boxing events. It is important to mothers and fathers who would be concerned about what might happen to their children if there were no boxing control. It is Labor that has done it again.

Our commitment to an Independent Health Complaints Unit is well known. The legislation, once passed, will guarantee the rights of health consumers. Likewise, our longstanding commitment to register those health professionals will be fulfilled. The amendment to the Tobacco Products (Health Warnings) Act is, of course, part of a national campaign to toughen the health warnings on cigarette packets. That has not always been the view taken by conservatives. They would rather let the market sort these matters out. If we waited for the market to do it, it would never get done. We have to continue with our thrust to provide better health out there in the community. We just cannot sit and wait for it to happen, or let the market decide. That is the approach that the Liberals would take. The ACT will definitely proceed along this course, despite some signals from those conservatives that I have mentioned that they might reconsider their stand on the issue.

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The amendments to the Long Service Leave (Building and Construction Industry) Act are positive for both workers and employers. The levy will be abolished for apprentices, making it easier to take them on. That is a sensible move. Labor does it again. It is still on the program and it will be completed. Unlike the Liberals, who achieve nothing, Labor will achieve something. The percentage of the levy that goes towards training will be counted as a contribution to the training guarantee levy. The long service leave provisions will be extended to cover part-time workers. We are concerned about the protection of workers - something that the Liberals opposite are not concerned about. They continue to attack workers and their organisations.

Mrs Carnell: How much will that cost?

MR BERRY: Even now they interject, exposing themselves as maintaining the hidden agenda which the Liberals nationally have said they might have to discard if they want to get elected again. They have to have more concern about issues of social justice. But they never will, because of their background. As I have said, legislation to control boxing in the ACT will be introduced. That was another election commitment and will bring boxing legislation into line with that which exists across the border.

Mr Cornwell: Wow!

MR BERRY: Somebody says, "Wow", because they just do not care about issues which are of concern to - - -

Mr Cornwell: How many jobs, Mr Berry?

MR BERRY: What it is about is saving people from damaging injury which would be a burden on society for the rest of their days. In other areas the Government will be introducing additional food legislation and, further down the track, smoke-free indoor environment legislation, amendments to the Workers' Compensation Act, ACT racing legislation and sports drug testing legislation - all important issues of social justice - just to name a few. There have been many hollow claims by the Liberals that this Government is inactive and a "do nothing" government, but they have never been able to back up their claim. This is a proactive government which is about improving the lifestyle of Canberrans - workers, businesses, retired people, everybody. Labor is about doing something - not just sitting on the opposition benches, where members opposite belong, carping about the successes of a Labor government. We are doing something.

Labor has won a Federal election and it will be much easier for us to achieve better things for Canberra in the light of that electoral victory. I think most people in the ACT, of course, recognised how the Liberals were about to undo Canberra and what significant damage they were going to do. That is why there were significant gains in the levels of support for ACT Labor candidates. People know that Labor is about protecting society - not protecting just individual parts of society, but protecting the lot. You have to have socially just laws. If you do not have socially just laws, the community will fall apart. The Liberals do not care about that. All they seem to be concerned about is ensuring higher profits to some of the people that they claim to represent, and, of course, making it harder for workers out there to do well in society. They wanted to create an "us and them" society. They still are of that view. You only have to listen to the interjections to know where they are coming from.

We have demonstrated federally, and in the ACT, that we will provide responsible government. Just as Australian people gave a vote of faith to Paul Keating, and Labor federally, and rejected those economic rationalist policies of the Liberals, this Labor Government will continue to carry out the mandate that we have been given by the people of the Australian Capital Territory. We promised them that we would make this society better, and we continue to do that. Each time that we approach a piece of social justice legislation with sensitivity, we improve the lot of ordinary people.

Mr Wood: Incremental.

MR BERRY: And as Mr Wood interjects, it is incremental. We are building on all of the things that have been delivered by Labor. We will continue to do that. You can rely on us.

MR DE DOMENICO (4.04): Madam Speaker, I rise, first of all, to talk a little about what Mr Berry just had to say. There is no doubt that federally the Liberal Party got it wrong two weeks ago; for anyone to deny that would be not to look at reality. There is no doubt that one of the reasons the Federal coalition was rejected throughout Australia was that, perhaps for the first time ever, the conservative Australian community voted for what they perceived to be the more conservative party and rejected some of the things which they perceived to be radical in those policies. Having said that, there has been no rushing around of members of the Liberal Party saying, "Listen, we have it all wrong; let us change it all".

Mr Berry: The Federals have.

MR DE DOMENICO: No, they have not. I mention this only because Mr Berry, from time to time, waxes lyrical about what he thinks the Liberal Party might do, or might not do. I think the lesson that all political parties have learnt is, first of all, not to be too radical too quickly, because the community is not going to accept any political party that is too radical and too radical too quickly.

Mr Berry also referred to some of the propositions put forward by the ACT Liberal Party. I think he used the words "divisive plans and promises". But he did not talk about some of the things that this Government has done since it was elected to power - things which it did not even mention to the people of the ACT. Never let it be said that I would suggest things like this, Madam Speaker. Some of the issues which I am about to mention might be considered radical, and too radical too quickly, and done without much consultation. But I will leave it for the Assembly members to either agree or disagree. More importantly, I will leave it for the people of the ACT to decide because I believe, in regard to these issues, that they were not consulted; nor were they told prior to the election what this Government was going to do. So it is all about government which is too radical - be it Liberal or Labor government.

One thing that I would like to say is that, in my opinion, this ACT Labor Government will see that it has done things that are too radical for the community as a whole to accept. We will continue to mention over and over again that there was no consultation with the community, for example, about banning exotic animals from circuses. Some people might think that is not an issue.

Mr Lamont: Madam Speaker, I rise on a point of order. That allegation is demonstrably wrong. The records of this Assembly show that indeed that was the case over almost a four-year period. The assertion, in relation to the exotic animal ban and the animal welfare working group recommendations, is quite clear. It is factually wrong.

MADAM SPEAKER: Continue, Mr De Domenico.

MR DE DOMENICO: Thank you, Madam Speaker. I thank Mr Lamont for his interjection. As usual, it was not correct, but I thank him, anyway. There was no consultation with the people of Canberra over that issue. If Mr Lamont had been out there at Tuggeranong, for example, when thousands of people - I do not know how many - came to protest against the decision made by the ACT Government, he would have realised that. Those people were not wrong.

The other issue that comes to mind is the abortion situation. There was no promise or undertaking given to the people of the ACT prior to the election that the Government would act in the way it did. It had hidden somewhere in its platform what it was going to do. It kept denying that it was going to do that when the issue was brought up by the Liberal Party. But it went ahead, and there were changes to abortion laws. There was also no mandate given by the people of the ACT for the decriminalisation of marijuana; nor was any mention made of that prior to the ACT election. Once again, that is an issue that some people in the community might consider to be slightly radical.

Ms Ellis: This is ridiculous.

MR DE DOMENICO: I hear the word "ridiculous". Of course it was ridiculous. It was ridiculous because people were not kicking doors down and saying, "Please, decriminalise marijuana. Please, we do not want elephants in circuses". I did not have one representation prior to the ACT election, from people haring across paddocks to my place or to my office, to the effect, "Please, we reckon that banning elephants is going to make it more socially just for our kids". There is nothing wrong with seeing an elephant perform. There is a heck of a lot wrong, though, with being allowed to puff marijuana down the street, and with abortion clinics and the like. Let us get back to reality. Mr Berry, in his usual way, starts talking about protection of workers.

Mrs Grassby: On a point of order, Madam Speaker: The Bill on marijuana was to decriminalise it. It was not to allow people to puff marijuana down the street. It was only to decriminalise it. What is being said is that we have made it legal. We have not made it legal, Madam Speaker.

MADAM SPEAKER: Thank you, Mrs Grassby.

MR DE DOMENICO: I thank Mrs Grassby for her interjection as well. It is nice to be able to get all this assistance from members opposite. But the reality is that marijuana has been decriminalised. This Government did not say to the people of the ACT, "Listen, people of the ACT, No. 1 priority is that we are going to decriminalise marijuana; No. 2 priority is that we are going to ban exotic animals from circuses", and so on and so forth. So when we talk about radicalism and why people reject radicalism, I think we need to point the finger at this Government.

Mr Berry, in his usual way, also suggested that every person who voted Liberal or who, in any way, shape or form, has ever supported the Liberal Party believes in the non-protection of workers. For heaven's sake, Madam Speaker, we are in 1993. Mr Westende will, perhaps more eloquently than I ever can, inform Mr Berry of the fact that right here in the ACT most, if not all, employers realise that the best asset that they have today, tomorrow and whenever is their work force. Mr Westende has great experience in this. He will tell you what has been going on in his particular workplace over the past week or so. He will show that Mr Berry, who has never employed anybody in his life, in fact, knows nothing about business. So much for Mr Berry.

Mr Berry, for example, also mentioned the Workers' Compensation Act. As far back as 1983, 10 years ago - Mr Lamont is waving furiously, because Mr Lamont and I, once again, sat on that committee in 1983 - there was unanimous agreement to 39 changes to the current Workers' Compensation Act. Do you think we have those 39 changes in place yet? The answer is no. Mr Berry is the Minister responsible for the Workers' Compensation Act. Not anywhere in this priority list do I see anything about a termination clause, for example, in the Workers' Compensation Act. This was unanimously agreed to by the trade union movement - the workers of the ACT, in other words - the employers, the government at the time, and by everybody. They unanimously agreed to a termination clause. It is now 10 years down the track, and we still have not seen it. In fact, we did see it just prior to the end of the First Assembly. Guess which political party did not support it? The Labor Party did not support it. So for Mr Berry to come into this place and say that he has done all these marvellous things about the Workers' Compensation Act is a nonsense. Minister, you have done nothing.

Let us get onto perhaps what the priorities statement should have said, because at this stage I have spoken only about what Mr Berry said. High tech comes up from time to time. We applaud the Government for even talking about the potential of high tech in the ACT because we all agree that it has an enormous potential. However, what does the Government do? Under its nose, in comes Wayne Goss, about two or three months ago, offering all sorts of bickies to Canberra's high-tech industries - high-tech industries that have a world renowned reputation. This is done under the Chief Minister's nose, and nothing happens about it. What does this Government do about high-tech industries? It produces lots of glossy brochures which look magnificent, but it does nothing to create jobs in the ACT.

What can it do? Mr Kaine mentioned payroll tax. We know that not only Liberal governments think about payroll tax, because Carmen Lawrence, Wayne Goss and other Labor Premiers have given payroll tax incentives to certain industries in order to create jobs. What about occupational health and safety? Mr Berry stood up in this place - great fanfare, a media conference - saying, "We want uniform standards". We said, "We agree with that, Mr Berry. We applaud you for standing up and saying what you think ought to happen. But do something about it. Do not just talk about it". We do not have uniform standards. In fact, Canberra is one out. That is costing jobs, believe it or not. Had you consulted with all the industries that you targeted in your legislation, they would have told you - they did tell you - that it is going to cost jobs. So what you are doing is doing the radical things that are, in fact, costing jobs and not creating them.

I could go on and on. I could talk about labour market reforms. I could talk about, for example, ACTTAB, a very profitable operation that this Minister is going to blow out of the water - not because of any reasonable reason, but because of this radical ideological bent that manifests itself in this ACT Government. The people of Canberra have learnt one lesson, as have the people of Australia. They will not accept, in fact they will reject outright, any government of any political persuasion that does not do what the people want. They will reject anything that is too radical. This is the most radical Labor government ever seen in this country. In fact, it is the most radical government we have ever seen. The people of the ACT will realise that at the next election.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.14): As I listened to Mr Kaine and Mr De Domenico, from the other side of the chamber, something struck me about their speeches. Mr Kaine stood up and, at one stage in his speech, after his usual knocking style, said, "What will the Government do?". He said about six times, on six or seven different topics perhaps, "What will the Government do?". At no time did he come up with any proposal of his own. At no time did he say what the Opposition would suggest. There was not even a single constructive proposal.

Mr De Domenico, just a moment ago, said that he was not going to do that. He said that he was going to be constructive and he was going to say what should be done. In fact, he did not. He made one constructive, perhaps not constructive, but clear, statement, namely, that maybe - he did not quite say it this way - we should get into an auction situation with States like Queensland to ensure that we get high-tech industries. Then he went onto two or three more items. But, in fact, he was not offering anything positive. He was not saying what we should do. It was, again, knock the Government on occupational health and safety and a couple of other matters. So at no time in this 20 to 30 minutes of Opposition debate did we have anything solid and constructive from the Opposition.

I do not find that surprising. I do not find that surprising at all, because in fact the quality of the Government's proposals, its legislation and its administration is such that there is not much for them to pick over. There is nothing much there for them to suggest. It has all been taken away from them. The people of the ACT decided that about a year ago, just as the people around Australia decided that Dr Hewson did not have enough to offer. I would agree with Mr De Domenico in the comment he made on the Federal election - that the Liberal Party appeared too radical. With that apparent radicalism, I think there was a very significant element of destruction which the Australian community saw and voted against.

I interjected, when Mr Berry was speaking, to use the word "incremental", and that is very much the key to progressive government. I once heard a speech by Don Dunstan, a former Premier of South Australia, who said that any government had to keep ahead of the community and had to provide leadership, but it could never get very far ahead of the community. It had to be half a step ahead, otherwise the community got lost behind. It is that element of leadership, knowing what the progress we want is, the ability to inform and educate the community, to have the community accept those proposals, that has been, I think, a mark of recent Labor governments.

The Chief Minister, in her tabling statement on priorities, made it quite clear that these were priorities in relation to, first, legislation, and secondly, administration. She tabled the legislative program but, of course, she also made it quite clear that legislation is but a part of the Government's program. It is the continuing administration that is no less important and which, in many circumstances, is more important.

I want to make some comments in this vein about education. One piece of legislation in the Government's legislative program on education has to do with the registration of providers of training programs, et cetera, for overseas students. It is an important piece of legislation. However, I would be the first to say that it is not an earth-shattering piece of legislation. Again, it is part of that steady progress. But, along with that, we are doing a great amount, within the Department of Education, with government policies and priorities, to enhance and to improve education in the ACT. Do not judge education, as Mr Kaine - without mentioning education - seems to want to do, by looking at the legislation program, because there is so much happening in education, to maintain and to enhance the system, that is very important.

It is generally agreed that we have a good system of education in the ACT. I do not say that too often, because the system is never good enough and it has always to improve. We have to build on the strengths that we have. To do that, we have constantly to review and improve our system for good growth. There is no conflict with that when I say that by providing stability and consolidation within our system we are allowing that to happen. Perhaps it is a good comment, a good throwback to the word "incremental", because bit by bit we are reviewing, changing, monitoring our system. We are not taking a revolutionary step to overthrow the system. There was a step like that back in the early seventies. The system we have now is still based on that, but there is that constant attention to detail to see that it remains a good system. I believe that providing stability and security to the education system enables us to look at the particular programs we have in education to see that it continues to improve.

Part of that good management by the ACT Government, and the education system is part of that, is doing more with less. The Federal Government is not giving us any more money. We all know the budget realities in this Assembly. I believe that the Opposition generally realise that. So we have to maintain our quality system with less money. Therefore, the way we look at our system becomes very important. At the moment we have a number of steady reviews going on. We are continuing with our secondary college blueprint and with our high school development plan. They have been going on rather longer than we had expected, but that is not surprising, because of the very significant changes coming from the Federal level - the changes attached to Carmichael and Mayer.

Whereas last year I thought we would be in a position to finalise those documents, they have carried on, quite sensibly, a little longer. In the end I think we will see some very sound documents that will further progress our system. This year within education we are having a hard look at curriculum, professional development and behaviour management. We are talking to the teachers and the education community and saying, "Are you satisfied there? What may we do to further enhance our system?". I believe that this is the way that education, as one arm of the whole of the Government's plan, continues to improve.

I could say the same in respect of another of my portfolio areas, that of environment. We have good policies on environment in the ACT. I do not claim credit for all those because they have been developed over a quite long period. We are at present undertaking a comprehensive review of all our environment policies to ensure that they absolutely meet all of the requirements of the 1990s and into the next century. We are looking at them, reviewing them and assessing where they work - maybe where they need to work better. We will put that into a whole package. I will be bringing that into this Assembly some time later in the year.

More immediately, I will shortly be announcing, I expect in this Assembly, the appointment of the first Commissioner for the Environment. Very much at the same time, I will be tabling the legislation that will give backing to that commissioner. It is important. There is a Commissioner for the Environment in Victoria but the commissioner we will have here will be so much more important because we are giving that commissioner legislative backing. It will be a more powerful and more significant position than that which applies in Victoria. So that is the immediate step we are taking. We are doing this all the time. It is cumulative; it keeps adding on and on. That is what the Chief Minister has pointed out and what the Opposition has so much failed to see.

MR WESTENDE (4.24): Mr Deputy Speaker, a few weeks ago I spoke in quite some detail about the Government's lack of vision and its lost opportunities; and now, in referring more specifically to the Chief Minister's address on the Government's priorities, I do not have much to add. Quite clearly, the Chief Minister failed to inspire anyone with her speech and none of us on this side of the house, nor, indeed, anyone in the community, is any the wiser as to the Government's agenda.

May I just mention what Mr Berry had to say. Mr Berry derided the business of making profits. I suggest to Mr Berry that if businesses were not making profits they would not employ people. Moreover, where would some of the community organisations in this town be if it were not for the support of the business community? We would not have a Canberra Symphony Orchestra if it were not for the business community; we would have only half a National Gallery; we would not have the Woden Valley Youth Choir; and we would not have the Open Family Foundation, to name just a few. Where would the charities such as the Smith Family, the Red Cross, the Red Shield Appeal, the St Vincent de Paul Society and the Heart Foundation be? I do have some knowledge of business assisting other organisations. The business I am associated with certainly knows its social responsibilities and supports most of the organisations that I have just mentioned. That is why I am very aware of the fact that those people need assistance. I believe that we ought to put back into the community what we take out of it.

Mr Deputy Speaker, some time ago I spoke about the importance of the Government taking a leadership role. It is absolutely essential for business to have some certainty. For business to plan they need to have some certainty. However, with this Government, things are far from certain. It does not have a plan. It does not even have a business plan. Some time ago the Chief Minister criticised my MPI speech on the Government's lack of vision as being narrow.

If it is narrow to suggest how this Government can create an environment in which business can prosper in this town and, in the process, overcome the disgraceful unemployment situation in the ACT, I am pleased to plead guilty to that criticism. Perhaps we would be better off if we focused more narrowly on our major problems. We may then find a solution.

The Chief Minister in her speech did not say anything, narrow or broad. It is totally lacking in any substance at all. That has to be a worry for all of us. Let me illustrate. The Chief Minister said, "We believe that there is potential for industries that will create employment". Did the Chief Minister go on and say which industries? Did she give any clues as to why the Government believes that there is potential for industries that will create employment? Not a word. All the Chief Minister said was, "We believe that there is potential for industries that will create employment". Quite honestly, that statement says nothing. It certainly would give no hope to the unemployed. It gives no encouragement to the business community.

I find it amazing that this Government can be so gullible and naive about business matters - not only in relation to the business community but, indeed, in relation to its own business. There was some mention during question time of the importance of public servants being seconded to private enterprise for a period of time to gain a working knowledge of how business functions. I do recall the Chief Minister acknowledging that this is a good idea.

Ms Follett: And it happens. We are doing that.

MR WESTENDE: What is being done about it?

Ms Follett: We are doing it.

MR WESTENDE: It is certainly not known in the business community, Chief Minister.

Ms Follett: They ought to open their eyes.

MR WESTENDE: We seem to have more inquiries from overseas students wanting to come and get some business experience with the company that I am associated with than requests from your Government, Chief Minister. I suggest also that it would be invaluable for the members on the other side to acquaint themselves with the realities of business as well. It would have been encouraging to see at least one of the members of the Labor Government opposite at the Canberra region breakfast last month. Not one was present.

The outline of priorities by the Chief Minister is a very serious indictment of this Government's capacity to confront the important issues facing this Territory. I suggest that the important issues are economic ones. Let us see some policies on those issues; then let us look at the social issues. I think you will find that the increased prosperity that will come from a better economic environment will see many of our social problems solved; for instance, youth unemployment, homelessness, illness, suicide, family difficulties and so on.

Let us look at the priorities outlined by the Chief Minister: Amendments to the Gaming Machine Act, an Independent Health Complaints Unit, a Boxing Control Bill, amendments to the Discrimination Act, the Adoption Bill, further work on legislation to implement a Hare-Clark voting system, membership of the new

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Aboriginal Advisory Council, the new Canberra flag. I have no objection to any one of the priorities on the list I have read out being raised. I may not agree with them, but that is a different matter. However, it is not an impressive list. Once again I can only assume that the Government has more up its sleeve but does not want to reveal it.

The Chief Minister's speech outlining the Government's priorities was lacking in vision, lacking in sensitivity to the real issues facing our community and, most of all, lacking in direction. The Government is letting down the community very badly.

MR LAMONT (4.31): It gives me great pleasure to rise to support the program that has been outlined by the Chief Minister. It gives me pleasure for a number of reasons, not the least of which was covered quite admirably at a Business Council, ACT Government and University of Canberra organised luncheon today, where the guest speaker - one of a series of guest speakers - was Mr Kerry Stokes, the current owner of the *Canberra Times* and former owner of Capital Television in the ACT.

Anybody listening to the members opposite this afternoon, particularly the last speaker, Mr Westende, must believe that they and Mr Stokes have been talking about two entirely different places. Indeed, Mr Stokes, a business person of some considerable substance, who has been involved in a wide range of business activities in the ACT over an extensive period and who has been involved in appointments to boards such as the National Capital Development Commission, as it then was, and a range of other bodies in the ACT, made the firm comment that what is happening in Canberra, with the assistance of the ACT Government, is something which is to be applauded. On the one hand, we have the prophets of doom and gloom on the other side, who are suggesting that business does this and business does that; and, on the other hand, we have a practising business person, someone of great stature and substance in our ACT community, I would suggest, who is saying something entirely different. One does not ring true. I suggest to you, Mr Deputy Speaker, that it is the comments that have been made by those on the opposite side of this chamber.

If we have a look at the economic development issues, which are in fact referred to in the Chief Minister's priorities document, it is quite clear that there is indeed a cohesive policy; that there is indeed a direction which the Government has set; and that the Government has been successful in achieving the milestones on the road that it has set for itself. It is successful. It is recognised by the business community as being successful. Obviously, it is not recognised by the prophets of doom and gloom that Mr De Domenico, Mr Westende and Mr Kaine speak to. That is certainly not the message that I get as I go around the ACT community - at sporting, cultural or business levels. It is certainly not the message that I get in relation to people who are attempting to do business in the ACT.

It is certainly not the message that I got when I attended a meeting at the Australian National University to discuss the ANU's proposal for a technology precinct to facilitate interrelationships between centres of excellence such as the ANU and business. That is certainly not the impression that I got from the businesses there. It is not the impression that I got from other companies operating in the high-tech, IT area. It is not the impression that I get when I talk to people in the real estate industry who are responsible for leasing buildings in the ACT on a commercial basis. So what in fact has happened here is that the people opposite - the carpers opposite - have believed their own press.

That might have been fine in the run-up to the last Federal election when they believed the new messiah - whom they have just taken down and put back up with another doctor. It might have been fine running the line in the doctor's document that it is all doom and gloom, but the facts do not support that. The facts do not support the campaign they ran in the lead-up to the Federal election. They certainly are not supported by the comments that have been made here this afternoon. I suggest that those opposite take off the rose-coloured glasses that they go around the business community with and that they turn up the hearing aids so that they can actually hear what they are being told by the business community, because, when members of the business community talk to people on this side of the chamber and, I suggest, to people in general, they do not express the view which two of the representatives here this afternoon have suggested they do.

So it is a simple fact. It is cheap and easy to score political points. It is harder, and, I believe, beyond those opposite, to come up with concrete proposals as to where failings have occurred or are occurring as far as the strategy that has been adopted by the Government is concerned. They simply cannot do that. They cannot do that because the Government is listening to what business is saying. The Government does not always agree with business - just as it does not always agree with what the trade unions put to it. That was amply outlined by the comment in question time by the Minister for Education in relation to a particular dispute in schools.

The concerns of business are taken notice of. It is about time that the carpers and the knockers on the other side started doing exactly what Kerry Stokes today has implored us all to do; that is, to get out there and sell this city, to sell the Australian Capital Territory as the national capital territory. The continuing carping, knocking and denigration which occurs from those across this chamber is the very thing that is holding back the economy in this Territory - the very thing that people outside the ACT hear about the ACT. It is the negativism of these people that causes some of our problems. If they wish to be constructive in doing something to assist the ACT economy, the suggestion is that they just cut it out. If they have nothing positive to say, if they have nothing positive to contribute, they should sit down and say nothing.

MRS CARNELL (4.39): Mr Deputy Speaker, a number of very interesting comments have been made in this debate, not the least of which being that priorities for the future of the ACT relate not just to the legislative program. However, I think it would be unwise to look past the legislative program totally. For example, in the health arena, the legislative program very definitely shows the total lack of vision and lack of solutions for our very real health problems in the ACT. As Mr Berry ably went through his priorities in health, I think all of us - - -

Mr Wood: As always. He is always able.

MRS CARNELL: He ably went through them. I think everybody who was listening to him, something which I suspect is often very hard to do, would have realised that none of the legislation, with the possible exception of the smoke-free indoor environment legislation - legislation which, of course, we have not seen, so we are not quite sure what he plans to do, although Mr Berry is very well aware that the Liberal Party supports legislation of some description to overcome

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the very real public health problems that smoking is causing - actually addresses the problems that beset health. It does not address the problem that numbers of people in the ACT community do not have access to proper health services. There is not one piece of legislation there that in any way addresses hospital waiting lists, or the lack of hospital beds. There is also no comment on those in the Chief Minister's speech. So I assume that that means that they are not a priority for the future in health.

Ms Follett: You are wrong.

MRS CARNELL: Well, it is not in there anywhere.

Ms Follett: You are wrong, which is the usual case.

MRS CARNELL: It is not there. You have not made a comment about it. The legislative program is headed up by legislation relating to an Independent Health Complaints Unit. A health complaints unit is particularly important for any system. To operate properly we really have to give consumers an opportunity to put forward their complaints. One of the great problems with the way that Mr Berry has chosen to put forward this proposal is that he has decided to set up a new bureaucracy around the Independent Health Complaints Unit and not to get rid of any of the complaints units that currently exist. So all we end up with is a new complaints unit on top of all the old ones - not a more efficient one, not one that necessarily reflects the concerns of the community and not one that actually in any way improves health. I certainly hope that that is wrong. I certainly hope that that is not what Mr Berry chooses to do. But, from his past comments, I have to assume that that is the case.

The next cluster of legislation was brought about by mutual recognition - something that certainly was not initiated in the ACT, but something that we totally support. Unfortunately, all these amendments were supposed to have been in place by 1 March; but, of course, we were far too busy getting rid of the Board of Health to bother about bringing forward legislation that the Chief Minister had undertaken at the Heads of Government Meeting to have in place by 1 March. So there is a bit of a failure there. Next is the psychologists and podiatrists registration legislation. These issues have been on the agenda for so long that I cannot remember how long they have been there. Certainly, no government has managed to achieve this. It would appear that we might now actually get them up. But why? Because of mutual recognition legislation. Again, both pieces of legislation we had undertaken to have in place by 1 March, but they are still not even tabled. Food legislation, of course, is particularly important; but, again, it is a matter which has been around for so long. So, on the list goes. None of these pieces of legislation in any way addresses the very real concerns.

I think it is hard not to make a comment about the proposed amendment to the Radiation Act 1983. My understanding is that the legislation has probably been drafted since 1991; so why, in heaven's name, it is still down as a second priority is totally beyond me. Mr Berry also seems now to have become substantially less confident that sports drug testing legislation is appropriate. That was first priority legislation last year. It is now a second priority.

But I return to health and the very real problems that are occurring in that area. A number of organisations and many people are attempting to put forward real solutions to our health problems. Those real solutions include using the resources at our disposal. That means allowing the private sector to be part of the overall equation to improve health in the ACT. Time and time again, Mr Berry has chosen to overlook those people who are willing and ready to help - like he was with the methadone Bill. It is particularly important that the ACT refocuses on primary health care, as is the case in many other States - something that the ACT, once again, is overlooking. Mr Berry is very capable of standing up and making comments about getting people out of hospital quicker. The average length of stay is 4.9 days. That is very important in overcoming our budgetary problems in the health area. We have to make people's length of stay in hospital substantially shorter.

But what he does not do is back that up with proper domiciliary care, with new services and improved existing services, to allow people to have appropriate care at home if they are going to be discharged from hospital quicker.

Mr Berry: Yes, we do.

MRS CARNELL: That is just not true. The level of domiciliary nursing visits in the ACT has substantially reduced. In fact, it has reduced at almost the same rate as the average length of stay has reduced in the ACT over the last - - -

Mr Berry: And they do their work differently - smarter.

MRS CARNELL: It is very hard to look at them as smarter visits if there are fewer visits. But still, we should be looking at all of those priorities. Should we have a home-based intravenous service in the ACT? That is something that has not, to my knowledge, even been looked at here, whereas all other States are looking at these innovative programs that will allow people to stay at home. Nothing is being done in the ACT.

Of course, it is very hard to talk about priorities without talking about the new, or supposedly new, Mental Health Act - something that has been on the books for so long. We are told that it is in this session that we will finally see this legislation.

Mr Berry: We are doing it.

MRS CARNELL: I certainly hope so. It was going to be last year and that did not happen. A lot of people out there are suffering. The Labor Party are very good at saying that they care about the community and that they are all about social justice. I do not necessarily disagree with that. What I do believe is that in a number of areas you have badly underestimated the need in the community.

The other area of concern is IDS, the Intellectual Disability Service - an area which is badly underfunded. The parents of the often young people involved regularly write to all of you, as they do to us, because the services just are not there. Their capacity to input into the lives of their children - - -

Mr Berry: Which services are not there, and how would you provide them and with what?

MRS CARNELL: Look at the letters that I write to you. Those are the areas that are really about social justice, not amendments to legislation such as the Betting (Totalisator Administration) Act. That does not help anyone. It helps nobody. It makes nobody's life better in the ACT. We really have to look at the people out there and have regard to the fact that they are really hurting. The youth unemployment problem in this city is huge. There are lots of ways, as you all know, to improve and overcome that problem. The private sector wants to help and wants to help definitely.

MS FOLLETT (Chief Minister and Treasurer) (4.48), in reply: Madam Speaker, I thank members for their comments on the paper that I presented. At the outset I say to members opposite who have spoken on the paper that I am rather afraid that opposition is beginning to suit them. They have had nothing positive whatsoever to say about the Government's program, or about anybody else's. They have nothing positive to say about the efforts being made by the business sector or about the efforts being made by our research and educational institutions. They have nothing positive to say about our community sector. Of course, but not surprisingly, they have nothing positive whatsoever to say about the Government's program. I would ask members opposite to review their position. Nobody likes a group of people who simply knock things. I know that members opposite are having the greatest difficulty in getting along with each other, but if they treat the Canberra community in that same way, of total negativity, they will pay a very high price for it.

What we have heard from the professional knockers opposite is, unfortunately, nothing more than empty rhetoric which is aimed at fooling themselves. There is no doubt in my mind that that kind of empty rhetoric in no way fools the community. If you want any proof of that you have only to look back to 13 March to see how far the Australian community allowed the wool to be pulled over their eyes - not at all. The ideological rhetoric that was aimed at them by the Liberals - the half-truths, the fairytales that were spun - was totally rejected.

Members opposite ought to learn the lesson from that. We heard over and over again that there was some kind of a scare campaign; in other words, that it was not the Liberals who were wrong, it was the voters. What a load of rubbish! I can think of no more pathetic political position than to go around saying that all those voters were wrong. "We were right and they were wrong", is the stance being taken by the Liberal Party. It is absolute idiocy and it is leading them up a totally blind alley. I think that what members opposite ought to get used to is the fact that Labor keeps its promises. The Government here in the ACT is no exception. I realise that if you are a Liberal it is okay to do what Jeff Kennett did: Tell them one thing before the election, and do the complete opposite immediately afterwards.

If you are a Liberal it is all right to do what Dr Hewson did, namely, say, "I will resign if I change Fightback", and then not resign; and say, "I will resign if I lose the election", and then not resign. The people opposite have to get used to the fact that the Liberals are prepared to put forward those kinds of lies to the community; Labor is not. We do what we say that we are going to do.

I would like to say that, in putting forward this program for the year, I was very pleased indeed to see that the Labor Government had made a great deal of progress in implementing the election promises that we made to the Canberra community. In putting forward the program for this year, we will again take further steps towards the full implementation of our election commitments.

I know that that sounds very odd to the Liberals opposite. They are unable to comprehend that kind of a strategy. All of the things they have said today underscore their total lack of understanding. But that is the case. We do what we say that we are going to do. We will do it this year; we will do it next year. The program for the year reflects very much that case.

I want to take up two particular issues. One issue is unemployment. I must admit that members opposite have made a great deal of the fact that I ought to be legislating to create jobs. That is a new one on me. I am not aware, at this particular point, of just how that could be achieved and what kind of legislation might be helpful in order to create jobs. I have repeatedly advised this Assembly of the action which the Government is taking in order to create jobs in the ACT. The knockers opposite, of course, fail to observe that in the year up to January last there had, in fact, been 11,600 additional jobs created in the ACT. It does not suit their arguments, of course. It would not suit them at all to know that there had been a very great number of jobs created.

It does not suit their arguments, either, to recognise that I have frequently acknowledged the problem of unemployment in our community and that I have outlined, over and over again, the steps which this Government is taking, by way of cooperation with the private sector, by way of encouragement to industries to come to the ACT, by way of negotiation with particular companies on establishment in the ACT. The Liberals opposite, of course, are unwilling to ever comment on the success of those ventures. We are working on the issue, and we are having some success.

In the area of teenage unemployment, the 15- to 19-year-olds, I have repeatedly said that the level of unemployment there is unacceptably high. I have repeatedly outlined to the Assembly the actions the Government is taking to address the issue. I instance our Youth Conservation Corps, our venture and development assistance program, our youth services grants program, the Impact program, the youth work force development scheme, the traineeships, the additional places at the Institute of Technology and the additional apprenticeships, and so on. These are all steps designed to assist with that problem of youth unemployment or, more specifically, teenage, age 15 to 19 years, unemployment.

But I have to say that when I took a particular action, which was to write to every Canberra business, as Mrs Carnell asserted, saying that we would welcome their assistance in employing young people, Mr Kaine went public, criticising me. He could not see anything positive in it whatsoever. When I established a hot line to help those businesses find out what assistance was available to them in employing young people, Mr Kaine had nothing positive whatsoever to say about that.

Mr Kaine: That is right, because that was a wank.

MS FOLLETT: Madam Speaker, I would ask that that word be withdrawn.

Mr Kaine: What is wrong with that word? It is common usage. Everybody uses it.

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MADAM SPEAKER: Mr Kaine, I think that that is an unparliamentary word. I would ask you to withdraw it, please.

Mr Kaine: Madam Speaker, the lexicon of - - -

MADAM SPEAKER: I am sorry, Mr Kaine; you are not permitted to argue the case. I have asked you to withdraw it.

Mr Kaine: Madam, I withdraw.

MADAM SPEAKER: Thank you, Mr Kaine.

MS FOLLETT: Madam Speaker, as I have said, the members opposite, of course, choose to ignore all of those activities which are paying some dividends. I have never made any secret of the fact that the ACT is influenced by national factors in employment. We are, of course, looking to national recovery to progress over the coming years, because it will also add to the recovery in the ACT. We have made no secret of that. We cannot do it all ourselves.

I would like to make one final point, and that is that Labor believes in the value of the public sector as well as the private sector. I have always regarded the ACT work force and the ACT economy as being a unique partnership between public and private sector interests. I believe that that has worked extremely well. We are seeing a range of cooperative ventures between the government and private sectors which are leading to employment. I put it to members that the National Museum of Australia is perhaps the most exciting of those ventures currently on our agenda. I certainly look forward to the commencement of that project and to our Government playing a part in it, because it will, of course, lead to greater employment, lead to greater tourism and lead to greater status for our national capital.

But the Liberals, of course, saw no good whatsoever in the public sector. In the recent Federal election, the promise of the Liberals was, on their own figures, to cut 3,200 jobs from Commonwealth public sector employment in the ACT. This would have led to a further loss of 1,900 jobs in the private sector. The promise of the Liberals was to reduce Canberra to a ghost town. The promise of the Liberals was to cut us off at the knees. I will stick to my guns in saying that the ACT needs a strong and vibrant public sector as well as private sector. I was quite amused to hear Mr Humphries recently saying that he thought the Liberals' stand on the public sector was one of the reasons for their total lack of favour in the ACT. He was proposing at that time that the Liberals ought to perhaps review their stance on the public sector. Well, it is not before time. This town relies upon, as I say, an active and vibrant public sector as well as private sector.

Question resolved in the affirmative.

Sitting suspended from 4.59 to 8.00 pm

**DOMESTIC VIOLENCE - COMMUNITY LAW REFORM COMMITTEE
Paper**

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

That the Assembly takes note of the paper.

MS SZUTY (8.00): Madam Speaker, I believe that it is unusual to speak to discussion papers currently under consideration by the Community Law Reform Committee. However, I feel that now is an appropriate time to discuss how the domestic violence laws are performing and whether our approach to domestic violence is the right approach at the right time. Unfortunately, there are still many people in the community who feel that a certain amount of domestic violence in society is acceptable, while at the same time they will not accept any form or level of violence from strangers.

This Orwellian doublespeak view of violence in society has a lot to do with perceptions of relationships that come to us from the Victorian era. Most people hold the view that it is acceptable for them to destroy their own property but not the property of others, and as our laws that concern people were grafted onto a system that was originally conceived to protect property it is not surprising in some ways that personal relationships and societal violence became enmeshed in that web of property rights. I hope that we are now coming to the view in the late twentieth century that people are not property.

Unfortunately, in our society judgments are made every day about our own individual worth within the community and our ability to contribute to that community. Most people will be understanding, for instance, of the plight of the unemployed person who loses confidence when unable to find work even though that inability is not their own fault but partly the product of an economic downturn. How much more confidence sapping must it be to be the victim of a violent relative or partner who appears to get away with acts of violence that would not be tolerated from a stranger?

What was sought by domestic violence legislation in the 1980s was to give people who were subject to violence at the hands of those closest to them ways of escaping that violence and of society saying to perpetrators that it is not acceptable to treat other people violently or as possessions. Human beings need to be treated humanely. The message to date has appeared to have been slow in getting through because the attitudes of the people in the community were not taken into account by legislators when domestic violence laws were introduced. The Community Law Reform Committee itself quotes the Office of the Status of Women phone poll of 1988 which showed that almost one person in five believed that violence against a wife was acceptable in some circumstances.

It is not just perpetrators who express this sentiment; it is potential perpetrators, jurors, potential or actual victims and the children of victims and perpetrators. Eighty-two per cent of respondents in the poll also believed that withholding money was considered justifiable and 58 per cent felt that verbal abuse was acceptable. With this level of acceptance of denial of other people's human rights,

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justified because of some intimate or biological relationship, it becomes a much harder task to reduce the level of violence in our society than by simply legislating. This is where I see the Community Law Reform Committee's discussion paper as being crucial in our bid to lessen the incidence of domestic violence.

Evidence suggests that, while domestic violence legislation has given a courtroom solution to part of the problem, the remedy has highlighted even more dilemmas. What is more, it seems that the laws have not achieved what many envisaged they would; that is, safety and security for victims of domestic violence. Seven years after the introduction of the legislation we have a list of 11 issues that need to be addressed. The issues are very diverse and include the duration of protection orders, arrest and detention of perpetrators, statistics gathering, training of magistrates, sentencing and, in general, ways of dealing with offenders and victims.

What needs to be kept uppermost in mind when these issues are decided upon and paths chosen is that there needs to be a determination and an understanding of the result we want to achieve as a society to ensure that the changes we propose are effective. Seven years ago it was thought that by setting out in the law that victims did not have to lay charges in domestic violence cases we would solve the problem. This has proven not to be the case. We have police officers unwilling to expose themselves to charges of false arrest, although the discussion paper points out that they are not as cautious in other areas of their policing duties. It is also based on the fact that police officers do not like going into court with a witness who may not testify. This is one of the many areas where firm decisions on arresting and charging have to be made and, as I stated earlier, we need to be very clear about the outcome we want.

In my estimation the outcome wanted by most people at this time in our community is for domestic violence to be seen as unacceptable, to provide for the safety of women and children, and to deal expediently with perpetrators. In this we need to remember that we are not dealing with statistics, numbers on a page or names on pieces of paper. We are dealing with people and human relationships, which should indicate that the system needs to be as flexible as possible, to allow victims and potential victims to feel empowered by the process.

Suggestions have been put forward to lower the acceptance of domestic violence in the same way as we have established the non-acceptance of drink-driving. The aim is indeed worthwhile as long as we recognise the differences in the two problems addressed. The fact that society recognised drink-driving as a problem long before it acknowledged domestic violence as a problem shows that we still have a long way to go and that the issue is fraught with the inconsistencies of human relationships. Where sensible drinking behaviour is still possible, domestic violence cannot to any degree be condoned. It is not the combination of violence and other actions that is unacceptable; the violence is the problem which we, as a society, must work to remove. Any education campaign that is needed must start with those in a position to make a difference.

Despite what certain judges in South Australia may think, it should not be acceptable to use force against a partner or, extending that, another family member. The judiciary have an unequalled power in these matters. Police will not prosecute when they do not feel that a conviction is possible. And on what do they base this view? The past judgments of magistrates and judges.

The Prime Minister, Mr Keating, has stated that the judiciary should go back to school. I do not agree with the inference of learning politically correct thinking, but I do want magistrates and judges to be given the best information and training available in the area of domestic violence. I also want them to have on their reading lists not just legal precedents but victim impact statements and information which points out that human beings are not driven by absolute facts but are capable of being terrified and unable to present a coherent argument, as was the case in the example at page 51 of the discussion paper.

There are many issues which need to be taken into account in domestic violence cases, as many as there are domestic violence incidents, and I do not believe that we are yet aware of the extent of the problem. In connection with this point, I would like to express some views that are important in dealing with domestic violence. The first is training. Many agencies deal with domestic violence and most have training for their staff in dealing with traumatised women and children. But the commitment to reforming domestic violence responses in the ACT must include an acceptance of the fact that the problem is one of violence, not one of conflict mediation. There is no point in counselling victims alone. The perpetrators must be made to address their violence. Women must no longer be made to feel that they have failed to find the correct way to treat their attackers, or that they are the cause of the attack.

Therefore, there must be an agreed approach to the basic elements of the problem, and this means education that is consistent in its approach and accepts as its basic premise that survivors of domestic violence are not the cause of the problem and that mediation is not an acceptable solution until the perpetrator has accepted and addressed their own violent behaviour. Organisations can bring to this process any manner of approaches, but the nature of the problem must be recognised by all support providers. Recognised programs for helping perpetrators deal with their violence should also be part of the approach taken. But in the end the service delivered will be dependent on the training given to counsellors and support people.

In an associated matter, perpetrators must also be given support to recognise their violence. I recently attended a meeting organised by Parents Without Partners and the Lone Fathers Association.

Mr Moore: Was that the meeting when there were no Labor members present?

MS SZUTY: That is the one, yes; I believe so, Mr Moore. At that meeting, despite the vitriol poured on the system for accepting women's accusations of violence and not giving men the benefit of the doubt, one very worthwhile point was put. The ACT needs a refuge for families, particularly for men with children who find themselves temporarily homeless because of domestic violence. I feel that it is a worthwhile suggestion for the Government, whether through the Community Law Reform Committee or some other medium, to explore. Interstate there are men's shelters, established for many and varied reasons. Here in Canberra we do have one family orientated shelter. However, the needs of perpetrators need to be better met. Currently, aggression, feelings of denial of justice and hatred are exacerbated by the current system. We need to take a proactive approach to separating perpetrators from the people they have attacked, without escalating the violence.

Madam Speaker, we are becoming more aware as a society of other issues that have been highlighted by the debate on domestic violence. While there may be laws which prohibit the abuse of a family member - de facto, or by marriage - by another, this does not mean that our structures have caught up with our legislation. The perceived inequities of women before the law have led to terms of reference being given to the Australian Law Reform Commission to review legislative and other, non-legislative reforms which would remove any unjustifiable discriminatory effects towards women of Commonwealth laws or of their application. While the inquiry is only just getting under way, it points to the fact that we as a nation still have a long way to go before women have equal status before the law. We still have the situation where a woman who loses her capacity to work in the home is not compensated. Her loss is still looked upon as a loss of leisure or recreational capacity.

There is some movement towards a recognition of the importance of allowing women to have some control over family finances. In most cases where a woman stays at home to care for her children the only income into her bank account is the fortnightly family allowance payment, and then only if her husband's income is below the income test. Under a Federal election promise she may also get the converted value of the old dependent spouse rebate, but most women are still seen as a secondary partner in financial matters of the family unit and, in a society where a person's worth is often measured by their financial power, women are often left in a worthless position. So the circle returns and is completed. Madam Speaker, I will have another opportunity to address this issue when I address the national strategy on violence against women, but I urge and ask every concerned person, whether they agree or disagree with the content of the discussion paper, to put forward their views to the Community Law Reform Committee so that its members have the greatest range of views before them before they take on the task of turning issues and responses into legislative and other solutions.

MS FOLLETT (Chief Minister and Treasurer) (8.12): Madam Speaker, I am also pleased to be speaking on the discussion paper put out by the Community Law Reform Committee. I would like at the start to say that domestic violence is an evil which is still with us and which every government and every community, I believe, does have a duty to address. In the ACT we are addressing the issue, but I would like to comment on and take issue with some of what Ms Szuty has said. I would like to comment that I believe that it is overwhelmingly the attitude of men which perpetuates this evil in our society. The offence is overwhelmingly an offence of men against women and children, and that is undeniable on the evidence. When I speak of the attitude of men I do find it quite depressing to observe from time to time the lack of change in that attitude.

The report draws attention to an interesting point, the origin of the term "rule of thumb". The origin of the term "rule of thumb" is a ruling by a judge in the nineteenth century that it was lawful for a man to beat his wife, providing that the rod he used was no bigger than the thickness of his thumb. Hence the "rule of thumb". Madam Speaker, I find that ruling of the nineteenth century not so very different from the recent ruling in South Australia by a judge - Judge Bollen, I think - that a certain amount of force, a certain amount of violence, by a man against his wife in order to secure her sexual favours was acceptable. More than a century separated those men in time but I would put it to you that less than a hair's breadth separated them in attitude towards a woman's right to safety and to a peaceful existence in her own home.

But I said, Madam Speaker, that in the ACT we are addressing this issue. I believe that the report that we have before us is a very important one because it is the result of a long and very thorough investigation by the Community Law Reform Committee specifically into the ACT domestic violence legislation. I think we can be proud of the domestic violence legislation record that we have in the ACT. It is some six years since that legislation first came in. None of us here can take the credit for it because it did predate self-government. Nevertheless, it was a quite reforming piece of legislation when it was introduced. The report that we have before us is wide-ranging and very comprehensive, and I believe that that nature of the report can also be attributed to the cooperative approach that has been taken by a number of relevant government agencies who have been involved. In particular, my own department and the Attorney-General's Department have worked quite closely in developing this paper.

I think it is also important to note the degree of community involvement during the course of the investigation which, of course, assisted to inform that process. In fact, the very terms of reference for the inquiry were developed with the help of the work done by the first Women's Consultative Council. This work included a domestic violence forum, which the council held in August of 1991. That forum was entitled "Domestic Violence - the Law in Practice, Problems and Solutions". At that forum the application of the law as it related to domestic violence was discussed in a great deal of detail. These discussions did allow for some valuable input from the community in the initial stages of the investigation, and they did provide, I am told, a very constructive basis for the committee's inquiry.

The Women's Consultative Council also held a workshop for survivors of domestic violence in March of 1992. This workshop provided an opportunity for survivors of domestic violence to discuss their experiences and for the council to ascertain the extent and the adequacy of domestic violence services in the ACT. The information that was gathered at this workshop also informed the work of the Community Law Reform Committee, and it did form the basis for a number of the council's 1992-93 budget recommendations.

Madam Speaker, with the council's support, the Government has initiated the establishment of a domestic violence advocate position at the Women's Information and Referral Centre, and the duty of the person in that position is to assist women to gain access to all of the services that they require. Also, a series of support groups are being organised for women in need. I understand that another part of this initiative will be to offer training courses to agencies who are involved in dealing with domestic violence, so that we can raise the awareness of the related issues within those agencies. I am aware that the creation of that position has been welcomed, particularly by the ACT courts and the Legal Aid office, as it will give much needed support to the work of those agencies. Through initiatives such as these, and such as the establishment of the Community Law Reform Committee's investigation, I believe that this Government does demonstrate its commitment to dealing with the issue of violence against women.

At present the issue is one that is of great importance to the Government, and particularly of importance to me as the Minister with responsibility for the status of women. It is important also because of our commitment to the implementation of the national strategy on violence against women and to the Community Law

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Reform Committee's further investigation, which they have under way, into the ACT sexual assault laws. My highest priority in all of this work is to ensure the safety of the women and the children of the ACT. While I listened carefully to what Ms Szuty said about the needs of men with families, I believe that overwhelmingly what we are dealing with here is a problem faced by women, and that in allocating government priorities it is essential that priority be given to those women and children.

Madam Speaker, to conclude, I believe that this Community Law Reform Committee discussion paper is a significant document. It is very well informed. It is important reading for everyone who is concerned with dealing effectively with domestic violence in our community, and I would commend it to members. If they have not read it yet I suggest that they do. I would encourage anybody who is interested to make submissions to the committee to assist in the process of making recommendations to the Government.

MR KAINE (Leader of the Opposition) (8.20): Madam Speaker, I do not usually speak in the Assembly on reports such as this. First of all, there are other people who are more knowledgeable on some of these reports than I am and I think that there is a wider forum in which a debate can take place. But there are some aspects of this report that I think are so disturbing that some comment at this stage is called for. The report makes it quite clear that domestic violence is a major issue. It affects the dependent in our community, those that we profess to care about most. As the Chief Minister has pointed out, 90 per cent of the victims of violence are women and for that reason the principal focus of the report is on women. There are, of course, 10 per cent of victims who are not women - that includes men and children - and within the category of people called women there are some special categories of women, including Aboriginals and Torres Strait Islanders and people from non-English-speaking backgrounds and the like, all of whom have their own particular problems in this particular area, as they do in other areas of our society which affect them.

Madam Speaker, the thing that worried me most about this report was the number of people who are clearly subjected to violence. I thought that the numbers relating to the ACT were quite staggering. In 1991-92 there were 6,091 calls made to the ACT Domestic Violence Crisis Service and in 1,737 cases an intervention service was provided. In a population of 300,000 people I believe that is a cause of grave concern. I am very concerned that despite these worrying figures the report indicates that there is inadequate data collection. Perhaps it is even a greater problem than the statistics indicate. Inadequate data collection in this case may well imply that the problem is understated, in fact. Establishing a reliable statistical dimension to the problem, I think, is essential to dealing with it. That is one of the first things that government, I think, has an obligation to do. Prioritising action on the basis of subjective or unreliable data invites misdirecting of resources and perhaps ignoring of the major issues that underlie this problem.

I think it is outrageous that in our community so many women and children are subjected to what amounts to a regime of domestic terrorism. It is staggering that women are captives in their own homes, are subjected to repeated violence, and in many cases are too terrified to seek help. In this situation it is clear that the power and protection of our courts is void. It provides no protection and no assistance whatsoever to them. These victims are unable to escape from their tormentors and it is quite clear that the protection that the community broadly

assumes to be available is quite ineffective. I think we have a complacency in our community that everything is all right, and in fact it is not; it is a major problem. It is a tragedy for the individual victims and it is a waste of the few resources that we have available to us. I suspect that there are many victims of this kind of crime who are unseen and unheard. That is another aspect of the statistical reporting that I mentioned before. These people continue to suffer while the rest of the community goes about its business with some comfortable notion of how good our society is. I think there is an educational problem that needs to be corrected.

I think that action is required quickly. I know that programs to assist victims, to educate the law enforcers and the community all cost money, and it is a priority problem that the Government has to face; but I am convinced that a problem of this magnitude should receive greater priority for a fair share of the existing resources. The report states, for example, that 30 per cent of police work is now domestic violence related. A problem of such a magnitude demands the commitment of resources as a priority. It clearly must be a matter of concern to the Attorney-General, who is under pressure with his police budget, that 30 per cent of those 700 policemen that we have on our books, on those statistics, are involved for almost all of their time on matters concerned with domestic violence. I think that is another statistic that is quite horrifying. I could not believe it when I read it.

I would suggest, Madam Speaker, that a Treasury examination would find that the additional costs of providing specialist police, for example, who are expert in this problem would probably only be equal to the hidden indirect costs related to treating the victims and the effects of domestic violence in a direct way. The impacts on the health, community services and court budgets must in themselves be quite significant. If you deal with the problem you ease the pressure. Apart from making a major change in the lives of these people, you can make a major change in the allocation of your resources.

Another aspect that comes out of the report is this question of domestic violence orders. In many cases they provide no protection at all. There may well be merit in the report's suggestion that domestic violence orders should have unlimited effect, subject only to judicial review. That perhaps would solve the problem of victims having maybe 12 months' protection and then falling back into the position where they were before, having to deal with their problems alone and without any assistance from anybody. I think the report is full of instances where the structure has failed dismally to offer adequate protection to the victims.

One of the points that Ms Szuty made - this level of acceptance in our community that violence is okay - is again something that worries me. There is clearly a need for attitudinal change in this matter, and the sooner we set about effecting that the better. I mentioned the problems of people of non-English-speaking background, of Aboriginals and Torres Strait Islanders, each of whom have their own particular difficulties within the general problem. I think that the disabled are at risk of being marginalised in this issue as well. They are recognised in the report as a special group, and their needs are special because they are in many ways more dependent on their domestic circumstances than a lot of other people. So there are some issues here that really must be addressed.

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In concluding, Madam Speaker, I am sure that the Government is aware of a report that has only just been brought down in New South Wales on abuse of older people in their homes. This is just another aspect of the problem. It is an extension of this report that has been published within three months of the first one. Collectively those reports raise major issues that government has to address. I believe that there is, clearly, an urgent demand for action by this Government to deal with the cultural acceptance of domestic violence and to attempt an attitudinal change about that; to eliminate or significantly reduce at least the causes of domestic violence and to provide help for the victims of violence and, in fact, for those who inflict it as well.

MRS CARNELL (8.28): Madam Speaker, I too am pleased to address the ACT Community Law Reform Committee discussion paper on domestic violence, and I commend them on a very useful and very thoughtful paper. I am also pleased that it was decided that this paper should not address child abuse, as I believe that child abuse is an important issue in its own right and should be dealt with separately.

There are a number of points I would like to raise. The matter of domestic violence and its impact is an issue that requires detailed and considered action. Action should not only address the problems of after the fact but, hopefully, assist in preventing the continued escalation of current trends. The discussion paper does have a tendency towards addressing the issue after the event rather than to assist in preventative measures, but that is very much because of the way it was structured. I accept that. I do not for a moment suggest that all domestic violence can be prevented, but I believe that much of it may be averted with appropriate community response and, as Mr Kaine rightly put it, education is very important.

As mentioned in the discussion paper, the full extent of the horror of this type of violence is not known because so many women still fail to report the instances. Domestic violence legislation has been in place in the ACT for six years now, but it would appear that the incidence of domestic violence continues to increase. Unfortunately, both locally and nationally, the tragedy of this terrible violence is reported in our media almost daily, and locally I am sure that the tragic outcomes of the Gallagher and Bush cases are still clear in all of our minds. Obviously, our current system is just not achieving enough.

Sadly, the attitude of many in the community not only fails to recognise that violence towards your partner is unacceptable but in fact, in some cases, accepts the violence as a way of life. I think Ms Szuty, Mr Kaine and Ms Follett have rightly spoken about issues where this is the case. It is a criminal act and it should be treated as such. The attitudes that I mentioned are mirrored in the paper very well, I think, on page 8 and in many other places in the report. This attitude was also carried through in the ABC series *Without Consent*, where the prejudice, even in sentences for rape offenders and those in domestic situations, was all too clear.

Law and legislation is only part of a complex equation needed to deal with domestic violence. It is an equation where the solutions are varied. Counselling may be one such solution. Part of the counselling question may be the introduction of pre-violence counselling. There have been many times in the ACT when the wait for marriage guidance counselling has been up to eight weeks, and sometimes even in excess of that. I would have thought that, if a couple had a problem which may cause violence, then waiting for eight weeks

could only compound that problem. With the tension and the frustration that inevitably result, it is understandable that the result is sometimes a violent situation - understandable, but certainly not acceptable. Governments should ensure that the resources for these services are properly provided. I believe that counselling at the earliest possible time is absolutely vital. I therefore feel that the discussion paper possibly should have taken into consideration and fully addressed this issue. With marriage guidance counselling and other associated counselling, surely, as a community, we can do better than an eight-week wait.

The Domestic Violence Crisis Service does a great job - a job which is carried out in very stressful circumstances, operating 24 hours a day, seven days a week. It is not easy and they provide a much needed service. I wonder whether it would be possible for the Domestic Violence Crisis Service to arrange counselling of the two parties at the interim protection order stage. The current 10-day order may, in some circumstances, actually inflame an already unfortunate circumstance, particularly when an ouster order is involved and no actual violence has taken place. Is it possible? Surely in papers like this and in the community that we have, with a very real problem, we should look at all the possibilities.

My second point is the target groups identified in the paper. The discussion paper rightly mentions particular groups of women who have special problems - Aboriginal women, Torres Strait Islanders, non-English-speaking women and handicapped women. One of the reasons given for these special problems was the reluctance of these women to use women's refuges, particularly amongst non-English-speaking women, because the refuges are based on feminist philosophy which is often alien to some of these women.

There is another group of women who have been overlooked in the discussion paper. These are women who are the wives or partners of senior businessmen, professional men, senior public servants - women who are perceived to have money or to be privileged. In many cases they have no money of their own because their spouse or partner controls the purse strings. These women are isolated from general community assistance because they are trapped through the intimidation of the social circle in which their husbands move. They regularly have no way of supporting themselves or their children, and therefore feel that they cannot leave the family home. These women, certainly in my experience, have great difficulty in seeking assistance from women's refuges. They really are a forgotten group of women in Canberra, and I think they are a growing group. These women, together with other groups which have been identified, I think, make up the majority of the unreported cases, yet they really have been overlooked. Their needs also need consideration and help, and it is certainly not an easy problem.

My third point - one that I think Mr Kaine brought up - is whether the current effectiveness of domestic violence orders in regard to the time limitations imposed and the procedures on expiration of the orders is adequate. This, like restraining orders, I think, requires the wisdom of Solomon to protect the applicant, and in some cases the rights of the respondent need to be looked at as well. My view on the suggested options - I give you only my view - is that extending the current 12-month period has some very real problems in terms of the rights of the respondent. If the respondent has complied with the provisions

of the domestic violence order it seems unfair to further penalise him or her, as regularly the initial offence was never proven in legal terms beyond reasonable doubt. The respondent may already have been excluded from his or her home for 12 months and have had no contact with children.

Obviously, circumstances could arise where, at the end of 12 months, the applicant does have real and justifiable concern that violence may occur, especially if divorce proceedings are under way or imminent. It would seem to me that in these cases a longer period than 12 months would be required, which usually, I think, would be obvious when the original order was made. On this basis I believe that the court should have the discretion to provide for a longer period than 12 months in these cases - I think Mr Kaine made some very valid points in this area - but I really do not believe that automatic extensions should be granted with no input at all from the respondent. I really do feel that in each case they vary to a quite substantial degree and therefore the court is the best arbitrator in these circumstances. I also feel that quick and easy access to the court system is a must.

Most of my comments in this speech have been directed to female victims, but the problems of domestic violence will never adequately be addressed unless the needs and concerns of both parties are taken into account - I think that was the point that Ms Szuty was trying to make - not for a moment suggesting that women and children are not the real victims. But unless we take all parties into account in the way we look at the problem we will never solve it. If we totally ignore the rights of the male the problem will inevitably escalate. In whatever legal or social approach we as a community take on domestic violence, it is essential that we seek to balance the rights of both parties and attempt to solve the underlying problems rather than take the sledge-hammer approach, which can only lead to family breakdown and a continued escalation of violence.

MR MOORE (8.38): Madam Speaker, I may reiterate a number of the statistics that have been quoted tonight. I think it is important that they be reiterated again and again in our community in order that people understand the magnitude of the problem that we need to deal with. It is estimated that over 100,000 women each year in Australia are involved in violent domestic relationships. One study found that 42.5 per cent of all homicides were within families or de facto relationships. Aboriginal women have a higher chance of experiencing violence and homicide than non-Aboriginal women. In 1989-90 domestic homicides accounted for 70 per cent of homicides involving Aboriginal victims. A recent New South Wales study found that separation or the threat of it was the precipitating factor in 46 per cent of wife killings. The incidence of violent assault against women in the home is alarming. Australian attitudes to violence against women are even more alarming. The responses to this to date have been totally inadequate.

The ACT Community Law Reform Committee discussion paper is a highly significant document for the ACT in that it raises some practical ways to deal with this frightening phenomenon. Only the naive would believe that one report has all the answers. However, this report is a good start. It has tackled some of the fundamental issues inherent in this behaviour and raises some very important questions.

The following points for the ACT are particularly deserving of implementation and I urge the Government to put these into action as soon as possible. First, in applications for custody and access following a protection order the impact of violence witnessed by the children ought to be considered. Links have been established between witnessing violence as a child and perpetrating or being the victim of violence in adult relationships. In fact, the probability rate that the witness of repeated violence in the home will become a perpetrator in the future has been given as 80 per cent; hence the cycle goes on. It makes a great deal of sense for intervention programs to stop this cycle at appropriate times; programs that actually deal with the impact of this violence on the children so that the cycle is not continued.

I am not suggesting that custody or access be denied to the perpetrator if the parents concerned are separated, either by protection orders or of their own volition, but that the impact of continued violence be taken into account when making protection orders in court. Children can often suffer as much trauma by being denied access to the parent who is the perpetrator as they do from being a witness. An order that access be supervised may be one example of offering children adequate protection from violence, if the violence has been directed towards them, or from witnessing violence.

Secondly, I fully support the notion raised in the report for a centralised training program for professionals in the ACT involved in domestic violence - this has come up again and again in dealing with this issue - and that an ACT committee such as that convened in New South Wales be instituted to decide on the target groups for training, the content of the training, how the training should be funded, and how the training should take place.

Thirdly, the formation of a specialist domestic violence unit in the police force is another suggestion worthy of implementation in the ACT. It has proved particularly successful interstate and, budgets notwithstanding, perhaps deployment is the answer here, given that 30 per cent of police calls, as Mr Kaine mentioned, are to do with domestic violence. A specialist domestic violence unit could be established along the lines of the sexual assault unit. If this is not possible, then at least the instigation of domestic violence liaison officers could be considered. Such a unit could also employ, or have attached to it, a number of researchers and officers involved in collecting data so as to obtain a more accurate and coordinated picture of the incidence of domestic violence, to evaluate those strategies deployed, and to make ongoing suggestions to combat this destructive crime.

Fourthly, the arguments for and against mandatory arrest are well presented in this report, and I again commend the Community Law Reform Committee for tackling the issue with courage and in depth. As the Duluth project has demonstrated its worth as a successful perpetrator program, providing education and counselling whilst being firmly based in the criminal justice response to domestic violence, I suggest that the ACT model its program on this one. Counselling and education alone gives a very dangerous message to society, that message being that domestic violence is not a serious crime. That, of course, is to be avoided.

Counselling and education is not offered to those found guilty of burglary, for instance, or indeed assault against a stranger in any other instance. However, given that violence is partly a product of social conditioning of males in particular, reinforced in so many ways, as are males' attitudes to women and their wives, much can be gained through an education program that is reinforced with harsh penalties if the behaviour is not remedied. To achieve this we must aim for fundamental changes in the judicial and police responses to domestic violence. I think arrest is to be encouraged, as well as the imposition of harsher legal sanctions.

The philosophy is one of a community response to domestic violence rather than the onus being placed on the victims. Counselling and other treatment for offenders should be imposed by the court as a condition of protection or probation orders. The offenders ought to pay for these programs where possible. If the offender consistently fails to attend the program or continues violent behaviour there ought to be a swift legal response to the breach of the court order as a demonstration that the order to attend a program ought to be taken very seriously by the offender. If the Duluth model is to be taken on by the ACT Government, may I strongly suggest that the education program address the belief systems so endemic in our society - here I reiterate what I think all the speakers have mentioned tonight - that lead to violent behaviour. I refer to those concerned with notions of control and ownership in relationships. Many men need to be shown non-controlling ways of relating to women as well as creative ways to solve disagreement and conflict.

Fifthly, it is hoped that the ACT will also have an agency that facilitates information exchanges with all other agencies, not only to save duplication but also to establish accurate data on the incidence and treatment of domestic violence. I think that these suggestions, so competently brought up in the report, are but starting points to a long-term solution to dealing with a crime that we must all take very seriously on a national level. Mrs Carnell, in her speech, Madam Speaker, mentioned a notion of preventative measures. I think it is important that men particularly stand out against domestic violence. I remember proudly, at the end of last year, at the beginning of December, wearing a white ribbon to represent for the particular week Men against Sexual Abuse, which, of course, is but one form of domestic violence. I think it is important that more and more men stand up and say to other men, "We do not approve of this; that is not necessary and it is entirely inappropriate; violence is no solution". For a strong male, violence is no solution. Whenever possible, men need to stand up and be counted, and be counted clearly, as being against domestic violence.

MR STEVENSON (8.45): Madam Speaker, domestic violence includes violence against men and violence against children as well as violence against women, as we all know. Governments in Australia have highlighted the violence against women, particularly in TV advertisements which have increased awareness of this matter, but governments, in general, have done very little to handle the underlying causes of such violence. Many government policies actually aggravate these underlying causes. We know that there are heavy programs to do with non-smoking; yet little is done with the goal of reducing alcohol consumption. Governments have equated de facto relationships, to a large degree, with marriage and thereby have cheapened that role for women. There have been injustices caused to men by sexual discrimination and affirmative action legislation. The no fault provision in the Family Law Act has caused great concern to innocent spouses.

The Federal Government and the ACT Government have failed to ban X-rated videos and have failed to remove pornography from family stores. The very perception of domestic violence indicates a bias against men and children because governments tend to treat domestic violence as solely perpetrated by men against women. I do not know the figures in Canberra but in Victoria 15 per cent, approximately, of the cases that police attend are violence perpetrated by women. Violence against children is something we should always talk about when we talk about domestic violence. Women cause a high percentage of such violence. One of the reasons, no doubt, is that they spend a lot more time with the children.

The immediate trigger in many domestic violence cases is well known to be alcohol, but governments have done little to decrease alcohol consumption, to promote temperance, or to emphasise that indulgence in alcohol causes men to lose control. While the role of alcohol in road accidents has been stressed, there has been little emphasis that alcohol in a domestic situation can also cause trauma and violence. The feminist bias in government policies in regard to domestic violence, with emphasis on the exercise of power by men over women rather than on real triggers such as alcohol, has been particularly unfortunate in regard to Aboriginal women who are specially vulnerable because of the high rate of alcohol abuse among Aboriginal men. Cases of murder of Aboriginal women are vastly higher than murder of white women in Australia. I think it was in north-western Western Australia that Aboriginal women were 33 times more likely to be murdered. Of these assaults against Aboriginal women, 70 per cent were done by their partners.

I think the policies of Labor governments, in particular, equating de facto relationships with marriage have lowered the status of women and led to their exploitation. As a result of these policies many men undoubtedly believe that they can expect sexual favours from women without offering any long-term commitment. This results in less-caring relationships.

Mr Berry: You are a specialist.

MR STEVENSON: De facto relationships break up at a higher rate than marriages, and the incidence of domestic violence is far higher among de facto partners than among married couples. I note that Mr Berry thinks that this is a huge joke. I repeat that domestic violence is far higher among de facto partners than amongst married couples. The *Northern District Times*, on 18 November 1992, reporting on factors that were predominant domestic violence situations in the area of Sydney, stated that most cases involved a de facto situation, and there was seldom a case in which alcohol was not involved. As a former police officer and having attended domestic violence situations, I ask: Who would deny that alcohol is a major precipitating factor?

Federal and State sex discrimination and affirmative action legislation which specifically allows for discrimination against men, in order to make up for past discrimination against women, is perceived by many men as grossly discriminatory. The working man of today is not responsible for past discriminations against women, and one cannot make it up to women of past generations by unfairly disadvantaging today's working men. There are a number of Federal, State and territorial programs, ranging from women's health centres, advisory and advocacy services and others. There is tremendous predominance placed on benefiting and looking after women.

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Helen Szuty mentioned earlier that she attended, along with me and a number of other members - although not the Labor members, as Mr Moore said - a meeting of men, particularly, and women who were concerned about being discriminated against in domestic violence situations.

Mr Cornwell: No Labor members were present?

MR STEVENSON: That is right; there were not any. Anyone who had any faintest doubt that men were not discriminated against would have had that doubt removed at that meeting. There were many cases mentioned, some of them quite tragic, obviously by people who were quite sincere in what they were saying. Men usually define their status from the job they have. Women have an extra role as a mother or as a child bearer that, obviously, men do not have. I think that the no fault provisions in the Family Law Act have led to the prevailing feeling by many men that they are being dealt with unjustly. I have spoken to many men who feel appalled at the injustices. Once again Mr Berry shakes his head; he is an interesting individual.

Mr Connolly: You really do collect every ratbag element in the community, every ratbag view.

MR STEVENSON: Mr Connolly as well would suggest that there are not men who feel tremendously unjustly treated in the Family Court. If you attended the meetings and listened to some of the people who had the problems you may have a different view. One could well ask, "Why did you not go to the meeting?".

Mr Connolly: I will tell you that in a minute.

MR STEVENSON: None of you went. Good; I look forward to hearing it. I am sure that the women and gentlemen who went would be most interested in hearing why none of you went along. Is it that you have already made up your minds? Is it that you will not listen to anybody else's viewpoint? Is it that you do not care about anybody else's viewpoint? Is it that you are more concerned with ideology than people?

I think that injustices are caused to non-custodial parents, mostly men, from the operations of the Family Law Act which include the non-enforcement of access orders. Certainly, support agencies energetically enforce maintenance provisions - fathers are required to support the children, which is how it should be - but there is no reasonable mechanism for enforcing access orders, if the custodial parent, usually the mother, breaches them. Many ex-wives who are hostile to their former husbands try to punish them by depriving them of contact with the children. There are many cases that I could mention. Another situation used by estranged wives is to accuse the husband of molesting the children. Obviously, there are cases where that happens, but equally there are many cases where it has not happened; it has been said by a wife who has become embittered and has resorted to those statements. I noted that Mr Moore mentioned that he wore a white ribbon to do with men against sexual abuse. Actually it comes from America. The white ribbon was to do with men against pornography.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.55), in reply: Madam Speaker, briefly, in closing this debate I would like to thank those members who spoke most eloquently about the problem of domestic violence in our community. Members from all sides made eloquent and intelligent contributions, and Mr Stevenson delivered a tirade against feminism, the Family Law Act, alcohol, the demise of the family and every other ratbag right-wing view rolled into one. His suggestion that domestic violence displays anti-male bias, a feminist bias, just confirms all the prejudices of those hardline, right-wing misogynists out there who are dedicated to overturning domestic violence laws.

Mr Stevenson asked me why I did not attend a particular meeting. I did not attend the meeting because the "invitation" for me to attend the meeting was in fact a demand that I immediately repeal the domestic violence laws in this Territory or face a High Court challenge to demonstrate their illegality and, by the way, would I like to come to this meeting and explain why I failed to repeal them. When I get that sort of extremist ratbaggery directed to me I politely decline the invitation. I am sure that Liberal members who attended that meeting, and Mr Moore, would have been horrified at hearing that, because I am sure that they attended in good faith. My letter to the person who invited me made it very clear that we would not be repealing these laws; that we would look forward to any such legal challenge, which we would be confident we would win; and that, rather than attending their meeting to talk about domestic violence, we preferred that they take part in the public consultation that is at the heart of this document.

The other extraordinary statement from Mr Stevenson was that there is a higher rate of domestic violence amongst de factos than amongst married people. The authority for this is a statement in some Sydney suburban throwaway - a very appropriate way to conduct scientific research, pandering to that prejudice that back in the good old days before the decline in the family there was no domestic violence. We know that that is not the case. This has been a problem for decades in Australia and we are just starting to come to grips with it.

I would like to commend Mr Kaine for his impassioned statement. When a Leader of the Opposition refers to a problem, quoting Mr Kaine, as "disturbing and outrageous", normally one would expect that he is running a political attack on the Government and that the Government would respond in kind. The Government was encouraged to hear the words of the Leader of the Opposition describing the situation prevailing in relation to domestic violence as disturbing and outrageous. We would endorse those views. Mr Stevenson presumably takes a different perspective. One of the most disturbing things about it, perhaps, Mr Kaine, is that, while we recognise the faults in our system, in other parts of Australia they actually look to the Canberra system as a model for domestic violence laws. Our laws continue to be in advance of the situation in other parts of Australia.

Mr Moore said that perhaps we should have a specialist AFP domestic violence unit. Some States have done that, one could say, more perhaps by way of window dressing than anything else, rather than making sure that every unit, every mobile patrol, is educated because it is such a widespread problem.

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To summarise, Madam Speaker, the Government is encouraged that most members who contributed to this debate did so eloquently and impassionedly, to support the need for us to do more to protect women in our community from violence by men, and made the point that the Chief Minister made so very strongly - that this is about attitude and, quite frankly, those of us who are men have to change our attitudes before we can get on top of this problem.

Question resolved in the affirmative.

MEMBER'S COMMENTS **Statement by Speaker**

MADAM SPEAKER: Before we proceed to the next item of business I want to make a statement in regard to events in the Assembly at the last sitting. My attention has been drawn to comments made on 25 February on a radio broadcast by Mr Humphries concerning his suspension from the chamber that day. In the main, Mr Humphries's comments dealt with matters relating to staffing and the role of independent members; but, in response to a question relating to the Speakership, he made a number of comments that called into question my impartiality in the discharge of my duties as Speaker and criticised the management of question time.

Traditionally, a reflection on the character of the Speaker inside or outside the chamber or accusations of partiality in the discharge of his or her duties have been punishable as a breach of privilege or contempt. Both *House of Representatives Practice* and Erskine May's *Parliamentary Practice* cite precedents where this has occurred. I believe that comments of this kind broadcast publicly do lower the Assembly in the public esteem. I therefore believe that an apology or a withdrawal of the comments made, in so far as they reflect on the Chair, would be proper. Where I have sought such a response in the past it has been forthcoming from the relevant member.

As far as the operation of the Assembly is concerned, any member may sponsor proposals to change the rules or alter the practices by which we operate in this Assembly. This opportunity is even more accessible at the moment as there is a formal review of the standing orders being undertaken. Could I conclude by reminding members that to go to the media and criticise the actions of the Chair in this way does nothing for the standing of the Assembly and tends to lower it in the public esteem. There are procedures available to members to propose alterations to our practices and formal procedures. I believe that it would be in the best interests of the Assembly if these avenues were followed and, indeed, an apology offered.

Mr Humphries: Madam Speaker, I seek leave to make a statement to the Assembly on this question.

MADAM SPEAKER: In the first instance I will have to listen to whether you are going to withdraw or not, Mr Humphries.

Mr Humphries: Madam Speaker, I do not believe that I can withdraw without making a statement.

MADAM SPEAKER: That is fine. You have the option to not withdraw, Mr Humphries. If that is the case, that is fine. No further action will be taken.

Mr Humphries: You do not propose to let me make the statement, Madam Speaker?

MADAM SPEAKER: Under which standing order do you seek leave, Mr Humphries - standing order 46?

Mr Humphries: No, Madam Speaker, I do not seek leave under any particular standing order. I simply seek the leave of the Assembly to make a statement on the matter that you have just raised in the Assembly.

MADAM SPEAKER: Is leave granted?

Mr Berry: No.

MADAM SPEAKER: No, leave is not granted, Mr Humphries. That is fine, Mr Humphries; you had that option. We will now continue.

MR KAINÉ (Leader of the Opposition) (9.02): Madam Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Humphries from making a statement.

You asked Mr Humphries under what standing order he sought to make an explanation. Perhaps I could ask the same question: Under what standing order did you make a statement on the matter? Surely there must be equality here.

MADAM SPEAKER: Mr Kaine, you are the Leader of the Opposition; you must understand the role of the Speaker. I may make statements.

MR KAINÉ: I understand very well, Madam Speaker. I also understand that Mr Humphries - - -

MADAM SPEAKER: The question is: That the motion be agreed to.

MR MOORE (9.03): Madam Speaker, in making my decision as to whether or not I am prepared to support this motion, I would be interested to hear from Mr Humphries as to whether his statement will include an apology. If his statement will include an apology I am prepared to support the motion. That is the critical factor here.

Question resolved in the affirmative, with the concurrence of an absolute majority.

MR HUMPHRIES (9.04): Thank you, Madam Speaker; thank you, members. Madam Speaker, I have read the *House of Representatives Practice* passage to which you referred in your statement and the precedents that are contained in that document concerning cases such as the one that you have raised in the Assembly tonight, and I have come to the conclusion that it is open to and even incumbent on the Speaker of the Assembly to take steps to preserve the dignity of the office that you occupy, that being the case even where comments impugning the dignity of that office occur outside this chamber.

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You have stated that my comments on 25 February called into question your impartiality as a Speaker. Madam Speaker, indeed they did. The comments reflected a longstanding and often stated concern among my colleagues in the Liberal Party on this question. I accept the logic which has caused you to seek an apology from me. An apology honours your office and its significance to the operation of this Assembly. Accordingly, I apologise for my comments on 25 February in respect of you.

Unfortunately, I do not believe that the issue of the chairmanship of the Assembly is resolved with these words. My colleagues and I continue to feel that we receive different treatment in this place to members of the Government. The problem is exacerbated by the paucity of avenues available to us to address the issue we have raised in this way. Comments on the floor of the Assembly in respect of the Speaker's impartiality are disorderly and are always required, peremptorily, to be withdrawn. Comments outside the house are, as we have just been told, a breach of privilege or even a contempt of parliament. Motions of dissent are, by your own ruling, not available to members of this Assembly.

Personal approaches that have been made to you, Madam Speaker, by members of the Opposition have also proven to be unsuccessful in resolving this matter, as have approaches to you by a Minister in the Government of which you are a member. The Administration and Procedures Committee, Madam Speaker, is another opportunity, another avenue. It advises but, I would submit, respectfully, does not direct the Speaker. My reading of parliamentary practice is that it would be improper for any committee, or even the Assembly itself, to direct the Speaker in respect of the exercise of a discretion that she exercises in her office as Speaker.

You suggest, Madam Speaker, that standing orders can be amended to effect this result. Madam Speaker, fairness is not created merely by the way standing orders in this Assembly are worded. Every parliament, no matter how voluminous its standing orders, relies on the judgment and impartiality of its chairman. If that is wanting, no rule-making will overcome its absence. Respect for the office of Speaker is not established by iron-fisted enforcement of standing orders. It is earned. My colleagues and I do not seek confrontation with you, Madam Speaker. We would greatly prefer to operate in the knowledge that the Speakership was not an issue in this Assembly. In the circumstances I do not feel that that course is open to us.

Madam Speaker, I do seek to resolve this problem and I give notice that I will raise the matter that I have raised tonight, as you have informally suggested to me, in the Administration and Procedures Committee. I do not wish to cast aspersions on my newfound colleagues on that committee but I am not hopeful that that committee is an appropriate forum to deal with this problem. I might clarify that last statement, Madam Speaker. I am not suggesting that members of the Administration and Procedures Committee are not fair. I am not suggesting that at all. I am saying that I do not consider that the Administration and Procedures Committee is appropriately empowered to deal with matters which are, with respect, a question of the personality and temperament of the Speaker. Madam Speaker, criticism of the Chair does indeed lower the standing of the Assembly in the public esteem, but so too does the perception of the unfair exploitation of power. If both these questions cannot be addressed the conflict which is centred on your office will not abate, and that will be to the detriment of all of us in this place.

MR MOORE, by leave: Madam Speaker, having listened to Mr Humphries, I am conscious that he has one prime option available to him, and that is to move a motion of lack of confidence in you as Speaker. That would give him the appropriate opportunity to air every problem that he has and to test it in this Assembly. He and his colleagues have always had that option available to them, first and foremost, (a) if they consider that you are doing an inappropriate job and (b) if they consider that there is someone in the Assembly who could do the job better. That is the first and most obvious way of dealing with the issue, Madam Speaker, and making sure that everything is out in the open in a formal manner. Whether they thought they were going to win or lose that motion is irrelevant. It would give them the opportunity to get this problem they seem to have off their chest. That is the first thing, Madam Speaker.

The other thing that I think is worth saying is that Mr Humphries pointed out that you have ruled that dissent from your ruling is not possible. A motion for suspension of so much of the standing orders as is necessary to put that motion would give them the ability to test any ruling that you put. So that option has always been available to them, Madam Speaker. The problem here is that they have, over the last year or so, taken the victim role and have felt that they really are in a position where they have not been able to do anything except to jump up and down, make noises and point the finger at somebody else. Through you, Madam Speaker, I suggest that Mr Humphries, as leader of the Opposition on the floor of the house - is that the term?

Mr Kaine: No, it is not.

MR MOORE: You have a special term for it which slips my mind. Not as Leader of the Opposition but as the new Whip you can work out ways and means of dealing with this issue. What they ought to do, as a starting point, is look at themselves.

SOCIAL POLICY - STANDING COMMITTEE Report on Adoption Bill

MS ELLIS (9.11): Madam Speaker, I present report No. 3 of the Standing Committee on Social Policy on the Adoption Bill 1992, together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Tuesday, 16 March 1993, pursuant to the resolution of the Assembly on 8 December 1992, as amended on 16 February 1993. I move:

That the report be noted.

Madam Speaker, the Social Policy Committee's inquiry into the adoption legislation referred by this Assembly in December last year is, hopefully, one of the last steps in this legislation's long journey towards becoming law. Most members will be aware of the process that the adoption legislation has followed over the past six years; but I believe that it is important to reiterate the steps followed, to put this matter into its correct context. Madam Speaker, the Adoption Bill 1992 aims to replace the Adoption Act 1965. In 1986 the Human Rights Commission conducted a review of the 1965 legislation, which

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was followed in 1987 by a specialist review committee's analysis. The reviews of the existing legislation that took place put the emphasis on the needs and rights of the children rather than on the adults who wish to adopt them. This is the basis of the 1992 legislation. I quote clause 6 of the Bill:

For the purposes of this Act, the welfare and interests of the child concerned shall be regarded as the paramount consideration.

Coupled with this emphasis is the recognition of the needs and rights of birth parents, changes in the secrecy currently surrounding adoptions and an increase in adoption options such as the use of guardianship and custody orders. As a result of this detailed review process, a draft Adoption Bill was released for public consultation in January 1992. On 8 December last year, after the consultation period, the legislation was debated in this Assembly, and the Assembly chose to refer the Bill to the Social Policy Standing Committee for further discussion, with a reporting date of 23 February, that date having been changed to 16 March due to circumstances outside the inquiry.

During December the Social Policy Committee called for submissions to the inquiry, and 23 were received. Public hearings were held on 3 March, and a total of 14 people appeared and gave evidence. I must emphasise at this point, Madam Speaker, the community's contribution to the process which has led to the presentation of this Bill. From my observation as chair of the Social Policy Committee, I believe that the community's input was exceptional. Without the relevant organisations' cooperation and expert opinion, this legislation would not be as far-reaching and progressive as I believe it to be.

Madam Speaker, it was alluded to on several occasions throughout the inquiry process that this Bill may not be perfect. However, the committee's experience with almost all the organisations involved was that this legislation is so far-reaching and progressive and so needed that its minor imperfections were of little consequence. Madam Speaker, the committee was advised by those organisations that none of them believe that they have a Bill that does in fact suit them 100 per cent. But they are not asking for that. They know that that is not possible. They have, Madam Speaker, amongst themselves, and with the assistance of the adoption unit, developed an agreed position. I applaud these groups, Madam Speaker, for their intelligence and hard work in reaching that agreement.

In this sense, Madam Speaker, the referral of the legislation to the Social Policy Committee and the subsequent inquiry are open to question. The recommendations that are in the report certainly improve the legislation, but they could have been debated in this Assembly on 8 December last year without neglecting the community's opinions or wishes. In other words, Madam Speaker, the inquiry took valuable time and created considerable heartache for the people who have been waiting for years to have this Bill passed into law. However, given that the legislation was referred to our committee, Madam Speaker, a major concern to me as chair of the committee was to allow the inquiry process to proceed sufficiently without opening it up so much as to compromise or even go so far as to ignore the good work already done over so many years. I believe that with the assistance of my colleagues on the committee this has been achieved and that the process in the end was satisfactory to all parties involved. The integrity of the Bill has remained intact.

Madam Speaker, among the issues in the legislation that were considered by the committee were the review of the director's decision, several aspects relating to the supervision of adopted children - clause 56 of the Bill - and the perplexing issue of adoptees who are not aware of their status. The committee came up with a total of six recommendations. Madam Speaker, the committee and several of the organisations who spoke to us felt uncomfortable with clause 17 of the Bill, which relates to the review of the director's decision not to approve an applicant for placement of an adoptive child. In an appeal against the director's decision, the current Bill allows for the director to convene a committee appointed by him or her. The committee feels that the process of appeal should be independent of the decision making process, and be seen to be so. Therefore, the Minister should be responsible for appointing and convening this committee, and no officials from the Housing and Community Services Bureau should be eligible to sit on such a committee. In this way, Madam Speaker, the applicants can feel secure in the knowledge that the decision of the director is receiving a totally independent review.

The clause of the Bill relating to the supervision of certain adopted children, clause 56, drew a great deal of attention from the opposition and independent members of the committee and from one organisation in particular which gave evidence at the inquiry. The current Bill allows for a supervision period of up to 12 months for children adopted from overseas. The reasons for this are obviously related to clause 6 of the Bill to which I have already referred. Evidence given to the committee indicated that, in practice, this supervision period also occurs in relation to local adoptions. The committee, however, felt that this supervision period should be extended to cover all adoptions and indicated as such in the legislation. I believe that this is a sensible recommendation and allows for appropriate support to be provided for all adoptive families and the children concerned. It was also decided by the committee that the word "support" rather than the word "supervision" would be more conducive to an agreeable atmosphere between the department and adoptive families.

During the supervision, or support, period the Bill allows for access to the child by welfare authorities at all reasonable times. The committee heard evidence that this was not satisfactory for all adoptive parents and so has recommended that visits are to be at a mutually agreeable time. However, if this process proves unsatisfactory, due to, for instance, the non-compliance of adoptive parents, the Minister may authorise a visit. Hopefully, this will negate any potential relationship problems between adoptive parents and welfare authorities and, for this reason, I support this recommendation. However, Madam Speaker, I wish to stress that this clause of the Bill does exist because of the need to ensure the welfare of the child, not the convenience of some adoptive parents. It has also been recommended by the committee that all fees, including those incurred during the 12-month visitation and support period, be imposed on adoptive parents at the beginning of the adoption process. This recommendation has been made because it was felt by the committee that the current provision in the Bill does not allow for adoptive parents to be aware of the expenses they may need to incur throughout the adoption process.

Madam Speaker, I have so far covered five of the six recommendations. All of these relate to the convenience of, or the expense incurred by, adoptive parents or to the appeal process which potential adoptive parents go through if their application is rejected. Madam Speaker, none of these recommendations relate directly to the rights, needs or welfare of the children themselves.

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This in itself is not a bad thing. But I again must stress that the Bill has been drafted, in particular, to take care of the child's welfare. That has been the emphasis all along. I can only assume, Madam Speaker, that the main issue here - again, I stress, the child - has been adequately catered for in the Bill to such an extent that this committee is able to make only one recommendation relating directly to the welfare of the child. This recommendation relates to the names of some children being retained after adoption. The Bill allows for the surname of such children to remain the same after adoption, but the committee felt that forenames should also be protected in this way. This allows for the protection of distinctive cultural names, for instance, that may be important to the child either immediately or in the future. Madam Speaker, I believe that this is a sensible recommendation and I am particularly pleased to support it, as I would hate to think that this Assembly has delayed the passage of this Bill by over three months without finding any improvements to the Bill which relate to the welfare of the child directly.

One particular aspect of adoption, Madam Speaker, which the committee did consider at length relates directly to the welfare, rights and needs of the adoptee but cannot be directly legislated for - that is, those adults who are adopted as children and are unaware that they are adopted. As already referred to by the Attorney-General in his presentation of the Bill, this legislation frees up the access to information for people involved in the adoption process. While this will be warmly welcomed by most people in the adoption process, there is no guarantee, Madam Speaker, that a birth parent will not attempt to contact a person who finds himself or herself in this particular situation. In such cases, which the committee hopes and trusts will be few, it will be traumatic for all parties concerned, particularly for the adoptee.

The committee understands that the legislation, when implemented, will be widely publicised both in Australia and overseas so that all parties involved in the adoption process are aware of the changes and what their rights are under the new legislation. However, the committee accepts that no government can legislate to ensure that all adoptive parents tell their adopted children the facts relating to their family history. The committee encourages everyone involved in the adoption process to be aware of this potential and to work towards the alleviation of that trauma.

Madam Speaker, there is one particular issue related to this Bill which has unfortunately gained a certain amount of media speculation in the last few days - the question of homosexual couples being able to adopt. I do not intend to go into the subject as such, but I take this opportunity to correct some apparent misunderstandings surrounding the committee's role in examination of this issue. Madam Speaker, our committee received three late submissions from gay and lesbian lobby groups outlining their particular views. Although late, we agreed to receive and list them in our report along with all other submissions. One of these three submissions made a claim that several successful homosexual adoptions had occurred elsewhere in Australia. Our committee was of the view that this information was dubious. However, we requested the committee secretariat to inquire of other States and Territories about their current adoption laws. The information provided confirmed our understanding that no other State or Territory currently accepts homosexual adoptions. That, Madam Speaker, was the extent to which this question was raised within our committee. On that basis, no reference was made to this issue in our report - a report, I add, agreed to by all five members of the committee.

Madam Speaker, the last three months have been particularly painful for the many people waiting for the Adoption Bill to be implemented. I wish to thank those people for their contributions to the inquiry process and for their patience. I express sincere thanks also to the ACT government officials for their responses to the committee's needs in very hurried and pressured circumstances. I also thank the secretary of the committee, Greg McIntosh, and the committee staff. They pulled out all stops in getting the inquiry done on time and, I believe, in at least one case cancelled leave. They performed their duties in a most professional and efficient manner at all times. Madam Speaker, I also take this opportunity to acknowledge the contribution to the work of the Social Policy Committee by Ms Szuty, who we in this place are aware elected to be discharged from the committee from 16 March. I thank her for her contributions to the committee. I am particularly pleased, Madam Speaker, that this report has satisfied most, if not all, of the major concerns raised by members of the committee without changing the integrity or the importance of the Bill, and I have pleasure in commending the report to the Assembly.

MS SZUTY (9.24): Madam Speaker, I wish to speak briefly to the report of the Social Policy Committee on the Adoption Bill 1992, bearing in mind that there will be further opportunities for me to speak when specific amendments are brought forward for consideration by this Assembly, most likely tomorrow. Madam Speaker, much has been made of the many years of consultation and negotiation undertaken by many people in the preparation of this Adoption Bill. The results of that work are, I believe, self-evident in what is a piece of comprehensive and complex legislation comprising some 121 clauses in eight distinct parts.

Concern has continually been expressed to me that the introduction of the most eagerly awaited components of the legislation relating to access to both non-identifying and identifying information should not have been delayed by the deliberations of the Social Policy Committee on the Bill. However, the fact remains that, if the Government had chosen a different path for the development of adoption legislation and concentrated its efforts on reforming these provisions as a priority several years ago, we would not have experienced the frustration and distress that we have in recent times.

I have stated in the introduction to my additional comments in the report that the lengthy consultations which have occurred over many years on the Adoption Bill have involved adoptees, adoptive parents and birth parents coming to terms with the adoption process from three different perspectives. During the committee's deliberations I came to understand these perspectives much more fully. It is important that we as legislators fully understand the distinct perspectives from which adoptees, adoptive parents and birth parents approach the adoption process. I also believe that, despite the consensus reached over many clauses of the Bill and the compromises made by particular individuals and groups in the process, adoption will remain an area of interest and concern for many people in the community for many years to come. This situation is healthy, as legislation should always be able to be amended in the future as society changes and develops and as views about particular issues change.

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It is for this reason that I have highlighted as a future issue the ability of homosexual couples to adopt children. I am pleased and delighted that the gay community have come forward, suggesting that a committee be established to explore and review issues in relation to homosexual couples. It is within this context that a discussion of the ability of homosexual couples to adopt children is most appropriate.

In its report, the Social Policy Committee focused particular attention on the need for the process of adopting children to be fair and to be perceived to be fair. I will comment specifically on the amendments to the Adoption Bill when they are tabled. However, at this time I would like to comment on several issues highlighted by the committee in its report which will not be the subject of individual amendments. The committee noted the special requirements in the legislation which pertain to the adoption of Aboriginal children. These requirements are important and are ones which have been highlighted by Aboriginal communities for some time as being important for the welfare and well-being of Aboriginal children raised by adoptive parents.

As stated in the report, the Social Policy Committee explored the question of whether special requirements of cultural heritage and background of adoption applicants should also be taken into account for overseas children as they are for Aboriginal children. It was decided that the "welfare and interests of the child to be paramount" outlined in clause 6 should be the overall determining factor in overseas adoptions and that the court has some discretion, in granting adoption orders, to take into account the racial or ethnic background of the proposed adoptive parents.

The issue of the dispensation of consent is also an important one. Stability in an adopted child's life is crucial for his or her development, as social research indicates. In the case of older children, birth parents who have persistently failed to live up to community expectations and standards regarding the raising of their children and who in some cases have abandoned, deserted, neglected or ill-treated their children will not be able to prevent their children from being adopted.

As has been mentioned before, the access to information provisions in the Bill have been considered by many people to be the most important. However, as the committee has pointed out, "the access to origins provisions of this legislation operate on the premise that all adopted people know of their adopted status and have the right to information about their adoption, birth and family of origin". It is assumed that in most cases adopted children know of their adoption. However, it is likely, as Ms Ellis described, that many adults in our society still do not know of their adoption as children and may never know. Circumstances 30 or more years ago regarding the adoption of children were very different. The question of the adoption of children was considered to be a secret known only to immediate family members and friends, and to this day never divulged to the children themselves, now fully grown adults. In order that not too many traumas and surprises lie in store for adopted children and birth parents, a public education awareness campaign on the importance of open and honest communication in adoption should be considered in the ACT.

In addition to the question of whether homosexual couples should adopt children, I raised in my additional comments to the committee's report a number of issues concerning the adoption process. I do not wish to reiterate them now as I am sure that members will have read them along with the committee's report.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Ms Szuty, it is 9.30, so I have to interrupt you and 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.

SOCIAL POLICY - STANDING COMMITTEE Report on Adoption Bill

Debate resumed.

MS SZUTY: Madam Speaker, it remains for me to thank the many people who forwarded submissions and who appeared at the public hearing and to thank my colleagues on the Social Policy Committee - Ms Ellis as presiding member, Mrs Carnell, Mr Cornwell and Mrs Grassby - for their constructive and positive attitude to the consideration of the issues raised in the Adoption Bill. I also wish to thank the committee secretary - Mr Greg McIntosh - Ms Vicki Salkin and Ms Karen Pearce for their work during the inquiry and in finalising the report.

MR CORNWELL (9.31): Madam Speaker, I rise briefly to make some introductory comments in relation to the report. I am aware that the matter will be debated in more depth at some later time. There are two points I would like to canvass. First of all, I believe that this side of the house and the Independents must make some response to the chairman's statement that we have wasted three months in the examination of this legislation. I think the evidence in this report speaks for itself, Madam Speaker. There are six recommendations, Ms Ellis, which would indicate that the committee did believe that the Adoption Bill, as it stood, was at least in need of some improvement - to the extent perhaps of six recommendations. I am doubtful whether those six recommendations could have been put forward and successfully debated on the floor of this house. I think that the issues - and members of the committee would be aware of this - were of such complexity that the forms of this Assembly would not have allowed a proper debate, a detailed debate, and the opportunity to question and obtain answers, as would have been necessary, in relation to all six of these recommendations.

I think it is also important that this Government realise that it is a minority government, and it simply should not expect to be able to push through any piece of legislation that it brings into this chamber when it feels like it. The Adoption Bill 1992 is evidence of that - - -

Mr Connolly: After 12 months of public consultation. That is hardly rushing it through.

MR CORNWELL: Maybe not. Mr Connolly, the Minister, interjects, "After 12 months of public consultation". The fact is that there is a Social Policy Committee of this Assembly representing all parties. That is a committee of five members elected by the community. We have every right to investigate legislation coming before this house from your Government, Mr Connolly, irrespective of how many months of public consultation may have taken place. I repeat that, in spite of 12 months of public consultation, still before the Assembly for consideration are six recommendations from the Social Policy Committee in relation to the Adoption Bill 1992.

The second point I would like to mention causes me some regret because, like other members of the Assembly, I was particularly angry at the response to this Adoption Bill by the media. They concentrated solely - and I have here a summary of TV and radio news items - on the question of gay or homosexual couples being allowed to adopt children. I would like to place on record, Madam Speaker, that in the main report there is no reference whatsoever to this issue. Therefore, I question comments such as the following:

Committee report on adoption laws in ACT has drawn attention to controversial debate on allowing gay couples to adopt.

Mr Moore: Because the report is a dissenting report - additional comments, not a dissenting report.

MR CORNWELL: Or:

Canberrans have been urged to consider whether gay couples should be allowed to adopt children, with ACT Legislative Assembly reviewing Canberra's adoption laws.

This is simply a distortion of the committee's recommendations - indeed, a distortion of the committee's report. Mr Moore, by interjection, almost made the same mistake by referring to Ms Szuty's comments as a dissenting report. They are not. They are additional comments. One person on the five-member committee made those additional comments - which she is entitled to do; there is no question about that. But I think it is most unfortunate that this matter has been blown up out of all proportion when this very worthwhile report covers a great many aspects besides this question to which Ms Szuty referred. I repeat that it was one person out of the five members on the committee.

As Ms Ellis has said, we checked out the information we were given in relation to adoption by gay people. Our inquiries indicated that there is no such adoption around the country; there has been some fostering of children. Of course, as members would be aware - and the Attorney-General is nodding his head - that is a completely different thing from adoption itself. I make my position quite clear. I do not believe that this matter should have been canvassed. Fortunately, it was not in the report. This afternoon we had a debate in which Mr Wood referred to Mr Dunstan and how far ahead of community support a government should be. I think Mr Wood's words were "one step".

Mr Wood: I was quoting something.

MR CORNWELL: Fair enough. My position is the same on this issue. Despite the efforts of a few members - and Mr Moore and his urge for progressive legislation come immediately to mind - I do not believe that this Assembly should get too far ahead of the rest of Australia. I think that this whole matter - - -

Mr Moore: The same mistake that the rest of the Liberal Party made last week.

MR CORNWELL: We all know that Mr Moore is a media maniac when it comes to publicity. He will do anything for publicity, but I believe that issues such - - -

Mrs Grassby: You are right there. We will give you that one, Greg.

MR CORNWELL: Thank you. I seem to have unanimous support, Madam Speaker, for that statement. But it seems to me that questions such as the right of gay couples to adopt - or even your euthanasia proposals, Mr Moore - are not necessarily matters for a State or a Territory such as the ACT to debate in isolation. I think they are properly matters to be considered in a national context, and I trust that in due course that may come to pass.

MRS CARNELL (9.37): I, too, would like to make some brief comments, as we will have ample opportunity later this week to speak on the individual recommendations of the committee. I thought it necessary to put on record that I am extremely disappointed with some of the comments that Ms Ellis made. I believe that the committee process that we went through reflected an exceedingly positive and cooperative approach. Taking into account the comments that Ms Ellis made, I think it is necessary to put on record that the committee cooperatively chose to put off hearings for a month because Ms Ellis was away. She had every good reason to be away. The committee had every right - it had a quorum - to go ahead with hearings with just Mr Cornwell, Ms Szuty and me present. But because we on this side of the house - and the Independents as well - believe in the committee process we believed that it was exceedingly important to make sure that the recommendations of the committee mirrored the feelings of members as a whole. Unfortunately, Ms Ellis's comments indicated that the Government does not see it quite the same way.

Mr Kaine: You mean that she forgot that she was away for a month?

MRS CARNELL: It appears so. As I said, I am exceedingly disappointed. I think many of us - possibly all of us - on the committee did not get everything we wanted in the report. I would have liked the report to go substantially further in a couple of areas. This report shows that the art of compromise has not been lost. It also shows the very definite benefits of the committee structure in this Assembly and that greater use of committees can greatly enhance legislation and enhance the direction of this Assembly.

The recommendations, if the Government chooses to pick them up - and I understand that they will - will produce a piece of legislation that is fairer and that is perceived by many to be fairer. It will also have a more adequate appeal process. No one group will be treated differently from any other group.

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Unfortunately, because the committee felt, I think rightly, that there was very little we could do, it will not solve the problems of people who do not know about their adoptive status. Ms Ellis and Ms Szuty have already addressed that issue, but it certainly is a very vexing one.

I would like very much to thank Greg McIntosh for working above and beyond the call of duty on this report. It was done under extreme difficulties because of the timeframe but also because a number of the members were not available for quite long periods of time.

MRS GRASSBY (9.41): Madam Speaker, I found the time I spent on the Social Policy Committee inquiry into the Adoption Bill most educational from the point of view of the number of groups who not only put in submissions for the public hearings but also attended the hearings and put their points of view. It was obvious that many of these groups were unhappy that the Bill had been held up, denying many birth mothers and their children the opportunity to find each other before Christmas. This part of the inquiry, I am afraid to say, really made me feel very sad.

Madam Speaker, I am happy today to know that the Bill, with very few changes, will be going through the house tonight. However, I feel that the publicity that the committee's report has attracted in the last few days is very unfortunate. Somewhere along the way the idea has been given that children are a commodity and should be given to anyone who wishes to have them. As an Assembly we are not here to make people happy by giving them a child. We are here for the child in the act of adoption, and thus the welfare of the child must come first at all times. Headline grabbing tactics by members of this Assembly are of no benefit to the children. If Ms Szuty feels very seriously about the rights of homosexuals to adopt children, then she should put an amendment to the Bill which would allow for homosexuals to adopt.

Madam Speaker, there were members of the community who at the public hearing made the point that there were millions of children around the world that could be adopted in Australia. Again, they have misunderstood what the Bill is all about. I would be very unhappy to see money being made by organisations or persons in what is virtually the selling of children. I believe, as was put by the department, that children should be kept with their birth mothers where possible and, if this is not possible, then they should be put in the very best care as decided by people who have the ability to understand - best for the child's good, not for the parent that will take the child. Madam Speaker, we have seen in the United States examples of selling and attorneys making millions of dollars in the adoption of children. I would hate to see that happen in this country. I am pleased that under the Bill going through the house it will not be possible for that to happen. Madam Speaker, a child is something to be loved and cherished. After all, children are our future.

I would like to thank the members of the committee and Greg McIntosh, the secretary, who did a wonderful job in putting this report together. I will be very sorry to see Greg leave the Assembly, but I understand that he is going to a very interesting job on the hill. I am sure that he will be an asset to the Federal Parliament, just as he has been to us. I also commend the Minister, Terry Connolly, and his department on this long overdue Bill being brought back to the house today, and I urge all members to support the passage of this Bill through the house as fast as we possibly can.

MR MOORE (9.44): I take the opportunity to say a few words on this report. I would like to start
- - -

Mr Lamont: Are you a member of the committee?

MR MOORE: No, I am not a member.

Mr Lamont: Yes, you are.

MR MOORE: There is an interjection asking whether I am a member of the committee. Yes, I am, but I was not for the discussion of the Adoption Bill.

Madam Speaker, I find Mr Cornwell's comments this evening ironic on two counts. Earlier today and in the notice paper he raised the issue of discrimination. Then almost his whole speech tonight was based on the additional comments. By the way, Mr Cornwell, I did refer to them earlier as additional comments. I find it ironic that, in complaining about how the press and the whole discussion of this report seem to have concentrated on gay rights, Mr Cornwell used his whole speech to concentrate on exactly the same issue. I congratulate Ms Szuty on raising that issue. Madam Speaker, if this Assembly decided not to discriminate and to include gays as possible adoptive parents, they would have to go through a very thorough vetting process, the same as any couple, to see whether they were appropriate parents for an adoption and whether such an arrangement was in the best interests of the child. So, in fact, there were quite good grounds for Ms Szuty raising those issues as part of her additional comments.

Madam Speaker, Mrs Grassby made a series of mistakes in her speech. She said that we are going to debate the Bill tonight, which of course we are not. Another mistake was in inferring that this Bill could have gone through before Christmas. Madam Speaker, that is total and absolute nonsense. She seems to have been taken in by the scurrilous rubbish that Mr Connolly was presenting at the time the Bill was introduced. Madam Speaker, the decision to send this Bill to a committee was validated by the fact that the committee has been able to fully consider, through further testing with the community, the full extent of the nuances and the intention of the Bill. I believe that we are going to see some 17 amendments to the Bill that have come out of this committee's report. That in itself says a great deal. I believe that we will have a Bill that is the best we can hope for. Last December we had a Bill that was very worth while and, in the main, worthy of support. And that is what it got - it got support in principle. But, because of flaws, we needed a bit of time and investigation to clarify and to resolve.

Mr Connolly argued at the time that the Opposition and the Independents - in fact, he put most of the blame squarely on Ms Szuty and me, as I recall - would hold up the enactment of this Bill, and he suggested that that was terribly scurrilous of us. He convinced some of the people who had lobbied so strongly over such a long period for specific changes to the Bill, and they became frightened that the enactment would be held up by this process. Let me tell you to what extent. Mr Connolly said - and I quote from *Hansard*:

One concerns this complete furphy about six months. I asked my adviser some seconds ago how quickly we could be operational if we pass this Bill tonight.

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Remember that he was speaking on 8 December. He went on:

It is a matter of weeks.

Mr Connolly, the challenge is out to you to make sure that after this Bill goes through this house tomorrow you have it available in a couple of weeks and, Mr Connolly - - -

Mr Connolly: You bet, you bet!

Mrs Grassby: You bet. We will not hold anybody up any longer.

MR MOORE: That is right, because you think it is so urgent. Have it available in a couple of weeks. We do not want to see you gazette just the first Act, as you did with the Prostitution Bill.

Mr Connolly: Yes, and set up all your procedures.

MR MOORE: That was appropriate. But we want to see you ready in a couple of weeks.

Mr Connolly: "That was appropriate", you said. You said, "We do not want to see it, but it was appropriate".

MR MOORE: In the case of the Prostitution Bill, I am not arguing about what was done. I will explain it very carefully to you, because you do not seem to understand. In the case of the Prostitution Bill, Mr Connolly, you gazetted just the title of the Bill. It was a mechanical thing. Provided you then prepare things, you can gazette the rest in due time. In that case, you have to do that within another month or so, and no doubt you will.

But, in the case of this Bill, Mr Connolly, that will not be good enough, because you indicated very clearly to people that they would be able to take action on anything that was in the Bill. Quite clearly, the intention that you were putting across on 8 December was that you would have the whole thing gazetted and organised - no worries - in two or three weeks. Mr Connolly, it is now 23 March; tomorrow is 24 March. By mid-April, to give you an extra week up your sleeve, if you are as good as your word and if you really were concerned and not making a series of scurrilous statements, you will have it nicely gazetted.

Madam Speaker, I think it is appropriate to point out that Mr Connolly's whole approach has been to suggest that we were being terribly irresponsible, and his notion was, "Just trust me. It is okay. I am the Minister. I have looked after it. No worries. We have had public consultation. I have looked after it". In a positive light, I must say that Mr Connolly did carry out public consultation and got the Bill pretty well right. But it still was important for this Assembly committee to take a look at it. Looking at this report, Madam Speaker, I believe that the move was totally justified. I understand that people were feeling very hard done by after the words of Mr Connolly and the false promises made by Mr Connolly on 8 December implying that the Government could have the whole thing ready before Christmas. That simply was not the case. I hope that people are now rewarded for their patience and that the Bill will be so much the better for that extra bit of time.

MR KAINE (Leader of the Opposition) (9.52): Madam Speaker, I will be brief but I just want to make a point before Mr Connolly gets to his feet. I am going to ask him for some information. The twists and turns that debate takes sometimes are curious. I am rather fascinated by Mr Moore challenging the Minister to get the Bill up and running. I will be watching with great interest to see how quickly he can do that.

The point I want to take up, though, is this question about gay and lesbian adoptions. I understood the chairman of the committee to say that this arose in a late submission. This was after the Bill, in the Minister's view, should have been put and passed. There was a committee inquiry. That inquiry put a date on submissions, and this one submission that raised this point was a late submission.

Ms Ellis: I said that there were three, but I mentioned only one.

MR KAINE: I think you said that there were three but only one raised this particular point. I ask Mr Connolly whether he could clarify the issue when he speaks. The Bill came to us, we are told, after a long period of community consultation. Was this question ever raised during this long period of consultation? If it was, why did the Government discount it? We would be interested to know why the matter was discounted by the Government and not included in the Bill in the first place, if it was a significant issue raised during that consultation period.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.53): Madam Speaker, it gives me much pleasure to table the Government's response to report No. 3 of the Standing Committee on Social Policy entitled *Adoption Bill 1992*. My prepared speech says, "It gives me much pleasure". I should extemporise somewhat after Mr Moore's impassioned attack on me. The word "scurrilous" was bandied about. Mr Moore, when this Bill is finally passed by this Assembly we will have it up and running within two to three weeks - and I see vigorous nodding from my departmental officials, who have already been working well and truly above and beyond the call of duty to get the Bill this far. We have the funding available. We will be ready, provided there are not any last minute changes. We will be able to get the Bill, as it has been produced by the Government and as it will be amended by the comparatively minor amendments that have been suggested by this committee, through.

I will not canvass whether the Bill should or should not have been delayed in its passage and whether it should or should not have been sent to the committee, other than to say, Mr Moore, that by our actions we shall all be judged; and people in the community who have taken a real interest in this issue will, I am sure, reach their own conclusions.

Before continuing with my formal response, I shall answer Mr Kaine. He asked whether the issue of gay adoptions had been raised in the long community consultation process. The answer, Mr Kaine, is that it had; and my recollection, although I will double-check this, was that there was circulated at one point a summary of the community consultation process that did canvass the fact that some people - in fact, I think the ACT Discrimination Commission - had pointed out that there was direct, express lawful discrimination in the Bill in that the Bill limited adoption to heterosexual couples.

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The Government's response was, "Yes, indeed there is that clear, legally sanctioned discrimination. It was intended to be so. We made a conscious policy decision not to go down the path of homosexual adoption". So the issue was canvassed, and my recollection is that that issue was contained in a circulated document summarising the consultation process. That was not circulated at the time of the introduction of the Bill but when the draft Bill was circulated. It was probably given to committee members as well. That issue was canvassed quite early in the piece.

I should congratulate the committee on the speed with which it completed its work, regardless of the debate about whether the Bill should have been referred to the committee. The committee did complete its work swiftly. No doubt that was in response to the overwhelming community feeling that this important legislation should be delayed no longer.

The report contains six principal recommendations, and the Government's response gives its agreement to those recommendations. The Minister will now be directly responsible for convening the committee of three to review the director's decisions mentioned in clause 17 of the Adoption Bill. As my Government has an ongoing commitment to ensure that the well-being of all children is safeguarded, it welcomes the opportunity to amend subclause 56(1) to extend the "up to 12 months" supervisory period to cover all adoptions, including local adoptions.

The Government accepts the recommendation that clause 56 should be reworded so that emphasis is placed on the supportive role that my department has in the lives of adopted children and their families. It is important, however, that a definition be included as to what the term "support" refers to, so that it is not taken, for example, to mean financial support. The amendments which will be circulated should pick that up. Support, in the Government's mind, refers to the regular visiting of a child and its family in the home environment. I am sure that that would have been the intention of the committee.

The safeguard to the Government's concern over the committee's recommendation that "mutually acceptable" replace "reasonable" in subclause 56(1) is provided by the amendment that the Minister may, at any time, in writing, authorise such a visit. We can have generally agreed visits. If there is a problem, the Minister will authorise a visit, in writing. Of course, the Minister is accountable for that decision. I am answerable to the Assembly for that decision. The Government agrees to the deletion of subclause 56(3) from the Bill and agrees that all fees, where appropriate, be imposed at the beginning of the adoption process.

The Government's recognition of the importance of retaining a child's forename as well as surname is reflected in its agreement that subclause 45(3) be amended. This would allow the court to order, if it were in the child's best interests, that the child's pre-adoptive forename and the surname remain the same. Additionally, the Government has no difficulty in agreeing with the drafting improvements suggested by Ms Szuty to clauses 78, 46, 109, 55 and 57 in order to achieve consistency in language throughout the Bill. Again the amendments that I have circulated to Ms Szuty, and to Mrs Carnell as the opposition spokesperson, pick those points up.

The proposed response does not commit the Government to any expenditure above that already committed in the 1992-93 budget. That expenditure, as I said to Mr Moore, is ready to roll as soon as the Assembly passes the Bill. It is my firm conviction that these changes do not detract from the intent of the original adoption legislation. This legislation reflects sound principles, establishes just administrative and legal procedures and upholds the institution of adoption as an institution able to fulfil an essential role in the life of the community.

Madam Speaker, the Assembly committee looking at this issue worked over the summer break. I thank officers of my department who put an enormous effort into ensuring that the Assembly committee was as fully briefed as possible and was able to respond, often very quickly, to issues as they arose in the committee. The fact that my officials did that shows that they are committed to the passage of appropriate adoption legislation - perhaps rather more than one would normally expect departmental officers to be committed to a piece of legislation. The officials concerned really believe in the importance of what they are doing here, and I thank them for their efforts above and beyond the call of duty.

MR HUMPHRIES (9.59): Madam Speaker, I want to add to the comments that have been made already in this debate. There has been much emphasis, particularly in the comments from the chair of the committee, on the consensual nature of the committee report, both within the committee membership and with those elements of the community that came forward and put submissions to the committee. In some ways the impression I gained was that the report was a synthesis or a coming together of the views of the people who made the effort to talk to the committee and represented a substantial part of all the concerns of those people who spoke to the committee, if not constituting an absolutely agreed position as between everybody.

That raises the question whether the report, or the Bill as, in effect, amended by the report, will settle the issues at the heart of this debate on adoption. Madam Speaker, it is not brave of me to say that the answer to that question is undoubtedly no. Many issues have been canvassed in this debate. Many of them concern access to information, perhaps the most critical or at least the most contentious of those issues. There are many viewpoints in our community and not all of those viewpoints are represented among the official statements of those who speak out as organised groups. Many views are not articulated, partly because of the emotional pain of the circumstances that surround adoption.

The Liberal Party was interested in the extent to which there was consensus in the community about these changes brought forward by the Government, and as a result we took it upon ourselves to engage in an additional round of consultation with the community in the form of a phone-in which we conducted in the middle of December last year. That phone-in was conducted over two days, a Sunday and a Monday, to allow people to ring up either from home or from work, whatever was more convenient. It was clear to us that there was a very large amount of interest in the community in the issues being raised but that there was no clear consensus about what was the best course of action for this Assembly to take.

That is no surprise to any of us. We rarely act in an environment of complete consensus in the community, but perhaps on the question of adoption this was particularly pronounced. In the order of 70 or 80 phone calls were received by our hot line in the space of 48 hours, and three of us were tied up for a full two

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days in dealing with those comments. It indicated to us the very large range of views being expressed by the community. Indeed, many people were strongly supportive of the Bill that the Government had brought forward and urged that it be passed as soon as possible by the Assembly. There were others who took the view that the Bill represented a retrograde step and was - - -

Mr Berry: How many?

MR HUMPHRIES: I would say that in the order of 15 to 20 expressed that view. That is not a majority by any means, but there are grave dangers in measuring these sorts of things purely in terms of the number of people who vote in a random way for a particular option. If the number of people who voted against the Bill were any indication of concern, then perhaps we would not today have a Territory flag, because a similar measure was used to measure the community viewpoint on that issue, too, Mr Berry.

Madam Speaker, we were concerned about the range of views. We wanted to see whether those views were sound views, whether they were views reflecting some experience in adoption or whether they were merely views that were put forward to justify some position taken at some point by an official group. Among the views that were expressed were those of lawyers who had dealt in the area of adoption for some years. Some of those people expressed the view that open adoption was the preference of only a minority - indeed, a small minority - of their clients. I must say that that view was not the view expressed by a majority of the people who responded to the phone-in.

One caller, a young woman from Queanbeyan, said that she had been approached by her birth mother contrary to a veto which she had placed on such contact. That is significant because it has been claimed in the course of this debate that there have been no recorded cases under the New South Wales legislation of a contact veto having been breached. I do not know whether a single breach coming to our attention proves very much at all, but it was significant and very moving to hear that person talk about her experience in that respect. The one thing which the phone-in certainly indicated to me, as a person who sat on the end of the phone for many hours listening to these views, is that there is an enormous amount of emotional investment in adoption in this community, and we are trying to pick a very prickly path through those viewpoints to try to find the best solution.

Madam Speaker, what is the net result of all of that? It is hard to measure. As I said in answer to Mr Berry's interjection, we cannot measure this purely in quantitative terms. We cannot say, "Well, X number of people voted for this and Y number of people voted for that".

Mr Berry: I did not express a view. I just asked how many.

MR HUMPHRIES: I am just commenting in answer to that interjection. We cannot measure it in any scientific sense. We have to use our own good judgment as members of this Assembly to assess what is best for the community in the context of that range of emotional viewpoints.

I intend to support, and I think my party intends to support, the general thrust of what the committee has recommended and to accept that the Bill proceed with the proposed amendments. I do not pretend for one instant that that compromise will satisfy all in the community. Indeed, the very profound view I have come away from this process with is that there will be some who will be deeply hurt by contact that will be made with them. I am focusing here on this question of access to information again. They will be deeply hurt by contact that is made with them as a result of legislation going forward. There are some people who are desperately opposed to that happening in the context of their own lives and who will certainly not be happy with what we have done or we are going to do this week in the Assembly.

However, I also accept that there are many other people whose lives will be greatly enriched by having access to that information, and by making contact with persons to whom they are related, as a result of this legislation passing through the Assembly. I simply cannot say whether the net good that we do by passing legislation is greater than the net harm, but I sincerely hope that it is. I believe that the process we have now concluded in the form of community consultation has been just about as comprehensive as we could have made it, and I think that it now behoves us to proceed quickly to a decision and to relieve those in the community who are anxious to see some resolution of this matter one way or the other.

MS ELLIS (10.07), in reply: I would like very briefly to make a couple of points in relation to some of the comments made by speakers. I will start with Mrs Carnell. In my speech earlier this evening I made direct reference to the cooperative approach within the committee. I did in fact appreciate the reset date for finishing the report, but I believe that it could be incorrect to ignore the Government's position on this Bill and its progress since its introduction to the house. I think it would be quite misleading of me to ignore the fact that we had a particular position, and I am perfectly happy to remind people of that position whenever I have the opportunity or whenever I am asked. That in no way, might I add, is meant to detract from the approach within the committee, as I said in my speech. I believe that because of the approach by members of the committee we were able to come to the end that we did. It remains a bit of a moot point, I guess, whether or not a debate in this Assembly would have ever resolved these questions. We were not given that opportunity. That is just another small point I would like to make.

Mr Moore was thankful that we were able to have a committee hearing. I am sorry that he is not here to hear me say this. He said that he appreciated that the committee was able to fully consider the Bill. I can assure Mr Moore that that in fact did not occur. As I outlined, it took from 1986 to 1992 to create the Bill. In no way could our committee have possibly attempted to consider the full Bill in the time that we had. By agreement within the committee, the only course of action, in fairness to the Bill and to the people waiting for its implementation, was to concentrate solely on the issues that were brought up in this house and recorded in *Hansard* on 8 December and on any subsequent issues that arose through our submission or public hearing process. I want to confirm for Mr Moore that we did not review the whole Bill.

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Mr Humphries mentioned the word "compromise" in his introductory words. That is the key to this whole thing. I tend to have a far more positive and optimistic attitude and outlook to the implementation of this Bill than Mr Humphries seems to have. The position of the committee members, in my view, very fairly reflects the heartache that members of the community had to go through to reach compromise. This report is the result of compromise by the members of the committee. All of us went into the committee with very strong views on the main issues that we were there to debate. The only reason we came up with a report agreed to by five people was that we put ourselves very firmly through the compromise routine, as did the community to get the Bill in place in the first instance. We need to recognise that and use that as a way of understanding and accepting that this Bill will work for those who wish to have it in the community now.

Mr Humphries referred to the free flow of information that will result from this Bill. I do not deny that that is a source of some consternation for some people, but that was not one of the major issues of concern that our inquiry brought to us. The amendments to clause 56 and clause 17 that we referred to earlier and a couple of the other more minor ones were the centre of debate - particularly clause 56. Vetoes on contact and on information did not come up at all - and I stand to be corrected by committee members - in the hearings or in the submissions to a point where we needed to debate the matter and come to some conclusion or recommendation. The matter was referred to but it was not an issue that we needed to make a recommendation on. If it is an issue of great importance I believe that it should have been brought before us and we should have been forced to look at it more.

Mr Humphries: Did the adoption privacy protection group not raise that?

MS ELLIS: They may have in their submission, Mr Humphries, but not to a point where the committee had to sit down and make hard decisions on it. It did not become a debating point for us.

I would like to take the opportunity to welcome the Government's response, as I am sure the adoption community do. Most of them are in the gallery tonight. I think tomorrow we can expect the Bill and the amendments to go through, and I very much look forward to that. I want to repeat what I said earlier. I am in no position, nor do I wish to be, to make any secret of how I felt about this particular referral. However, given the committee's role and my role as chair of the committee, a role which I take very seriously, we launched into the task and did it to the best of our ability. I think we have reached a very good outcome. Again I take the opportunity to commend the report to the Assembly and to thank the Government for its response.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Science Festival

MR LAMONT (10.13): Madam Speaker, it was my pleasure at 9.15 this morning to attend a function at Regatta Point where the Chief Minister launched the program for the 1993 Science Festival, which is to be held for the first time here in Canberra. It is a cooperative effort between various levels of government - Federal, State and our own - various departments, the Australian National University, the Commonwealth Scientific and Industrial Research Organisation, DEET, the ACT Electricity and Water Authority, the Department of the Arts, Sport, the Environment and Territories, and Computer Vision Services, the main sponsors of this program.

I rise tonight to alert members to the fact that this festival is on. It could quite as easily have been called a symposium or an exposition or a whole range of other names, but it was quite deliberately called the Australian Science Festival because it includes a range of fun activities to encourage participation in the science fields by all of our community, especially our schoolchildren. It is interesting to note, as the Chief Minister said this morning, that over 8,000 school students have already been booked in for the program, which commences on 27 March. I commend participation in any of the events to all members of the Assembly and the wider community. It is unfortunate that most of the media tend to find it just a little bit exasperating being here late at night, but we will certainly be pursuing them to continue to promote and publicise this most important event which cements the relationship between all of the arms of industry and government in the ACT.

Traffic Calming - Hughes

MR CORNWELL (10.15): Madam Speaker, I rise to draw attention to a matter that arose last week and that has been supported by a petition to the Minister for Urban Services. I did not expect Mr Connolly to necessarily table this petition today, because it is addressed to him and not to the Assembly, but I draw his attention to it. It contains 225 signatures from the people of the suburb of Hughes in relation to the traffic calming effect.

Mr Connolly: I have a letter to you on that very subject here in my file.

MR CORNWELL: Thank you. I draw his attention to this petition because it is from 225 people from one suburb, 125 of whom speak in terms of general dissatisfaction with the speed and volume of traffic, noise, environmental pollution, et cetera, and the other 100 of whom raise problems specifically related to Kitchener Street, Hughes. Along with 300-plus people, I attended a meeting on this matter last Wednesday night. In a letter to the Minister I have described the meeting as being a shambles. On behalf of the people of Hughes and Garran,

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I make an appeal, and support it by drawing attention to these 225 signatures, to the Minister to convene a further meeting to discuss aspects of traffic calming. It is my estimation that some 50 per cent of the concerns of the Hughes residents and about 90 per cent of the concerns of the Garran residents were not addressed at all at that meeting last Wednesday.

One of the reasons they were not addressed was very simply that there was no chairman at the meeting, which makes it rather difficult to conduct a meeting in any sensible fashion. I draw the Minister's attention to that. I look forward to the response to my letter, and I trust that he will accede to the request that a further meeting be held so that we might be able to sort out some of this problem, to the general satisfaction of the residents.

Question resolved in the affirmative.

Assembly adjourned at 10.18 pm

ANSWERS TO QUESTIONS

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

Question No 169

Canberra Map

MR DE DOMENICO - Asked the Chief Minister upon notice on 21 May 1992:

In relation to the Tourism Commissions Canberra map

- (1) (a) who printed it; (b) where was it printed; (c) how many were printed and (d) how much did it cost.
- (2) (a) who designed it; (b) where was it designed and (c) how much did it cost.
- (3) (a) what other companies were involved in its production; (b) where do they operate from and (c) how much was paid to them.

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

- (1)-(3) The map was a joint project between the ACT Tourism Commission and Vickers Caley Publications.

Under the arrangement Vickers Caley produce the map at their expense and derive income from any advertising they are able to sell. The total cost of production is therefore not known to the Government.

The Tourism Commission provided a tourist drives description for the map at a cost of \$5,300 and also purchased an advertisement at a cost of \$3,000. The Commission is responsible for distribution of the map through its normal outlets.

A total of 250,000 copies of the map were designed and printed by Vickers Caley in Sydney. Other companies understood to be involved in production were Renaissance Advertising and Marketing (owned by Vickers Caley) and Hannan Print, both of which operate from Sydney.

Prior to the agreement with Vickers Caley, the Tourism Commission paid the NRMA an annual fee of \$50,000 to assist in the production of the NRMA Canberra map. The Commission has therefore saved some \$41,700 by entering into an arrangement which has also proved attractive to tourism authorities in other cities.

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

Question No 172

Priorities Review Board Recommendations

MR WESTENDE - Asked the Chief Minister upon notice on 21 May 1992:

- (1) Are the recommendations contained in the Priorities Review Board report of May 1990 being considered by the Government as a means to achieve savings.
- (2) If yes, how significant would this be in terms of the level of savings that can be achieved.
- (3) If no, why would the Government ignore such a well informed document when consultation is so important.

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

- (1)-(3) The Government is not considering the recommendations of the Priority Review Board.

As the Member may recall, the report of the Priorities Review Board was criticised on its Release by the then Labor Opposition and by a significant cross section of the Canberra community.

The report was widely seen as a blinkered ideological exercise which advocated reduced services to the community, cuts in public sector employment conditions, and the privatisation of many Government activities. It provoked substantial opposition in the community, particularly in relation to recommendations on school closures, and was the subject of the largest protest meeting held since self-government.

As a result the former Alliance Government gave up any attempt to systematically implement the recommendations in the report. The former Chief Minister, Mr Kaine, also made it clear in answer to a question (Hansard, 20 November 1990, pp 4323-9) that many of the Boards recommendations had been specifically rejected by his Government.

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

Question No 389

**Employment and Training Grants Program -
Pre-Vocational Training**

MR CORNWELL - Asked the Chief Minister upon notice on 21 October 1992:

- (1) What is the difference in the pre-vocational training for women undertaken by (a) Sistertrust; (b) Tuggeranong Community House; and (c) Caloola Farm. .
- (2) -How many women will be assisted in each case.
- (3) What funding has been made available in each case.

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

(1) Under the ACT Governments 1992/93 Employment and Training Grants Program: ..

- (a) Sistertrust was funded to,establish a program which would provide mentoring support and financial assistance (up to 5500/person) to low income women seeking appropriate career paths and vocational study;
 - (b) There was no funding provided to "Tuggeranong Community House". Caloola Farm, in conjunction with Tuggeranong Link, was funded to conduct three introductory courses of six weeks duration (6 hours/week) covering employment and training options for women, job search techniques, . communications/life skills and an overview of computing. The courses are being delivered through different Tuggeranong community houses and targeted at women seeking to return to paid employment or seeking further education or training; and
 - (c) Caloola Farm was funded to provide. four training courses of eight weeks duration (12 hours/week) covering formal keyboarding- skills, motivational and attitudinal skills, job search, social and life coping skills. The courses are targeted to women wishing to re-enter paid employment, particularly in clerical/ keyboarding areas..
- (2)
- (a) 82 low income women will receive mentor support and financial assistance from Sistertrust.
 - (b) 36 women will be assisted under the joint project between Caloola Farm and Tuggeranong Link; and
 - (c) 48 women will be assisted by Caloola Farms pre-vocational keyboarding courses.

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(3)

(a) Sistertrust \$75,000.

(b) Caloola Farm/ Tuggeranong Link \$7,308.

(c) Caloola Farm \$25,000.

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

Question No. 520

Canberra Business Centre, Downer

MR CORNWELL - Asked the Chief Minister upon notice on 16 February 1993:

In relation to the Canberra Business Centre, Downer -

- (1) How many businesses occupied accommodation at 31 December 1992.
- (2) What was the nature of each of these businesses.
- (3) How many of these businesses at Downer have received financial support, including subsidised rent.
- (4) What was the nature of these businesses at (3).
- (5) Is space available for unsubsidised tenants and what is the weekly rental of this space.

MS FOLLETT - The Canberra Business Centre, Downer, is managed by Local Employment Development Incorporated which has provided information in relation to the answer to the members question which is as follows:

- (1) 28 businesses occupied accommodation at 31 December 1992.
- (2) The nature of each of these businesses was as follows:

Consulting 2 Legal 2
Software 3 Tourism 1
Aviation 1 Food Distribution 1
Computing 2 Mineral Exploration 2
Stationery & Industrial Tapes 1
Photography 1 Food Processing 2
Craft 1 Irrigation 1
Ergonomics 1 Industrial Design 1
Real Estate 1 Recycling 1
Investment 1 Building 1
Environmental Consulting 1
Journalism 1

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(3) 5 of these businesses are known to have received financial support under government business development or labour market programs. (New Enterprise Incentive Scheme - 3; National Industry Extension Service - 1; Apprentice Employment - 1). Some businesses received an initial rent reduction for a maximum of 3 months to assist their establishment.

(4) The nature of the 5 businesses at (3) was:

Mineral Exploration

Food Processing

Craft

Industrial Design

Real Estate

(5) Yes, rental is charged on floor space on a monthly basis with the charge ranging from \$6.67 to \$13.50 per square metre per month depending on the size and type of area occupied.

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