DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 March 1993

Thursday, 25 March 1993

Answers to questions:

Thursday, 25 March 1993

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

TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1993

MS FOLLETT (Chief Minister and Treasurer) (10.31): Madam Speaker, I present the Territory Owned Corporations (Amendment) Bill 1993.

Title read by Clerk.

MS FOLLETT: I move:

> That this Bill be agreed to in principle.

Madam Speaker, under the current Territory Owned Corporations Act 1990 the Territory cannot lend funds to Territory owned corporations unless those funds have been appropriated for this purpose. This Bill seeks to remove this provision. This will allow the Territory, through the ACT Borrowing and Investment Trust, to lend moneys to Territory owned corporations at commercial rates. As Treasurer, I will still be responsible for approving the loan, and, as Territory owned corporations operate in a commercial environment, will ensure that any loan made to a Territory owned corporation will be on a commercial basis so that such corporations are not given an unfair advantage in the market. This is also consistent with the ACT Borrowing and Investment Trust making investments on the basis of best return for the Government. This approach will also allow the Territory to benefit from any debt servicing fees, rather than the commercial private sector.

Under the Territory Owned Corporations Act 1990, Territory owned corporations are subject to a number of comprehensive accountability provisions and this Bill will not alter these. Any loans made to a Territory owned corporation would still be subject to scrutiny by the Auditor-General in his audit of the corporation's financial statements, and these statements will still be required to be tabled in the Legislative Assembly. I now present the explanatory memorandum for this Bill.

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

AUDIT (AMENDMENT) BILL 1993

MS FOLLETT (Chief Minister and Treasurer) (10.33): Madam Speaker, I present the Audit (Amendment) Bill 1993.

Title read by Clerk.

MS FOLLETT: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the Audit Act 1989 provides for the financial management of the ACT Government Service. The Bill proposes amendments which are important for the effective management of the Government's investment program. These amendments relate to the use of certain financial transactions known as derivatives which provide fund managers with an agreed future price for the buying and selling of securities. By providing investors with a prospective price for future investments, derivatives can be used as a form of protection against possible unfavourable movements in the price of market securities. As it stands, the Audit Act restricts the use of derivatives for investment purposes to moneys standing to the credit of the Consolidated Fund. This Bill will enable the Treasurer to approve the use of derivatives by the Territory in the investment of any moneys standing to the credit of the Territory Public Account, thereby extending coverage to the Trust Fund as well.

The other proposed amendment to the Audit Act concerns the use of external fund managers. An important element of the Government's financial strategy is to set aside funds to assist in financing the Territory's accruing superannuation liabilities. These funds may be invested and are used to reimburse the Commonwealth for the cost of providing employer superannuation benefits to former ACT public service staff. To date, funds held in the Superannuation Provision Trust Account have been invested only in the short-term money market. In order to maximise returns over the long term the Government has decided to establish a diversified investment portfolio by appointing a range of external fund managers with particular expertise in each investment market. The Bill will allow the Treasurer to authorise the use of financial derivatives by external fund managers contracted to invest moneys on behalf of the Territory and to specify any conditions to be applied under the terms of the contract. In conclusion, Madam Speaker, these amendments will enable improved management of the Territory's investment program. I present the explanatory memorandum for the Bill.

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

BOXING CONTROL BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.36): Madam Speaker, I present the Boxing Control Bill 1993.

Title read by Clerk.

MR BERRY: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the Bill establishes controls over amateur and professional boxing similar to those applicable in New South Wales. Amateur fist boxing would be allowed only under the auspices and rules of the Amateur Boxing Union of Australia. Professional fist boxing would be allowed only under codes of practice, or rules, specifically approved by the Minister for Sport for each boxing contest. Kick boxing and similar contests are effectively banned under this Bill.

The most important feature of the legislation is that all participants in professional boxing bouts must be registered with the New South Wales Boxing Authority. This registration involves a medical card for all boxers. The card carries a complete history of each boxer's career and medical examinations before and after each bout. The card also carries details of any period for which a boxer is suspended from fighting for medical reasons, and we have arranged for these details to be verifiable with the New South Wales Boxing Authority.

All bouts, amateur and professional, would require the approval of the Sports Minister or delegate, and approval would be given only where the appropriate rules, registration and medical conditions had been complied with. The Bill also requires that other industry participants, such as trainers, judges, managers and seconds, be registered. This ensures that, for the safety of boxers themselves, the whole industry is appropriately controlled. Women who may wish to be involved in boxing will not be discriminated against. Madam Speaker, I present the explanatory memorandum for the Bill.

I also apologise to Mr De Domenico for this because, had we been able to get this Bill in earlier, he might not have got such a thrashing in the recent bout and there would have been satisfactory controls in place to ensure that his occupational health and safety interests were preserved.

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

EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION AND REGULATION OF PROVIDERS) BILL 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.38): Madam Speaker, I present the Education Services for Overseas Students (Registration and Regulation of Providers) Bill 1993.

Title read by Clerk.

MR WOOD: Madam Speaker, I move:

> That this Bill be agreed to in principle.

This Bill is complementary to the Commonwealth Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 - an even longer title - passed in late June 1991. The Bill also provides additional safeguards for overseas students who choose to study in Canberra.

It is appropriate that, as proposed here, the Territory assume the major role in registration and regulation. Commonwealth legislation addresses the issues of reliability and financial viability of education providers, academic standards and students' compliance with immigration requirements. The Commonwealth also provides for a national register of institutions and courses offering education and

training to overseas students. It relies, however, upon appropriate accreditation and approval processes in States and Territories. Members will be aware of the financial collapse of a number of private providers and, unfortunately, of unscrupulous practices occurring in some instances. The main objective of this legislation is to ensure that Canberra's reputation in the export education market is upheld, and to assure overseas students of the quality and integrity of education services offered to them. The Bill will provide financial safeguards for students and cover the standard of facilities, teachers, courses and student welfare services. It will also require that information furnished to intending students be fair and accurate.

It will help to explain the need for and scope of this legislation if I briefly summarise a recently completed review of Commonwealth legislation. The Commonwealth Act has been the subject of a Senate standing committee's inquiry into its operation which was required by order of the Senate to be completed by December 1992. The committee's findings, and an earlier evaluation by the responsible Commonwealth agency, found that the legislation had been effective and is an appropriate means of improving security of students' fees and providing assurances of quality.

During the consultative phase of the committee's work the majority of respondents in all States and Territories commented that the Act was both necessary and appropriate. The Independent Teachers Federation's view was that the Act was necessary, and remains so. The federation considered that the harm caused to the industry as a whole by the poor financial practices of a few colleges around Australia justified regulation of financial practices of the whole industry for an indefinite period. A further comment from a private sector respondent agreed that the Act contained effective measures to safeguard fees prepaid by students and was essential to damage control and building future confidence in the industry. Such measures must recognise the commercial constraints experienced by the institutions they regulate.

The Senate committee concluded that the sunset clause of the Act be amended to extend its provisions for a further year, to the end of 1994, to enable time for States and Territories to introduce legislation. Both the committee and the evaluation report recommended that there should be increased monitoring of the quality of education, however, and recognised that this task is fundamentally the role of States and Territories. The evaluation concluded that States and Territories are in a better position to monitor the conduct of providers, given their responsibility for education generally and the accreditation and approval of providers in particular, and recommended that States and Territories should implement legislation as a matter of urgency. All jurisdictions are acting on the recommendation. Western Australia and Tasmania have passed legislation. It is in this context that the present Bill is being introduced today.

The Government's response is a balanced piece of legislation which will safeguard students' interests and establish a minimal and practical regulation framework in which this important and expanding export industry can operate successfully. Administration arrangements will dovetail with those of the Commonwealth. There will be no duplication, and registration will be a simple, effective process.

The Bill will establish a comprehensive registration system. It is required by and complements Commonwealth legislation, which has an impending sunset clause of 1 January 1994 and contemplates all States and Territories having their regulatory legislation in place. It identifies the Secretary of the Department of Education and Training as the administrative head responsible for the registration process and consequent advice to the Commonwealth on registration of providers in the ACT. It ensures that the interests of overseas students are safeguarded through proper contractual arrangements between providers and students. It contains provisions to limit the financial impact on students in the event of the financial collapse of the provider. It requires courses and teachers to be accredited. It requires a reasonable standard of facilities to be maintained. Finally, it requires that adequate student welfare services are provided.

This Bill will provide for the suspension, variation or cancellation of registration by the designated authority. Reviews of registration can be initiated by the registration authority. Premises will be inspected by a panel appointed by the administrative head, and courses and teachers will be assessed by the ACT Accreditation Agency. Financial acceptability of providers is regulated through comprehensive reporting and accounting requirements at initial application, backed up by regular reporting. Student course fees are required to be separately accounted for and must be applied only to expenses incurred in the provision of courses. Similar arrangements will apply where accommodation fees are charged. A registration fee will contribute to costs of regulation and other costs will be absorbed.

Perhaps most importantly, Madam Speaker, this Bill will protect both the interests of the ACT and overseas students who choose to study here, through provision of a comprehensive registration system. Members will be aware of those unfortunate incidents in other States and Territories of providers' financial collapse and/or the unscrupulous practices to which I referred earlier. The ACT has not been immune from this. The Bill will assist in minimising the chances of such events and, if a provider does get into difficulty, the Bill gives financial protection for students.

The minimum and efficient registration and regulation system proposed in the Bill is necessary to protect the personal and financial interests of international students and safeguard the outstanding reputation of education services in the ACT. Members will also appreciate the economic significance of international education to the ACT, and that increased overseas student enrolments can only serve to increase Canberra's and the region's prosperity. Students not only directly increase economic activity in the region; they can be the foundation of wider economic and cultural links with our neighbours. It is important that overseas students continue to obtain a high-quality education and retain a very positive view of their experience in Canberra. This Bill will prove to be a most effective and efficient regulatory mechanism. I present the explanatory memorandum for this Bill.

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

ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.48): I present the Administrative Decisions (Judicial Review) (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

The Administrative Decisions (Judicial Review) Act 1989 provides for the review of decisions of an administrative character made, proposed to be made, or required to be made under an enactment or conduct for the purposes of making a decision. Normally, to have standing under the Act, a person must be aggrieved by the decision or conduct complained of. However, the Administrative Decisions (Judicial Review) Act provides that, in respect of decisions under the Land (Planning and Environment) Act 1991 and the Heritage Objects Act 1991, any person may apply for review on the grounds set out in the Administrative Decisions (Judicial Review) Act. In respect of these Acts a person only need consider that the decision or conduct will be contrary to law to have standing to bring an action under the Act. This gives effect to the Government's concerns that there should be wide rights of review in respect of planning and land use decisions.

Mr Deputy Speaker, the Buildings (Design and Siting) Act 1964 provides for design and siting matters to be treated as controlled activities under the Land (Planning and Environment) Act 1991. It is anomalous that persons do not have the same rights in respect of design and siting matters as they do in respect of other planning and land use matters. Accordingly, the Administrative Decisions (Judicial Review) (Amendment) Bill 1993 will amend the Administrative Decisions (Judicial Review) Act to give any person the right to challenge design and siting decisions on the grounds specified in the Administrative Decisions (Judicial Review) Act. I present the explanatory memorandum for the Bill.

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

INSTRUMENTS (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.50): Mr Deputy Speaker, I present the Instruments (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

The Instruments Act 1933 provides for the registration of securities over things other than land at the office of the Registrar of Securities. A shortcoming of the Act is that it fails to provide the registrar with the authority to destroy

instruments which no longer have any effect. This has led to difficulties for the registrar's office due to the accumulation of outdated security documents, which has led to storage problems and to delays in access to documents.

This Bill provides the registrar with the power to destroy those security documents which are no longer effective, such as those which have been discharged, those which have been satisfied, documents for which a receipt has been registered, documents which the registrar believes on reasonable grounds no longer have effect, and documents which have been registered for at least 10 years. The period of 10 years is the expected life of or depreciation period of the items most commonly secured by a bill of sale - items such as motor cars or retail shop equipment.

This approach to the problem of obsolete documents follows a meeting of State and Territory registering authorities at which it was agreed that a uniform approach be taken. To date only the Northern Territory has enacted such legislation. The amendments will also bring the treatment of preferable liens on wool into line with the treatment of other securities. The amendment also seeks to reform the language used in the principal Act. Sexist language has been removed and the use of archaic language has been reduced as far as possible without a major rewrite of the Act. In short, the amendment should be of practical assistance in the administration of documents in the registrar's office. I present the explanatory memorandum to the Bill.

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

BIRTH (EQUALITY OF STATUS) (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.52): Mr Deputy Speaker, I present the Birth (Equality of Status) (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

The Birth (Equality of Status) Act 1988 allows a man to acknowledge that he is the father of an ex-nuptial child, so that for all purposes he shall be presumed to be the father of that child. There are certain formal requirements for doing this. The acknowledgment must be made in the approved form and must be made before the Registrar of Births, Deaths and Marriages, a commissioner for declarations under the Commonwealth Statutory Declarations Act 1959, a legal practitioner, a registrar or clerk of court, or a minister of religion under the Commonwealth Marriage Act 1961.

Since this Act came into force the Commonwealth regulations which determine who is qualified to witness a statutory declaration have been amended to allow more people to do so. Prior to the new regulations there were only seven categories of people before whom a statutory declaration could be made.

Following the new regulations, there are now 52 categories of people before whom a statutory declaration can be made. The Bill will allow the witnessing of paternity acknowledgments by this wider group of people. This gives the father of a newly born child greater access to suitable witnesses. They will no longer be unnecessarily restricted in the availability of witnesses. I present the explanatory memorandum for the Bill.

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

EVIDENCE (AMENDMENT) BILL (NO. 2) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.54): Mr Deputy Speaker, I present the Evidence (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

This Bill is essentially a machinery measure to modernise and otherwise tidy up the Evidence Act of 1971, which became a Territory enactment on 1 July 1992. The Act has an important role in facilitating the conduct of court and quasi-judicial proceedings in the Territory. This Bill will amend the Evidence Act 1971 to take account of its change of status from a Commonwealth ordinance to a Territory enactment. It will make the Act gender neutral and will remove redundant provisions and otherwise bring the language of the Act into line with current legislative drafting practice. The Bill will simplify the Territory's statute law by repealing the Evidence (Laws and Instruments) Act 1989 and incorporating its provisions into the Evidence Act 1971. This will make the law more accessible in that all relevant provisions will be in the one piece of legislation. I present the explanatory memorandum for the Bill.

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

PUBLICATIONS CONTROL (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.55): Mr Deputy Speaker, I present the Publications Control (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

The ACT Government has expressed its support for the Prime Minister's initiative to introduce a new MA classification for films and videos. To put this support into effect, we need to amend the Publications Control Act 1989 to recognise this new classification in relation to videos. Mr Deputy Speaker, "MA" means

"mature audiences" and there will be restrictions on persons under 15 years of age in relation to gaining access to videos carrying that classification. Material classified as MA is that which contains coarse language or depictions of sex or violence likely to disturb, harm or offend those under 15 years of age. The MA classification will be placed between M and R for films and videos. There is also a proposal to extend the classification into television broadcasting, which has a slightly different classification system - that is, C, PG and AO. Television regulation is, however, exclusively a Commonwealth responsibility.

The Commonwealth has now gazetted the Classification of Publications (Amendment) Ordinance 1992 to establish the new classification of MA which is expected to come into effect on 1 May 1993. To recognise the new classification, this Bill amends the Publications Control Act 1989 to introduce regulatory measures to restrict the display, hire or sale of videos to persons under the age of 15 years. This means that the local video shop will have to apply the same restrictions as are now applied to R-rated videos, the applicable age in this case, though, being 15 years. Mr Deputy Speaker, I also ask you to note that the legislative amendments will have a standard delayed commencement so that the commencement coincides with the commencement by the Commonwealth of its new MA classification scheme on 1 May 1993. I now present the explanatory memorandum for the Bill.

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

FILM CLASSIFICATION (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.57): Mr Deputy Speaker, I present the Film Classification (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

As stated in my presentation speech for the Publications Control (Amendment) Bill 1993, the ACT Government has expressed its support for the Prime Minister's initiative to introduce a new MA classification for films and videos. To put this support into effect, we also need to amend the Film Classification Act 1971 to recognise this new classification in relation to films exhibited in cinemas or other places where a person under the age of 15 years is capable of seeing the film. The Film Classification Act 1971 is amended to further regulate access by minors to the cinema. Children under 15 years will not be admitted to the cinema to see an MA film unless accompanied by a parent or guardian. A child of up to two years is exempted as a babe in arms.

Mr Deputy Speaker, cinema management may argue that they will be unable to police the access by minors because of the difficulty in ascertaining the age of 15-year-olds, particularly as this age group seldom has proof of age documentation. They may also claim that they will have difficulty in ascertaining whether a parent or guardian is the true parent or guardian. In fact, cinema

management must already be making assessments of age in relation to the charging of entrance prices and access by 18-year-olds to R-rated films, and if you look at subsection 9(3) on page 2 of the Film Classification (Amendment) Bill 1993 you will see that they can avoid prosecution by showing either that reasonable precautions were taken to ensure that under-15-year-olds were not admitted to an MA film unaccompanied by a parent or guardian, or that an under-age person appeared to be 15 years or older. As to the problem of identifying a parent or guardian, the Bill provides that it is a defence if it is proved that the young person was accompanied by a person who appeared to be the young person's parent or guardian.

Mr Deputy Speaker, I also ask you to note that the legislative amendments will have a standard delayed commencement so that the commencement coincides with the commencement by the Commonwealth of its new MA classification system on 1 May 1993. I now present the explanatory memorandum for this Bill.

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

CRIMES (AMENDMENT) BILL (NO. 2) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.00): Mr Deputy Speaker, I present the Crimes (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

The Bill is a significant addition to the criminal justice process in embodying in legislative form important principles to be applied in regard to the sentencing of criminal offenders. Sentencing has traditionally been an area of great discretion. While it is crucial that courts retain flexibility in order to deal appropriately with individual cases, it is also important in administering an effective criminal justice system that punishments are imposed, and are seen by the community to be imposed, consistently so that similar offenders in like circumstances will receive similar penalties. Measures to promote consistency in approach amongst sentences and to state clearly the principles upon which sentencing decisions are made were recommended by the Australian Law Reform Commission in its 1988 report on sentencing. Members of the commission have, in fact, provided valuable assistance in drafting this Bill, for which this Government is grateful.

Several jurisdictions have, since the drafting of that report, moved to take up those recommendations. In 1990 the Commonwealth enacted legislation which incorporated many of the recommendations, particularly in regard to listing the factors to be taken into account in determining the appropriate sentence. South Australia has similar provisions in its Criminal Law (Sentencing) Act of 1988. Over the last few years Victoria has undertaken a thorough review of its sentencing provisions and in 1991 it passed legislation which, among other things, embodies purposes of sentencing, provisions concerning pre-sentence reports and restrictions on the imposition of imprisonment. Other jurisdictions are also developing draft legislation along these lines. We have had close regard to all of these developments in drafting this Bill. In addition, the criminal law agencies of the ACT have provided valuable input.

It is widely recognised that the prison system is a destructive environment and that the cost is extremely high, in both financial and social terms. While there will always be some crimes for which imprisonment is the only appropriate penalty, significant punishment can be imposed through other means which have added value for the community, for example, through community service. This Bill includes a statement that imprisonment is to be the punishment of last resort. This was one of the key recommendations of the Royal Commission into Aboriginal Deaths in Custody in 1991 and was a theme echoed by the Corrections Review Committee in its report to the Government in 1992.

This Bill recognises that the overriding purpose of a criminal sentence is to impose a punishment which is just and appropriate in the circumstances. Within that context, other considerations, such as appropriate reparation to any victim of the offence and rehabilitation of the offender in an effort to break the cycle of criminal behaviour, are encouraged.

The Bill sets out factors which must be considered by the court in determining the appropriate penalty. Such factors include the nature and circumstances of the offence, whether any loss or injury was suffered, whether the offender was affected by alcohol or other drugs and the circumstances in which those drugs were consumed, and whether the offender abused a special position of trust. Similar factors have been included in Commonwealth and South Australian legislation. In addition, the ACT has taken the initiative of listing those factors which may not be taken into account so as to increase the severity of sentence. Examples are the defendant's choice not to give evidence on oath, which is one of the fundamental rights of a person charged with committing a crime, and the imminent commencement of legislation which might affect the penalty to be applied.

The Bill also requires the court, before imposing a fine, to take into account the offender's financial circumstances in so far as they can be ascertained. This is to avoid imposition of a fine where severe hardship would be caused to the person or his or her dependants, with a consequent likelihood that the person will default on payment and be committed to prison. Similar provisions are in the Commonwealth, South Australian and Victorian legislation. Mr Deputy Speaker, that is a very important principle because, clearly, a $1,000 fine to a person in quite affluent circumstances is far less severe than a $1,000 fine to a person in straitened circumstances, and the principle that like offenders be treated in a like manner must be modified when a financial penalty is imposed, to ensure that social justice considerations are taken into account and that the levels of imposition on persons' financial means are the same rather than the actual monetary term.

Another significant reform is to recognise in legislation the pre-sentence reports prepared for the courts by ACT Corrective Services. While such reports are frequently requested by the courts in order to assist in determining the appropriate sentence for an offender, their preparation, content and use are governed for the first time by legislation. The final provision of this Bill prevents the court from releasing a person on recognisance or condition that he or she performs a certain number of hours of community service. Whilst the community service order scheme is a valuable scheme, it is considered desirable to keep this option as a distinct sanction, as the legislation intended, and to avoid any confusion as to revocation procedures and other administrative measures necessary for the successful operation of the scheme.

This Bill presents only one aspect of the Government's commitment to providing an effective and just criminal justice system. Other aspects of reform which the Government is pursuing include a review of penalties; development of a crime prevention strategy for the ACT community; references to the Community Law Reform Committee on victims of crime, domestic violence legislation, and public assembly and behaviour; improvements to court facilities so as to facilitate improved access and security arrangements; and a program for development of Corrective Services following the report of the Corrections Review Committee.

Mr Deputy Speaker, this Bill will help make sentencing more understandable to the public by spelling out principles, most of which were previously found only in the common law. It is the Government's intention, Mr Deputy Speaker, that this Bill should probably remain on the table in this place for some time. We will not be seeking rapid passage of this Bill, as it does contain some important principles which should be subject to considerable community debate. I present the explanatory memorandum to the Bill.

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

ADOPTION (CONSEQUENTIAL AMENDMENTS) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.06): Mr Deputy Speaker, I present the Adoption (Consequential Amendments) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Mr Deputy Speaker, I move:

> That this Bill be agreed to in principle.

Mr Deputy Speaker, on 18 November 1992 the Adoption Bill was presented to the Assembly. That Bill, which related to the adoption of children in the ACT, is aimed at vastly reforming existing legislation in line with modern adoption thinking and legislation, both in Australia and overseas. The Bill was referred to the Social Policy Committee of the Assembly. The committee presented its report and recommendations to the Speaker of the Assembly on 16 March. The Government's response was presented to the Assembly on Tuesday, 23 March, and yesterday the Bill was debated and passed.

The passing of the Adoption Bill will require changes to several other Bills which mention the old Adoption of Children Act 1965, and this Bill effects these changes. The Bill was not debated concurrently with the Adoption Bill because of the process of referring that Bill to the committee, and the fact that we were not entirely sure as to the final shape of the Bill until it passed this place yesterday afternoon. I present the explanatory memorandum to the Bill.

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

LEGAL AFFAIRS - STANDING COMMITTEE
Alteration to Resolution of Appointment

MR HUMPHRIES (11.08): Mr Deputy Speaker, I move:

> That paragraph (2) of the resolution of the Assembly of 25 June 1992, as amended on 20 August 1992, referring the accessibility of the legal system to the Standing Committee on Legal Affairs for inquiry and report, be amended by omitting "by the first sitting in April 1993" and substituting "by the last sitting day of June 1993".

Members will recall that there were two inquiries referred to the Legal Affairs Committee in June of last year - one into the cost of justice or accessibility to justice, and the other into the method of conducting conveyancing in the ACT. The reporting date for both those matters was to be the first sitting day in April of this year. The latter reference to conveyancing was discharged late last year by the Assembly. The former of those two inquiries, the cost of justice reference, has caused the Legal Affairs Committee some difficulties.

Its problems have stemmed from the fact that in this area we were faced with the choice of either reproducing the work which was going on in the Senate Standing Committee on Legal and Constitutional Affairs - it was simultaneously considering cost of justice issues - or alternatively waiting until that committee produced some report, either final or interim, before proceeding to do substantive work on that same question here in the ACT. It goes without saying that the justice to which the Senate inquiry refers and the justice to which the ACT Legal Affairs Committee inquiry refers are the same justice, and the cost of that justice is very substantially a question of costs imposed on the same individuals.

The terms of reference of the Senate committee are slightly more specific than the ones given to the ACT committee. I might read them into the record so that members can see how close they are to the work that we were undertaking. This is the reference to the Senate Standing Committee:

(a) The cost of legal services and litigation in Australia today, including:

(i) lawyers' fees, charges and overheads,

(ii) courts - delays, costs, listing arrangements, hours of operation and overheads, and

(iii) government charges;

(b) whether the cost of taking legal action is unacceptably high;

(c) the availability and targeting of legal aid; and

(d) whether there are any practicable alternatives to the present system.

They were slightly more specific issues than those put before our committee; but, clearly, the same issues would have to be dealt with by our committee.

It also is fairly obvious that the issues which are faced by that Senate committee are the purview, the responsibility, of the ACT and State governments. Government charges, with some exceptions, for the most part are ACT government charges or charges imposed by ACT courts acting under ACT legislation. Court rules and regulations which affect the way in which courts do their business are, since the middle of last year, now entirely, in the ACT's case, the responsibility of the ACT Government, with the exception of things like the Family Court and the Federal Court. Lawyers' fees again are matters regulated by enactments made by this Assembly rather than by other bodies. Legal aid is a matter under the control of the ACT rather than under the Federal Government. So, clearly, there was extensive overlap, and the committee decided that it should await the appearance of some work on the part of that Senate standing committee before attempting to cover the same ground.

A report is now available. In February - last month - the Senate standing committee produced a report entitled, "The Cost of Justice - Foundations for Reform". Although that report is not anything like as extensive an answer to the questions posed as one might like, it is in the nature of an interim report and therefore is the kind of issue that we need to be examining in our own context. There are some useful things arising from the Senate report. For the most part, the report is essentially a statement of the principles that one ought to be using to approach the problem of the cost of justice and the sorts of problems that are facing individuals in that situation.

It makes some recommendations about how these issues might be tackled, not necessarily directly but over a period. It recommends that there be a report annually by courts and tribunals on the cost of providing services to the community and accessibility to those services, so that the courts and tribunals themselves have some responsibility for determining how people are getting access to them and whether they are producing effective services to the community. There was also a recommendation that the Australian Bureau of Statistics collect statistical material which touches on the operation of the legal profession and the legal system in Australia. That will be very useful for an inquiry such as ours where, for example, we are required to examine the relative cost-effectiveness of lawyers as compared with other occupations in the community.

A third recommendation was that the Senate committee convene a legal forum regularly to air issues touching on this matter, and to allow groups - for example, the Law Society, the Bar Association and community groups assisting people in their circumstances - to air issues and to discuss questions of reform and the way progress is being made.

Mr Stevenson: I am listening, Gary.

MR HUMPHRIES: Thank you, Dennis. All those things are obviously important and relevant to the ACT inquiry. However, we have had to wait for the Senate inquiry to produce some work which would allow us to focus our efforts and not reproduce and duplicate. It is now very close to our reporting date and I am therefore moving, on behalf of the committee, that the reporting date be put back until the last sitting day of June. That will permit us to digest the work done by the Senate standing committee and to ensure that what we have done does not unnecessarily cut across the work of that other committee but builds on the work already done and produces an answer which is both achievable and relevant to the circumstances of the ACT. I commend the motion to the house.

MS SZUTY (11.15): I support the motion to extend the reporting date of the Legal Affairs Committee's inquiry into the accessibility of the justice system. However, I am disappointed that the request for this extension of time for this inquiry has been necessary. Members in this chamber, particularly Mr Moore, have commented on the work that the Legal Affairs Committee has done to date - three meetings since the commencement of this Assembly in March 1992. That is three meetings in almost 12 months. It is hardly surprising, therefore, that the committee is not ready to report on its inquiry findings.

I am pleased to say, however, that the committee called for submissions in recent times and has scheduled public hearing dates for April. Mr Humphries, Mr Lamont and I are also bringing ourselves up to date with the report by the Senate Standing Committee on Legal and Constitutional Affairs of February this year entitled "The Cost of Justice: Foundations for Reform", as mentioned by Mr Humphries. I anticipate that we will be busy with our work on the Legal Affairs Committee for some time in finalising this inquiry. I could spend some time speculating on the reason for the increased activity of this committee being due to my recent appearance on it, but I do not propose to dwell on the subject. I join with my fellow members of the Legal Affairs Committee in supporting the motion.

MR MOORE (11.16): I rise to support the motion and I use this opportunity to call on the committee to consider the possibility of something along the lines of the Medicare arrangement. Perhaps it could be called Legicare, or something along those lines. I think it would be worth while for the committee to consider that as an option because its responsibility is to ensure that there is wide access to the legal system, just as the Labor Party, in the Whitlam era, looked at how it could make health accessible to a full range of people. Their solution was Medicare which, by and large, most observers now consider to have worked extremely well. Of course, it is not without its warts; any system is going to require some modification and change.

In many ways it has been disappointing to me that this committee has not been able to work faster, but I must say that it is appropriate for the committee to consider what the Senate committee has brought down as part of its report on this matter. I hope that our committee will bring it down to a much tighter level, to how the cost of justice affects individuals. I look forward to the committee's report.

MR STEVENSON (11.18): I also support an extension of time for the committee. Mr Moore suggests that you could introduce a principle similar to Medicare. I think we would all agree that there needs to be a system that allows people to achieve justice. Some of us know that in the past newly graduated lawyers and people still in training would spend some of their time in helping people who needed help but could not afford the fees. I think that should be reintroduced.

Mr Moore: That way they get the most junior representation.

MR STEVENSON: Mr Moore mentions that in that way they get the most junior representation, but that does not necessarily have to be the case. A lot of the work that needs to be done does not involve appearing in court; it can be done by other people. One of the other benefits is that if the work is overlooked by more

experienced lawyers the younger lawyers may have more time to put into the case. Justice would need to be fast; it would need to be inexpensive; and it would need to be just. All too often we do not find those situations. The Legal Affairs Committee is doing valuable work. Let us hope that, with the extra time, they support principles that will enable people in the ACT to actually gain justice.

MR LAMONT (11.20): I rise to comment on a number of issues that have been raised.

Mr Berry: We could get him a job on a committee.

MR LAMONT: Thank you, Mr Berry. That was the suggestion that I was about to make. We have seen an increase in the activity of this committee, not only since the appointment of Ms Szuty. If we could build on that with the addition of Mr Moore to the committee, that would accelerate the work even faster. Of course, with Mr Stevenson also on the committee, we could probably have this finished in a week. That is somewhat tongue-in-cheek; nevertheless it is an issue that is of concern. This committee has existed for 12 months with two people from this chamber. It was appropriate that the committee numbers be increased to three, and I, as one member of the committee, would welcome the addition of Mr Moore and Mr Stevenson in due course.

MR HUMPHRIES (11.21), in reply: I thank members for their support for the motion. I have to repeat for Ms Szuty's benefit that on this inquiry we were faced with the choice of either reproducing work which has been done elsewhere on the cost of the very same justice that was the reference we were given or waiting until the Senate inquiry had produced some work. I had no hesitation in taking the latter course of action; nor did Mr Lamont, then the only other member of the committee. It was our unanimous and firm view that that should be the case. So I make no apologies for not having many meetings. There simply was not the work to do. Calling a meeting for the sake of having a meeting is unnecessary and wasteful, and I hope that I am never involved in that kind of activity in this committee.

Question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE
Reference - Crimes (Amendment) Bill 1993

MR MOORE (11.22): Madam Speaker, I move:

That, notwithstanding the provisions of standing order 174 -

(1) the Crimes (Amendment) Bill 1993 be referred to the Standing Committee on Legal Affairs for inquiry and report by 13 May 1993; and

(2) on the Committee presenting its report to the Assembly resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next day of sitting.

Madam Speaker, in doing this I recognise that the Legal Affairs Committee has just been given an extension of time for another report. I recognise that this puts more work onto the Legal Affairs Committee, but I think that generally there is agreement in the Assembly that there are two styles of reports that committees present. One of their functions is to look at legislation. That is complicated enough in itself, but it does not present the same demands as a full inquiry into basic changes of principle in the way we deal with things.

The Crimes (Amendment) Bill that I refer to, Madam Speaker, is the Bill that provides for the $100 on-the-spot fines for a series of offences. It was tabled by me in this Assembly some time ago. Following the tabling of that Bill, Madam Speaker, both the Liberals and Labor came out in general support in principle for the Bill. That was appreciated and I hope that we will see a bipartisan approach to ensure that the Bill can be the best possible. Mr Connolly wrote to me a letter dated 22 March and, amongst other things, he said:

> As you are aware, I consider this Bill has merit, however, there are some points I would like you to consider with a view to amending the Bill.

I am willing to amend the Bill, Madam Speaker, in order to get a bipartisan approach. One of the points that Mr Connolly raised was the sort of information that would be required on an infringement notice. He drew attention to the fact that there appeared to be a conflict with special safeguards in place to protect children under the Children's Services Act 1986. There are limitations in respect of criminal proceedings against children set out in section 33 of that Act. It would not be my intention to do anything in conflict with that Act, Madam Speaker, but I want to be able to resolve that question.

Mr Connolly also pointed out that it appears that the Bill provides for automatic forfeiture of any substance, equipment or object seized under any Act when there is no opportunity, with my Bill being in place, for an offender to apply for the return of his or her belongings. Mr Connolly queried whether persons who have not been convicted of any offence should be liable to forfeiture without compensation. I think we would all agree in principle that Mr Connolly is quite right in questioning that. People ought not have something forfeited arbitrarily. Turning to implementation of the Bill, Mr Connolly also raised the matter of the reprogramming of police computers to be able to handle the information effectively. I think that is also an important issue that needs to be dealt with.

Madam Speaker, in referring this Bill, I have put the date of 13 May 1993, which would be in the next sitting in about six weeks' time. I would hope that Bills before the Assembly which are referred to a committee could be dealt with fairly quickly. It may well be that the committee will come back to the Assembly and ask for an extension of time. I think that would be perfectly reasonable. It is difficult for us to tell just how complicated the issues raised by Mr Connolly will be. However, I think we ought attempt to deal with such Bills as quickly as we can at the committee level. Whilst accepting that it may be necessary for the committee to come back, I recommend that we adopt the timeframe set out in this motion and see whether the committee can meet it. I look forward to a cooperative approach from all members of the Assembly on this Bill.

MR HUMPHRIES (11.27): Madam Speaker, as chairman of the committee I can indicate that I have no problems with the reference that Mr Moore is proposing. It seems to me that the committee is the sort of resource that should be available for just such an instance. A Bill with legal implications, as this has, should be referred to it for consideration of problems that have been raised. Clearly, Mr Moore has discussed it with the Minister, and those problems have been addressed. Rather than thrash them out between officers of the Government and Mr Moore, it obviously is more appropriate for a body of the Assembly like this to have them referred to it.

As a matter of principle, we should more often put Bills with difficulties of this kind to appropriate committees of the Assembly. In the last week we have seen the usefulness of having the Adoption Bill referred to the Social Policy Committee, for example. I think this is an example where a committee of the Assembly can be made to work, as Mr Moore indicated, at two levels - one, to do substantive work on issues, that is, develop policy proposals and discuss implications of particular policy matters; and the second, a more mechanical activity, to consider in detail the effectiveness of particular Bills or proposals so that the Assembly can work in the context of more detailed debate than it might be able to manage on the floor. For that reason this is a worthwhile reference. I hope that we can complete the reference by 13 May. I do not think that conflicts too much with our existing inquiry.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.28): Madam Speaker, the Government is quite happy for this private members Bill to go to the committee. It is probably the best example of where a committee might be able to assist. When Mr Moore indicated his intention to introduce private members legislation to extend the range of offences for which on-the-spot fines would apply, I indicated that I thought the idea had some merit and that we would like to look at it in detail. My recollection is that Mr Humphries made very similar statements - that the Opposition could see some merit in it but, again, wanted to reserve its position and look carefully at it.

I have written to Mr Moore, pointing out a number of potential technical and procedural problems with it which he has indicated could well be resolved through this process. I am aware, and I imagine that Mr Humphries, as the opposition spokesman, would also be aware, that there are some issues of principle in this sort of extension of on-the-spot fines as well. It is an issue that, in Victoria, has attracted some criticism from civil liberties groups. There is a very important question of balance here. It is a slope that we do not want to go too far down. We do not want to end up with a system of justice that is totally dependent upon arbitrary on-the-spot fines. Yet, as both the government and opposition spokespersons for the area have said, there is some merit in the scheme. The reference to the committee is a useful way to resolve this in the confines of the committee. The members can look at technical ways of perhaps finessing the Bill to make sure that it is a better technical piece of legislation; also, in a non-partisan committee sense, they can look at some of these issues of principle and civil liberties. It may be that Mr Humphries or Mr Lamont, who is our representative, on mature reflection may want either to further enthuse about it or to pull back from it. They are important issues, and this is a good way of resolving those issues in, hopefully, a non-partisan environment.

Question resolved in the affirmative.

DRUGS - SELECT COMMITTEE
Report on Benzodiazepines and Dependence

Debate resumed from 25 February 1993, on motion by **Mr Moore**:

That the report be noted.

MS SZUTY (11.30): Madam Speaker, any drug overuse or abuse is a societal problem, and we need to address it as a matter of public health. I welcome the report of the Select Committee on Drugs on benzodiazepines and dependence as it makes a sensible and positive contribution to the issue of responding to this problem. I might point out that benzodiazepines are not the only pharmaceuticals which suffer from problems with overuse. However, protocols for treating the tranquil addiction may well lead to a better understanding of and better approaches to overuse of pharmaceutical substances in general.

Madam Speaker, I find the national usage of these drugs very disturbing. We spend a high percentage of our revenue each year on health and we pride ourselves on being a healthy country, yet this one class of drugs has been prescribed over nine million times over the 1991-92 financial year. I am sure that members recall a television series shown on the ABC last year about overuse of one of these drugs, Rohypnol, among young people. That report showed that some young girls were able to obtain several prescriptions by going from clinic to clinic and that in some cases they had obtained prescriptions from the same medical practice with no recognition of the fact that the scripts had been given within very short timeframes - insufficient timeframes for proper dosage of the drug to have been followed.

Despite the fact that abuse of these substances can be shown in this manner, I agree with the committee's stance that these drugs are helpful in the management of certain conditions. However, there needs to be a better identification of the problem of overuse and I agree with recommendations Nos 1 and 2 which call for a database to be set up that improves our knowledge of benzodiazepine usage in Canberra. Extrapolating figures from national statistics and hoping that by using these we address the problems of overuse is short-sighted. We need to define the problem in quantitative terms, ensure that that information is made available to those who need it, and then ensure that programs address the problems and that their success can be monitored by those very statistics.

This brings me to the third recommendation - that the ACT Department of Health establish, implement and maintain a management plan for dealing with benzodiazepine dependence. The department has an important role in managing and overseeing the treatment of dependence problems. Coordination of services, testing outcomes and providing support for programs is crucial if the problem is going to be overcome. One of the doctors who gave evidence before the committee commented that prescribing patterns have changed and that as the medical practitioners move away from prescribing one class of drug they are moving towards another class of drug. This cycle must be stopped, and adequate collection of data and good management are fundamental to this exercise.

The committee also identifies a problem with the prescription routines of some hospitals interstate which have led to benzodiazepine dependence. It appears that too often the patient has been prescribed drugs routinely without reference to their understanding of the drug, its side effects and how to use it effectively and safely, and, most importantly, how to get off that particular drug when it is no longer needed to treat a medical condition. I am pleased that there appears to have been some headway made interstate to reduce this routine prescription of benzodiazepines, but I feel that the recommendation that ACT hospitals look at their protocols and assess the impact of these on prescription rates and the development of the dependence syndrome is another worthwhile step in addressing the problem of dependence. Of course, once the survey has been conducted that information can inform the development of more rigorous protocols for prescription of these drugs, and, although not stated in the report, I am sure that if a problem is identified the hospital system will move swiftly to resolve it.

The report also points out that more women than men are prescribed these substances. I was shocked at the National Health and Medical Research Council's reasons for this - that women consult their doctor more frequently than men; that women comprise a greater proportion of the elderly population which has a higher level of benzodiazepine consumption compared with younger populations; and that there is a high prevalence of anxiety disorders and affective disorders amongst women compared with men. Madam Speaker, I was dismayed at these comments. Ten years and several challenges later we have not advanced the debate about women's health needs, and it appears that, if the National Health and Medical Research Council accepts these reasons as truths, women will have to wait for some time yet to get adequate treatment and support from the mainstream medical system. I am pleased that the committee drew attention to the issue and has even interpreted data differently to the Department of Health. I agree wholeheartedly that it is doctors who have a tendency to prescribe tranquillisers for women more often than they do for men. It is not a case of women having more of a tendency to use the substance. They cannot use it if it is not prescribed.

I am therefore very pleased to see the emphasis in recommendation No. 5 on addressing the gender bias in prescribing benzodiazepines. I feel that this important step will also have some influence on the prescription of other drugs; but the emphasis must be on medical practitioners, dispensers and other health professionals taking responsibility to fully inform women of the problems with the use of the drug they are being prescribed. I am particularly keen to see that alternative treatment strategies are addressed and that the trend of substituting one overused drug for another does not continue.

Of course, many benzodiazepine users have already come to the conclusion that the use of this drug is not in their long-term interests and are seeking to break their habits or, at the very least, controlling the amount that is used. There are as many approaches to controlling dependency as there are people who have overuse syndrome or a physiological dependence. The needs of women and men who use benzodiazepines should be met by programs, and, although there are a variety of these available, the committee feels that there is a need for an

independent and separate benzodiazepine referral centre. This does not presume that that resolves the problem, but it acts as an agency for government and non-government programs which can assist people with benzodiazepine dependence. Such a service would avoid some of the problems people have in trying to give up their dependence, such as being able to be easily identified. It would be a source of much needed information and a place that can deal sympathetically with people who are taking their first steps towards controlling or ceasing their benzodiazepine dependence.

I agree that all programs which address drug dependencies, including dependency on prescription drugs, should continue to be funded. As I have stated, even without statistical data, as recommended by recommendations Nos 1 and 2, it is evident from the facilities that do exist that there is a need, and the committee has satisfied itself that the current programs are needed. While I do not think any one program has all the answers, I am enthusiastic about the COPE program which has been run, on occasions, very successfully from the Weston Creek Community Service by a community worker, Keris Delaney, in conjunction with a number of health professionals.

The Drugs Committee's report properly highlights the importance of the COPE program, and its need to operate more extensively throughout the year and to increase the number of places available. The women who participated in the Weston Creek Community Service program appreciated the opportunity to discuss their dependence and to receive support from other women in a community setting. There is absolutely no doubt that the program could be publicised more widely, with information being disseminated throughout the community. It is appropriate that COPE programs be properly evaluated and fully accountable to government in terms of their funding. I am hopeful that, because of their success, the Government will see fit to fund more of these programs in the future, especially on a community model basis.

In conclusion, Madam Speaker, I wish to pay tribute to the members of the Select Committee on Drugs - Mr Moore as presiding member, Mrs Carnell and Mrs Grassby - for their report on benzodiazepines and dependence, and I look forward to their final report.

MR MOORE (11.39), in reply: My comments will conclude the debate, Madam Speaker. I draw members' attention to paragraph 3.18 of the report, which contains a quote from a comment Dr Butlin gave in evidence to the committee in looking at benzodiazepine prescribing. He said:

> Unfortunately, if you look at the changes in prescribing patterns, although benzodiazepines use might be on the decline, there are already some suggestions that other substances may be taken up instead. It seems to have been the pattern; that prescribing tends to switch from one substance to another.

In terms of education, Madam Speaker, it seems to me that there is a move in our society, though, to have people take more control over their own welfare and to use doctors and medical practitioners more for advice. Whilst the committee made it very clear that the education of medical practitioners is important, the education of the community as a whole is also important, and that education should take into account that many of us can survive very well without the use of drugs.

That is not to take away the importance of benzodiazepines. For example, in a case of bereavement, or something like that, they really can provide an appropriate assistance. But one of the things that the community needs to do, I believe, is to look very carefully at our drug use and to minimise our drug use where possible. Most importantly, the theme that this committee, and the committee prior to it in the First Assembly, have followed in bringing down our reports is to concentrate on reducing the harm - that is priority No. 1 - associated with the use of any drugs, whether legal drugs or illegal drugs. In our final report, Madam Speaker, the committee will be taking exactly that same approach to the use of alcohol by young people. Madam Speaker, I thank members for their comments and I look forward to the government response to the committee's report.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE
Reference - ACT Housing Trust

Debate resumed from 25 February 1993, on motion by **Mr Cornwell**:

> That the Standing Committee on Social Policy of this Assembly conduct an inquiry into the operations of the ACT Housing Trust.

Debate (on motion by **Ms Szuty**) adjourned.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Statement by Presiding Member

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

Leave granted.

MR KAINE: I want to inform the Assembly that on 22 February 1993 the Standing Committee on Public Accounts resolved to inquire into the management of consultants and contractors by ACT agencies and authorities. Madam Speaker, this is a matter that has emerged out of consecutive Estimates Committee hearings. There seems to be some confusion in some quarters about the differences between a consultant and a contractor, and the terms and conditions under which they are employed. It is a matter that we will not be examining in the short term. I would like to point out that we have some major inquiries on our books already, including the investigation of information technology management, the financing of the health budget, and a review of the processes by which budgets are supplemented. Those matters are already in hand and they will take some months to complete. While we are taking on this inquiry, we do not expect to complete it until about the end of the year. That will give members some idea of the time when we expect to complete this new inquiry.

FLAG FOR THE AUSTRALIAN CAPITAL TERRITORY

MS FOLLETT (Chief Minister and Treasurer) (11.44): Madam Speaker, I move:

> That this Assembly, noting the outcome of community consultation on a flag for the ACT, adopts the design featuring the Southern Cross and a modified form of Canberra City's Coat of Arms as the official flag for the Australian Capital Territory.

Madam Speaker, this motion proposes that the Assembly note the outcome of the community consultation phase on the selection of a flag for the Australian Capital Territory and agree to declare the most popular choice as the official flag for the Territory. In June of 1992 a motion was agreed by this Assembly which in part called upon the ACT Government to take early steps to adopt a flag for the Territory. Members of the Assembly had a discussion in December 1992 which resulted in a consensus on four designs to be offered for consideration by the people of the ACT. These designs were unveiled on 19 February 1993 and forms were made widely available for two weeks after that date for the community to express its preferences.

Members will have noted that, in order to confine the overall cost of this exercise, preference forms were distributed mainly through government outlets such as shopfront offices, libraries, schools and a display at the Royal Canberra Show. Copies were available in the four major shopping centres and were delivered to private schools and retirement villages. The forms were also included in the newspaper with the highest circulation in the ACT. The total expenditure so far committed on this project is some $20,000. The ACT Electoral Office was responsible for the counting of preferences for the four designs. After those preferences were distributed the results were reported by the Electoral Office as follows: The Southern Cross and a modified form of the Canberra city coat of arms, 12,624; the Southern Cross and the Brindabella range, 10,681. Madam Speaker, I present the full report provided by the ACT Electoral Office.

As this process was a voluntary one, this provided a reasonable indication that the design featuring the modified coat of arms was acceptable to a representative sample of the ACT community. As a result, Madam Speaker, I unveiled the most popular choice at Canberra's eightieth birthday celebrations on 12 March 1993. Because of the significance of this issue, Madam Speaker, I would like this Assembly to note formally the outcome of community consultation on the selection of a flag for the ACT and to resolve that the design featuring the Southern Cross and a modified form of Canberra city's coat of arms be declared the official flag for the Territory. I commend the motion to the Assembly.

MR KAINE (Leader of the Opposition) (11.47): I will not pretend to speak for the Opposition on this matter. I think it is a matter of personal preference. That is no indication of any dissent from the Opposition; it is a matter that has not been discussed by us. The point is that the adoption of a flag for the Territory is a personal thing. You either want one or you do not, and you either like the design or you do not. So I speak for myself. Any other member of the Opposition is entirely free to speak for themselves if they have a different view.

Madam Speaker, I support this motion. I think it has long been not so much a problem but a deficiency that the ACT has not had its own emblems and symbols.

Mr Berry: We have not been going to war with anybody, so we did not really need it.

MR KAINE: If Mr Lamont is about to turn the ACT into a little republic we may well be going to war with New South Wales any tick of the clock now, and we will need Mr Lamont to carry the flag at the head of the army. I think, Madam Speaker, that it is appropriate that we have our own flag, just as it is appropriate that we have other symbols that other States and Territories have.

In terms of the design, I was happy with the outcome because it just so happens that it was the one that I favoured of the four that were put forward. In fact, it was the one that I favoured of all of the designs of flags that have been put forward over the years, so I am personally pleased that the majority of the people out there who opted to express an opinion decided that that was the one that they wanted. I think it is interesting that they did that and I think it has to do with the fact that the only flag that has been used in the Territory up until now has been the city of Canberra flag that was approved in 1927 and which displays the swans and the coat of arms. It has been long recognised almost as a symbol of the Territory in a de facto sense, so I think it was appropriate that that be depicted in some fashion, and it does represent the fact that the city of Canberra is the core of the Territory and forms a very large part of the Territory.

I know that there will be people who do not like that design, but I mentioned before that this one was the one that I preferred out of all the designs that I have seen. There have been a number of competitions run over the years to design an ACT flag, and some of the entries, quite frankly, are appalling. People have their own ideas, but does anybody really want an ACT flag with a boxing kangaroo on it? Those are the kinds of things that people put forward when you have a public competition. If you were to go through all of the designs that have been submitted in various competitions over the last 10 years or so, it would be an exercise in appalling design, I suspect. They even included the proposition that our flag should contain as a symbol the flagpole on the top of Parliament House. What we want is a flag that symbolises the 300,000 people who live here, not the few parliamentarians who visit the other hill over there from time to time and attract bad publicity for Canberra. That, in my view, would be totally inappropriate for inclusion on our flag. I am quite happy with the result.

It stands to reason that in the development of any symbol, any flag, not everybody will agree with it. It would be an unusual community if you could get 100 per cent agreement on anything. There will be a lot of people who abstained from entering into the competition because they did not like the whole idea. There were some who probably abstained because they did not like any of the four designs that we put forward. There are some who did not care. Out of all of those there will be some who, when the game is over, will say, "I did not like that", or "We should not have one at all", and so on; but we, as a group of elected people, made a decision as to a process that we would follow in order to get a decision. That process, Madam Speaker, has been faithfully followed. We have a result. I support that result and I would hope that all members of this Assembly would do likewise.

MR HUMPHRIES (11.51): Madam Speaker, speaking independently, as I agreed to do by leave of the leader, I must indicate that I will support this motion, but without much of the enthusiasm which perhaps would be appropriate for a step as auspicious as the creation of our territorial symbol with the adoption of a new flag.

Mr Kaine: We can change it 100 years from now.

MR HUMPHRIES: We could change it 100 years from now, but I probably will not be around, Madam Speaker, when that happens. Madam Speaker, I support the concept of a flag. I think it is appropriate that the ACT have an identifiable flag for our new self-governing status and that we have something that over time people will grow to recognise and identify solely with the ACT.

As to whether the flag that is to be adopted by this motion is that flag, I do not pass judgment. I suppose that over time people will associate with any symbol, providing it is used often enough; but the point is that we do need a symbol of this kind. It is important for our purposes of identifying ourselves as a political entity which deserves some separate and recognisable status. I have been to ministerial meetings, as have others in this chamber, where I have sat behind an Australian flag, or no flag at all, or a flag of the city, simply a rather ghastly coloured flag of the city of Canberra, and in all cases it has been galling not to have a symbol which we can stand up and say is our own.

It does not surprise me that Mr Kaine is very supportive of the present design. I think I am speaking the truth in saying that he is the only person in this Assembly who is supportive of that design. I went to see Mr Kaine the other day and I saw him with a great stack of coloured papers on his desk, ticking them one by one as he was talking to me. I did not know what he was doing. It occurred to me that this motion today is a very good exercise in democracy because here we have a process which has been embarked upon and which has produced a particular result. It is a result which I think very few of us in this chamber - probably only one of us - actually support, but which we are about to adopt and support, notwithstanding our own personal feelings, because we acknowledge and recognise the process which has led to it happening.

I took part in that process from the outset. I was disturbed to see that, according to Capital Television news, I think, 47 per cent of their telephone correspondents did not like any of the designs. That was a disturbing trend, but I think it is true to say that over time this symbol will grow to be associated with the aspirations and the direction of the city of Canberra. It will become a symbol which we will all grow accustomed to and will welcome when we go places, as representing the things that we stand for. Canberra is a very special place. We all, I believe, want ways of signifying that, and perhaps our flag will be one small device we can use to further that aim. So, as I say, I support this motion. Perhaps in 100 years' time we can come back and look at the question again, but for the next 100 years this will be a pretty good flag.

MS SZUTY (11.55): I too support the motion that Ms Follett has proposed and I join with Mr Humphries in expressing his sentiments on this particular flag. I do not embrace it enthusiastically either, but the decision was made on the basis of a process that we all participated in and I guess that we need to follow that through to its logical conclusion, which is the motion we have before us today.

With hindsight I believe that the process could have been better. Sometimes I think these things are learning exercises and at the end of the day we could perhaps reconsider and think, "Perhaps the process was not as full and as consultative as it could have been". I am not sure that the flag that we have, which is the choice of the Canberra community, is a unifying symbol for that community. I am not sure that the majority of Canberrans embrace it as a symbol that they want to represent the Territory in years to come. I hope that there may come a time when we will go through a longer process, a different selection process, which will achieve a flag that we can all be proud of as a community for many years to come.

MR MOORE (11.56): Madam Speaker, it may be that the Liberals cannot speak as a unified force, but I can. I rise to support the motion. We went through a process. Ms Szuty has drawn attention to the fact that with hindsight we could probably improve that process. I think that applies to many things that we do. However, as a group of people, we did adopt a process and it is appropriate that we should support that process and support the flag that has come out of it. I hope that even those people who consider it not their favourite will still treat the flag appropriately as the flag of Canberra, as I intend to do.

MR DE DOMENICO (11.57): Madam Speaker, like Mr Moore, I think I can also speak as a unified force. I am one of those people who do not personally like the - - -

Mr Moore: A Liberal Independent. You could go well.

MR DE DOMENICO: I will never be an Independent, Michael. We have always had principles. I did not like the result of the Canberra community's decision, but it is a decision made by the Canberra community. We need to accept the fact that, notwithstanding our personal choice, we respect the flag for what it is. It is the ACT flag. I look forward, Madam Speaker, to having it displayed as soon as possible in this chamber to show that we are unified in one thing - that we are respecting the flag, notwithstanding our personal choices. Perhaps the Australian flag could be on the other side. That is the best way to go.

MS FOLLETT (Chief Minister and Treasurer) (11.58), in reply: Madam Speaker, I would like to thank members for their support of this motion. I am not going to say whether this was my favourite design or not, but I can say that I like the outcome of this community consultation process much better than I like the outcome of the last consultation process which has given us the Hare-Clark electoral system. However, in both cases I said that I would carry out the wishes of the people of the ACT, and that is precisely what I am doing.

I think that the flag that we are preparing to adopt for the ACT is entirely appropriate. It draws on the heritage that we have in this Territory. It, I think, is attractive. I quite like the look of it. Quite importantly, Madam Speaker, I am receiving quite a number of requests for the flag, which I am very pleased to see. We need this motion because, as I would like to advise members, I have to now go into a tender process and let contracts for the manufacture of the flag as a result of the people having made their choice. Contrary to a great deal of speculation, that process has not yet been entered into.

Madam Speaker, I would like to comment on the Channel 10 coverage of the flag issue, which I thought was quite regrettable. They did set out to ridicule the whole process. I think that that was largely a product of their having a number of new staff who thought that they could make a few quick hits at the expense of the Assembly, and that is understandable. I do not think it worked at all well. Nor do I know how many people took part in Channel 10's phone poll. We have not been privy to that information. I think it was more of a story than a real consultation process.

Madam Speaker, I do thank members for their support. As I say, I will, on the passage of this motion, immediately start the process of acquiring flags. I would like to see them flown wherever it is appropriate for the Territory flag to be flown. I would like to see them being allocated to schools, representative sporting bodies and so on. I would be very pleased for the Assembly to endorse that process getting under way.

Question resolved in the affirmative.

Sitting suspended from 12.01 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Government Service - Appointment

MR KAINE: Madam Speaker, I would like to direct a question to the Chief Minister. On 12 March this year a man was reported in the *Australian* and *Canberra Times* newspapers as declaring that he had been appointed to a job in the ACT Government Service without interview and without experience or qualification, after having performed a service. That raises, at least, very serious questions about the means by which people get appointed to the ACT Government Service. It must raise questions about all kinds of people in the ACT public service and accessibility to jobs. When do you intend to conduct an inquiry to determine whether these statements are true or untrue?

MS FOLLETT: I thank Mr Kaine for the question, Madam Speaker. Mr Kaine first raised this matter with me on 12 March, when he wrote to me, presumably after having seen the media reports of this matter. I responded to Mr Kaine on the same day. I have told Mr Kaine that I share his concerns about this kind of allegation. Nevertheless, Madam Speaker, I must say that to investigate an allegation by an unnamed person against an unnamed person or persons is an extremely difficult matter. If I do have any substantiation of the matters Mr Kaine has raised, then, of course, I will investigate those matters.

But I would like to say that the incident surrounded not an ACT government, or even ACT opposition, document, but a Federal opposition document, and the handling of that document. I think it is reasonable for me to ask whether the Federal Opposition has made inquiries into this matter and, if so, whether the outcome of their inquiries will be available to Mr Kaine, or indeed to me, in order to pursue the matter. From what I have seen of the media reports, the issue comes down to whether or how a person was given a contract of employment in the ACT. To find out about that sort of matter without having the person's name is wellnigh impossible. So, I really do need a bit more to go on. If I get anything more to go on, then it will be investigated.

MR KAINE: I ask a supplementary question, Madam Speaker. I accept that the Chief Minister is probably just as concerned about this as I am, because there is a question of criminality here. First of all, documents were stolen - let us be clear about that - and, secondly, there is the question of people being appointed to the ACT Government Service, so the claim is made, without interview and without qualifications. They are very serious matters. I ask the Chief Minister how she thinks any further information is to be gleaned from this matter if there is no inquiry to determine that additional information.

MS FOLLETT: As I said at the outset and as Mr Kaine has reiterated, the document which forms the basis of this assertion is one of the Federal Opposition's documents. If they regard it as having been stolen, then it is up to them, I believe, to take the appropriate steps to inquire into that. As I have said before, if there is a question as to the method of employment of a person in the ACT Government Service, then I really do need to know who that person is before I can make any sorts of inquiries whatsoever.

Business Landlords and Tenants - Code of Practice

MS ELLIS: My question is directed to the Attorney-General. I ask: What progress has the Government made in developing a code of practice between landlords and small business tenants engaging in retail or commercial activities?

MR CONNOLLY: I thank Ms Ellis for the question. The Fair Trading Act, of course, was passed by this Assembly last year and commenced operation on 1 January 1993. We had anticipated that under that Act we would develop a code of practice to regulate the relationships between commercial and retail tenants and their landlords. On 24 March I issued a formal direction to the Director of Consumer Affairs to prepare just such a code of practice. We will in fact be advertising in the media, starting on 27 March, inviting the public to come forward and get involved in that.

We have, however, been working on this for quite some time. The fact that we issued the formal direction on 24 March should not indicate that we are starting from scratch. There has been a joint landlord and tenant and small business working party attempting to coordinate a code of practice since the middle of last year. The timetable is as follows: On 27 March there will be invitations in the media inviting public comment for four weeks. The working party will continue to examine submissions during that process. I will release the draft code in May for final consultation. In June-July we will approve that code formally under the Fair Trading Act so that it will commence operations with legal force. I would urge any persons interested in this matter to make comments to the Director of Consumer Affairs.

Householder Survey

MR HUMPHRIES: My question to the Chief Minister concerns the current householder survey being conducted in the Territory. I note that the last time a householder survey was conducted in the ACT, in June of 1991, the results were not published until February of 1992, about eight months after the survey was actually conducted.

Mr Kaine: And after the election.

MR HUMPHRIES: And also, incidentally, just after the ACT election of February 1992. That survey showed that people were unwilling to pay higher taxes and charges to support health and education but were willing to do so for better policing. Can the Minister assure the Assembly that the current survey has not been designed to avoid any nasty surprises for the Government and, as a result, will be available for public perusal reasonably quickly after the survey is finished?

MS FOLLETT: Madam Speaker, I can certainly assure the Assembly that the Government will be making use of the contents of the survey and that people's returns are treated very seriously. I think that Mr Humphries has probably taken a bit too much of a broad brush to his interpretation of the previous householder survey. Nevertheless, it is a fact that the results of the survey will be published, although it takes quite some time to put together the information from over 20,000 individual returns. It will be done as quickly as is possible, Madam Speaker. However, even before the entire document can be produced, the Government will be using the information that we get from that survey, because it does take quite some time to actually prepare the report into a publishable format and, of course, to get it printed and out into shopfronts and so on. We will do it as quickly as we possibly can.

Far from the survey being designed to avoid any nasty surprises for the Government, the survey has been designed in order for the Government and our agencies to know what the community thinks of the services that are being offered; how we might target those services better; and how we might make better use of what resources we do have in a whole range of service delivery areas. So, it is a genuine consultation effort. It is one which we will be taking very seriously.

Housing Trust Tenants

MR MOORE: Madam Speaker, my question, which is in accordance with standing order 116, is directed to Mr Greg Cornwell as the member in charge of a motion on the notice paper dealing with the Housing Trust. Mr Cornwell, I refer to your press release of 22 February in which you refer to some Housing Trust tenants as an "uncivilised minority of social miscreants". I put that statement in context. Mr Cornwell said that "decent Housing Trust people - who form the great majority of Trust tenants - have had enough of the social justice experiments with a basically uncivilised minority of social miscreants". I ask Mr Cornwell: What is your definition of "social miscreants"? Does it include people who are well off themselves and who are prepared to make a scapegoat of those who are economically and culturally disadvantaged by pointing the finger and marginalising them, Nazi-style, from a position of privilege and power? Where do you think they should live if the Housing Trust follows your advice and turfs them out?

Mr De Domenico: I rise on a point of order, Madam Speaker. I suggest that the word "Nazi-style" is something which Mr Moore might care to reconsider.

MADAM SPEAKER: Mr Moore, I would prefer it if you would reconsider that and perhaps withdraw it. We had "Goebbels-speak" withdrawn.

MR MOORE: Madam Speaker, I withdraw "Nazi-style". I repeat: Does it include pointing the finger and marginalising them from a position of privilege and power? Where do you think they should live if the Housing Trust follows your advice and turfs them out?

MR CORNWELL: I must say, Madam Speaker, that I am surprised that the question came from my right. I would have thought that perhaps the Labor Party would have done their own questioning on this issue.

Mr Kaine: You mean "their own dirty work".

MR CORNWELL: Yes, that is right. They have obviously got Mr Moore to do it for them. I do not withdraw those comments at all, Madam Speaker. There is a minority of social miscreants within Housing Trust properties. If Mr Moore would like to come and answer my telephone on a few occasions he would hear some quite horrendous tales of single mothers living in Housing Trust properties who are frightened and concerned about wild parties going on around them; about alcoholism; and about finding used needles in stairwells and in various areas where their children are wont to play. I do not find that a very satisfactory situation. I would imagine that the Government does not find that a very satisfactory situation. I am pretty sure that the Minister for Housing does not find that very satisfactory either.

The people who are causing these problems to decent Housing Trust tenants - who are in the majority - are the social miscreants I am speaking of, Mr Moore. I believe that some action has to be taken in the interests of the vast majority of Housing Trust tenants, so that they can live in some safety and, certainly, with some decency rather than be subjected to this sort of brutal attack - at least mentally, if not physically. I ask you to come along some time, because I would be happy to open my files for you to look at. Maybe you would like to talk to some of those people and ask them the question that you asked me - to see the result and the response that you get.

I resile from nothing. I believe that this matter has to be addressed by the Housing Trust. It is quite possible that, if the trust were prepared to take much firmer action in relation to a lot of these people, the problem would not be as great. Part of the difficulty with the trust is that they have no routine examination of trust properties. Therefore, half the time they do not know what is going on. In fact, they know only about 30 per cent of the household structures of their trust properties. They do not know how many people are living in the rest of them. The point I am making here is that, if the trust did chase this up and come down harder on this type of behaviour, most of it would simply go away. People are getting away with these things because they are allowed to get away with them. You would be left with a very small minority of people who might be difficult. If that were the case, I believe that we could then address the question of that particularly small group of people and perhaps look at accommodating them in one particular area.

Pensioner Concessions

MRS CARNELL: My question is to the Chief Minister. From 1 April, access to fringe benefits cards will be widened to include all pensioners, regardless of the level of pension received. This has quite significant financial implications for the ACT, particularly with regard to concessions for rates, other domestic charges, bus fares and certain health services. Could the Chief Minister please tell the Assembly how much this Federal Government initiative will cost the ACT in lost revenue and whether she can guarantee that the ACT will be fully compensated?

MS FOLLETT: Madam Speaker, I will take Mrs Carnell's question on notice in order to get her an accurate figure. However, I can say that the Federal Government has made an offer of compensation to the Territory and to the States. I do not have details with me at the moment; so, as I say, I will get her a full and considered reply in due course.

Workers Compensation - Premium Rates

MRS GRASSBY: My question is to the Deputy Chief Minister. Would the Minister inform the Assembly of the present status of average workers compensation premium rates in the ACT?

MR BERRY: Madam Speaker, I hinted at this yesterday in the Assembly in a speech which related to employment. Of course, workers compensation premium rates are coming down. They have fallen once again in the 1991-92 financial year.

Mr Humphries: No-one is working; that is why.

MR BERRY: There you go. What a silly statement! It is a premium which is a percentage of wages. So it relates to people who are working. The continued fall in premium rates - - -

Mr De Domenico: It is falling because it is run efficiently by private sector insurance companies, too.

MR BERRY: Mr De Domenico interjects and says that it is run more efficiently by insurance companies in the private sector. Indeed, it is run more efficiently than it was in the past and indeed it is run more efficiently under Labor. So, I thank you, Mr De Domenico, for drawing that to the Assembly's attention.

The continued fall in premium rates can be, I think, directly related to government initiatives. One of those, of course, is fostering the private insurance system and encouraging open competition between insurers. That makes them more efficient. Another initiative is fair, but firm, enforcement of workers compensation legislation requiring all ACT private sector employers to provide workers compensation coverage for their employees. So, we have made sure that everybody who employs insures; otherwise they will be subject to significant penalties. Of course, those actions had to be taken. Another initiative relates to the provision of a safer work environment through enforcement of the occupational health and safety legislation and, indeed, ensuring that the occupational health and safety legislation is better again than it was when we first introduced it in 1989.

Those three factors play an important role in bringing down workers compensation premium rates. Business will profit as a result. If, as the Liberals say, every saving means a job, we should see more employment as a result. But, in any event, there will be more investment and more profit to business. A comparison of the last five financial years shows that the overall average actual premium rate has dropped each year, from 4.09 per cent in 1987-88 to 1.98 per cent last financial year. I think everybody would agree that that is significant.

Not only has the actual premium rate come down each year but, as I have indicated in the past, occupational areas have fallen also. I think I pointed out to you yesterday, Mr De Domenico, when you made some outrageous claim about the effect of occupational health and safety legislation in the tourism industry, that hotel and motel rates have come down as well. So, what a silly claim! I can see why you have been shoved out of the road on this matter. You make silly statements. As I said this morning during the debate on the boxing legislation, if the boxing legislation had applied to the fighting in the Liberal Party you would have got a fairer deal, I am sure, and some of those underhand things that you seem to have had done to you might not have happened. In the boxing legislation it is quite clear that there is no stabbing in the back; so we might have been able to tidy up the messy fight in the Liberal Party.

In any event, Madam Speaker, I think it is important for the community to be aware that there is activity in the workers compensation premium rates area. Rates are coming down and falling rates will continue to be fostered by us in government because that is important. I think that as time passes by we will also improve the coverage of workers compensation in order that we can have a safer workplace - so that every worker is entitled to go home in the condition in which he went to work.

Mr De Domenico: Hear, hear!

MR BERRY: Mr De Domenico says, "Hear, hear!". He was amongst those people who supported the closing down of Worksafe Australia. The Liberals supported closing down Worksafe Australia, Madam Speaker. Fancy Mr De Domenico saying, "Hear, hear!". How shameful! How could we expect to keep pulling down workers compensation premium rates with those sorts of policies? I am sorry to say that those sorts of policies are dangerous - nothing more or less than dangerous - for ACT workers. So there it is, Madam Speaker. Things are much better under Labor as far as workers compensation is concerned.

Murray-Darling Basin Agreement

MR DE DOMENICO: Madam Speaker, my question without notice is to the Minister for the Environment or rural affairs, or both, Mr Wood. The Minister would be aware that the ACT has been an observer on the Murray-Darling Basin Commission for six years. Given that the ACT is the largest urban area in the basin and faces significant water catchment management problems from some of the highest urban growth in the country, when is the Government going to get off the sideline and sign the Murray-Darling basin agreement?

MR WOOD: I will consult with my colleague, Mr Connolly, who has, I think, very significant water responsibilities, because it is not a matter that I can recall has crossed my desk in the time that I have been Minister. So, I will see what the situation is and advise Mr De Domenico of the detail. Of course we are very concerned to play our part in the good management of the water that comes through and goes beyond our Territory. I think that the recent actions of Mr Connolly through ACTEW have clearly demonstrated that.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Noting that the ACT is, as I said, the largest urban area in the Murray-Darling basin and is, in fact, the only State or Federal jurisdiction that has not signed the agreement, can the Minister look at the reasons for that and explain them to the Assembly once he has had a chance to examine it?

MR WOOD: I will get back to you on that, Mr De Domenico.

Women's Refuge - Publication of Address

MS SZUTY: My question without notice is to the Minister for Housing and Community Services, Mr Connolly. Earlier this afternoon I gave the Minister notice that I would be asking this question. Recently, a police report in a Canberra community newspaper gave the street address of a women's refuge in Narrabundah. Can the Minister inform the Assembly, firstly, what immediate action was taken to protect the residents of the refuge; secondly, what action was taken with the newspaper concerned and the Australian Federal Police about this breach of confidentiality; and, thirdly, what long-term action has been taken or will be taken to protect the women residents and workers at the refuge?

MR CONNOLLY: We became aware of that publication the day it appeared. My office spoke to Assistant Commissioner Dawson. The police were somewhat embarrassed that they had released that information and have assured me that that will not happen again. Generally, newspapers running such news stories are conscious of this and do not print street names. However, the little boxes that go in various throwaway newspapers about what is going on in the police beats tend not to be edited; that material just goes in from the copy that the police give them. It certainly will not happen again, from the police's point of view. We have not had any actual complaints from that refuge. There was another case last year which was rather more controversial. So all I can say is that I am assured by Assistant Commissioner Dawson that the police were embarrassed about that and that steps have been taken to ensure that it will not happen again.

Frequent Flyer Programs

MR STEVENSON: My question is to the Chief Minister and concerns frequent flyer programs in Australia. These programs allocate points for flights, hotel use, car hire, et cetera. These points, when accumulated, can then be exchanged for free flights. Would the Chief Minister explain whether there has been a policy, written or otherwise, on how these points are to be used, as these points can cause a significant saving of public funds and - - -

Mr Berry: To go to Chinchilla!

MR STEVENSON: I think it was fairly obvious that the Chinchilla trip was paid for by me. Have there been any instances where these benefits have been used for personal value either by public servants outside this Assembly or by Assembly members?

MS FOLLETT: I thank Mr Stevenson for the question and I also thank him for giving me notice of, at least, some of it, Madam Speaker.

Mr Stevenson: There was just a slight change at the end. I thought of it while I was waiting.

MS FOLLETT: Yes. The matter that has been raised by Mr Stevenson concerns the handling of benefits to be obtained from airlines through schemes that are commonly known as frequent flyer programs. There are guidelines available to staff of the ACT Government Service which address this issue. The guidelines are based on advice from the Public Service Commission to all Australian Public Service departments and agencies. That advice is dated 4 September 1991.

On 18 September 1991, the Office of Public Sector Management, in my own department, issued a circular to all ACT government sector agencies. The circular advised that ACT government sector staff should not take improper advantage of or misuse official benefits for private purposes. Therefore, it is not appropriate to use such schemes for personal benefit. Madam Speaker, departments or agencies may be able to take advantage of the benefits offered by airlines by exploring options to use frequent flyer credit points arising from official travel towards funding other official travel and to obtain further discounts. I have applied those same principles to travel undertaken by me and my Ministers.

Mr Stevenson further asked about MLAs. The issue of whether non-executive members of this Assembly should be able to take advantage of these schemes is a matter for the Speaker. I would suggest, if Mr Stevenson cares to do so, that he raise the matter with the Speaker. Madam Speaker, I am happy to table, for the information of members, the Office of Public Sector Management circular, if members would wish me to. As to the last part of Mr Stevenson's question as to whether any public servants have made use of the frequent flyer programs for private benefit, I imagine that the answer is no. However, I will get a definitive answer from the head of the ACT administration. If you wish to know whether MLAs have made use of it, then I would suggest that you also put that question to the Speaker.

Water Cleanliness Meters

MR WESTENDE: My question is directed to Mr Wood in his capacity as Minister for the Environment. Given the continuing water quality problems in Canberra's recreation lakes during summer, would the Minister commit himself to examining the feasibility of installing water safety meters - similar to the bushfire signs - at popular swimming spots to tell people about the cleanliness levels of the lake at the time?

MR WOOD: Madam Speaker, I will take that on board. We all can understand and remember the signs that are around the forests, informing us as to whether the area is a high bushfire risk or not. Perhaps we need to put out such a warning concerning our lakes a bit less frequently. I did that recently with respect to Lake Tuggeranong and, in a much more minor degree, Lake Burley Griffin.

It comes back, in a sense, to the question Mr De Domenico asked about the care taken to protect the Murray-Darling basin - to which, of course, we contribute via the Murrumbidgee. It is the case that some of the lakes - perhaps even Lake Burley Griffin, but certainly Lake Tuggeranong and Lake Ginninderra - are part not only of our recreational planning but also of the protective planning to ensure that pollutants do not get into the Murray-Darling basin via the Murrumbidgee. I will investigate what Mr Westende has said. Whether the events are frequent enough to warrant that action, I will see. But, certainly, it is a suggestion that bears some consideration.

Adoption - Applications for Information

MR LAMONT: My question is directed to the Attorney-General. Can the Minister advise the Assembly when members of the Canberra public will be able to lodge applications for information on adoption in the ACT?

MR CONNOLLY: I thank Mr Lamont for his question. The adoption legislation, of course, passed the Assembly yesterday. Mr Moore was making some play of whether we would be able to implement our two- to three-week claim for implementation. I am able to advise the Assembly that members of the public will be able to start lodging application forms from Monday at the new Community Services office at Woden, the former Woden TAFE building in Easty Street. The legislation will, in fact, be coming into force sometime subsequently, but we will be open for business from Monday to start accepting applications. The processing can commence from there.

School Enrolments Census

MR CORNWELL: My question is addressed to Mr Wood, the Minister for Education. Minister, I am aware that the 1993 school year began on 1 February. I appreciate that the school census did not take place until 16 February. But, could you please tell me when I might get a response to question No. 556, lodged on 17 February, on the numbers of enrolments at various schools and the surplus spaces at those schools? It is now five weeks since 17 February. We are eight weeks into the 10-week first term. I would be pleased if you could advise when I might get those figures.

MR WOOD: I would think very soon, Madam Speaker. Indeed, on my desk at the moment are a number of responses to questions from Mr Cornwell on schools. I am not sure whether that one is there or not, but I will certainly see that it is expedited. I must say that I think that both of the departments I administer are relatively prompt in answering questions. They are under specific requirements from the Chief Minister and me to see that questions are cleared as quickly as possible. I will see whether that question is there; if not, I will churn it out as quickly as possible.

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

QUARTERLY FINANCIAL STATEMENTS
Papers

MS FOLLETT (Chief Minister and Treasurer) (3.02): Madam Speaker, for the information of members, I present the Treasurer's quarterly financial statements for the periods 1 July to 30 September 1992 and 1 October to 31 December 1992, and I move:

That the Assembly takes note of the papers.

Madam Speaker, the Audit Act 1989 requires the Treasurer to publish a statement of the financial transactions of the Territory public account as soon as practicable after each quarter. The statement is published in a *Special Gazette* and I have agreed that it also be tabled in the Assembly. Madam Speaker, the previous statement - that is, the statement for the quarter ending September 1992 - was gazetted on the last day of December. The opportunity for it to be tabled immediately after its gazettal was simply not available. The sitting pattern was such that the Assembly rose in mid-December and did not resume until mid-February.

The statement that I now table is for the quarter ending 31 December 1992 and depicts transaction totals as at the mid-point of the 1992-93 financial year. The statement is consistent with budget paper presentations and includes, for the first time, some explanatory notes to assist members of the Assembly and others interpreting aggregate transaction data. For the benefit of members, as well as for the sake of completeness, Madam Speaker, a copy of the September 1992 quarterly financial statement is attached as part of the tabling document, although I do understand that it was sent previously to members.

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

ABORIGINAL ADVISORY COUNCIL
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer) (3.03): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the ACT Aboriginal Advisory Council.

Leave granted.

MS FOLLETT: Madam Speaker, I am very pleased to advise the Assembly today of the formation of the ACT Aboriginal Advisory Council. The creation of the council signifies a new era in Aboriginal relations in the ACT. I have established the council to provide an effective mechanism for consultation with the Aboriginal and Torres Strait Islander community; to address their particular needs; and to enable the community to participate in decisions which affect them.

I announced the Government's intention to establish the council in the 1992-93 budget context and called for nominations on 10 December 1992, the first day of the International Year of the World's Indigenous Peoples.

Extensive consultations were held with local Aboriginal and Torres Strait Islander organisations in developing the terms of reference for the council. During this process the community expressed a high degree of support for its establishment. The creation of the council also forms a part of the Government's implementation of the commitments made in response to the Royal Commission into Aboriginal Deaths in Custody. One of the council's roles will be to monitor and advise on the implementation of the commitments made in response to the royal commission. The council will also investigate issues of concern, prepare proposals for my consideration and comment on the coordination and provision of services by the ACT Government to the Aboriginal and Torres Strait Islander community.

Madam Speaker, the council will comprise 15 members - 11 community members and four representatives of the Bogong Regional Council of the Aboriginal and Torres Strait Islander Commission. The representatives of the Bogong Regional Council will ensure coordination between the ACT Government and the Aboriginal and Torres Strait Islander Commission. The chair of the council is Ms Kaye Mundine, who is in the chamber, and the deputy chair is Mr Percy Knight. Other community members who have been invited to accept positions on the council are Mr Paul Brandy, Ms Bonnie Brown, Ms Joanne Corbin, Ms Paula Dewis, Ms Matilda House, Mr Robert Huddleston, Ms Glenda Humes, Ms Kaye Price and Mr Thomas Smith. Members were chosen for their sound knowledge of issues relevant to Aboriginal peoples and Torres Strait Islanders, their ability to consult with and represent their community and their demonstrated commitment to the advancement of their people. Care was also taken to ensure that members represented the range of interests and groups within the local Aboriginal and Torres Strait Islander community.

As the major Aboriginal and Torres Strait Islander consultative body for the ACT Government, the council will have a wide range of tasks. Matters it will be addressing immediately include the Government's celebration of the International Year of the World's Indigenous Peoples, and the establishment of an Aboriginal cultural centre and keeping place with money set aside from the casino premium. The formation of the council has produced a high level of anticipation in both the Government and the community for continued advances in Aboriginal and Torres Strait Islander affairs. Madam Speaker, I am looking forward to working with the council to achieve this end. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

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

TOURISM COMMISSION - ADVISORY BOARD
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer) (3.07): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the advisory board of the ACT Tourism Commission.

Leave granted.

MS FOLLETT: I thank members. Madam Speaker, I am sure that all members will join me in congratulating the ACT tourism industry on the wonderful results it has achieved over the past 18 months. Neither my Government nor the industry is content to be complacent or simply rely on the steadily growing levels of tourism activity that have been confirmed by the recently released Australian Bureau of Statistics figures. The advisory board of the ACT Tourism Commission has been most successful in giving effect to the Government's streamlining of the Tourism Commission and should be justly proud of the result it has achieved. Now is the time to take the next step forward.

I have made four new appointments to the advisory board to give effect to that next step. I am glad to be able to tell the house that I have appointed Mr Charles Wright, the principal of the Wright corporate group, to be chair of the advisory board of the ACT Tourism Commission. Mr Wright brings a wealth of experience in government and public relations. Members may recall that Mr Wright played a leading role in the Welcome Home march for Vietnam veterans last October and also in the construction and dedication of the Vietnam veterans memorial in Canberra. Madam Speaker, there is general consensus that events are a crucial element in success in marketing the ACT. Mr Wright's skills in events organisation will be most welcome.

I have also appointed Ms Betty Churcher, the director of the Australian National Gallery, to be a member of the advisory board. Ms Churcher has been an extremely successful director of the gallery and has done much to contribute towards the growth in tourism that the ACT has experienced recently. Her experience and perspective will be most valuable. I believe that it is essential that we cooperate fully with the national institutions in ensuring that Australians experience the Federal Government's national attractions. Ms Churcher's advice will be of immense value.

Mr Ron Murray, managing director of Murray's Coaches, board member of the Canberra region campaign and well-known Canberra businessman, is another appointment to the board. His broad experience in the inbound tourism market and his national perspective will broaden the advice that the board is able to provide. Mr Murray's intimate knowledge of the inbound tourism market and his extensive contacts in Japan will assist the commission in its expansion into overseas marketing.

I have also appointed Mr Samir Harmouche. Mr Harmouche will be well known to members as the general manager of the award winning Hyatt Hotel in Canberra. He is also the deputy chair of the Canberra Visitor and Convention Bureau and brings a lifetime of experience in the international hotel industry. Mr Harmouche's extensive knowledge of the Canberra tourism industry will be a valuable asset to the board.

I should like to remind members of the other board members who continue in office. They are Ms Tony Dale, president of the Canberra Visitor and Convention Bureau; Ms Elizabeth Whitelaw, Canberra Business Council; Ms Lyn Smith, head of the School of Tourism and Hospitality at the Canberra Institute of Technology; Dr Colin Adrian, acting head of the Economic Development Division; and Mr David Lawrance, chief executive of the Tourism Commission. I am very grateful, Madam Speaker, for the continuing commitment of these members.

I would like also to take this opportunity to pay a tribute to those members who have recently left the board. Mr Ron Brown, who has taken up a very senior position in the Premier's Department in New South Wales, has been instrumental in guiding the ACT tourism industry towards the excellent results it has achieved recently. Mr Vern Davies and Ms Shirley Rogerson also made significant contributions to the work of the board during the period that they were board members. Mr Don Hood, who recently left Canberra to take up an appointment with the Rydges hotel chain in Sydney, also made a significant contribution as a member of the board.

My Government is now confirmed in its belief that events are a major factor in the success of ACT tourism. I will be looking to the new board to advise me on how best we might enhance the Government's events capacity to maximise the economic benefits that cultural, sporting and other events can bring. I will be looking to the board to advise me on how we might best use the wonderful assets of our Territory. For example, Namadgi National Park, which occupies 40 per cent of the area of the ACT, has not been seen as a major tourism resource. Whilst my Government is adamant that the integrity of the park must always be uppermost in our minds, there is great potential for tourism uses for this wonderful resource. I shall be asking the new board to advise me early in its life on how best we can sensitively combine environmental and tourism benefits that the park possesses.

I will also be looking to the board for solutions to some of our chronic problems in ACT tourism, such as how we can fill the normally quiet winter period and how we can boost tourist numbers on Sunday nights. Members will also be aware that the Tourism Commission is currently reviewing its three-year marketing strategy. One of the changes of emphasis will be to enhance our international marketing. The new board will be very well placed to offer sound advice in this area. Whilst we have been particularly successful in taking our tourism program through its very tough but necessary streamlining process, the new board will have the task of moving ACT tourism into a new league. I am quite confident, Madam Speaker, that the new board is equal to this crucial task. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

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

SENIORS WEEK
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer) (3.14): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on Seniors Week.

Leave granted.

MS FOLLETT: Madam Speaker, this week is Seniors Week in the ACT - a week in which the community can focus on the achievements, the needs and the rights of the senior citizens in the ACT. It is fitting that Seniors Week be recognised in the Assembly by a ministerial statement.

The Government has a strong commitment to ensuring that the welfare of this important group within our community is safeguarded. For government to respond to the needs of the ageing, it is important that we have a good understanding of the way in which our population is changing. In 1991 the ACT population census recorded around 17,000 people aged 65 years or more. It is expected that by the year 2005 there will be more than 28,000 people aged 65 years and over. Further, the age group of 75 years or more is expected to more than double by the year 2005. The increase in the number of senior citizens in the ACT has been attributed in part to rapid growth in the ACT and in part to more people living to older ages. This is encouraging news. The ACT has experienced some migration of senior citizens, but by far the greatest increase is due to the ageing of the existing ACT population.

The available data implies two changes in the composition of the ACT population: First, increased numbers of independent and vigorous older people who have been saved from ill health by primary health care and, second, increased numbers of frail older people whose lives have been extended by secondary prevention. The latter development has significant implications for services, since this age group tends to need a high level of medical accommodation and community services.

Members may recall that the Assembly Standing Committee on Social Policy examined these matters in its report on aged accommodation and support services in the ACT, tabled in December of last year. I note that one of the committee's recommendations calls for the establishment of an information office for the aged. Madam Speaker, the availability of high-quality information which can be easily accessed is fundamental to the notion of a socially just community. Our senior citizens must be aware of the programs and services available to them, to ensure that they enjoy the freedom of access to which they are entitled. The Government will consider these needs carefully in responding to the committee's report.

The priority given by the Government to the development of an access and equity strategy to operate across the ACT Government Service is further evidence of our commitment to provide information and services to ageing people. At this stage, individual agency plans have been made available for community consultation and the results of this consultation will be reflected in the whole of government strategy currently being prepared.

Housing is another area of service provision which is undergoing significant developments. I believe that these developments reflect a growing awareness of the changing needs of our ageing population. Recently, I opened a new retirement village in Weston Creek. I mention this especially because it is an excellent example of a successful cooperative venture between government and private interests. The development also highlights the Government's emphasis on urban renewal and our strong desire to ensure that our ageing citizens do not experience isolation. We believe that they should have the opportunity to remain in homes of their own. The village is on the site of a former primary school and has retained some of the original character of the school community. This is a good example of how urban renewal can create benefits for our older residents by providing a location close to existing transport and services. It has also led to substantial cost savings to the whole community through the use of existing infrastructure.

In another current development, my department is engaged in a major review of transport services for people with special needs. This, of course, has important implications for those within the ageing population who are unable to use buses. I hope that the review will eventually lead to more accessible services for senior citizens who currently have a difficulty with mobility.

The availability of concessions is an important contributor to the quality of life for our senior citizens. The Government is presently finalising a major review of concessions in the ACT. The review will result in a clearer, simpler and more consistent concessions system. The seniors card scheme continues to make a significant contribution towards reducing living costs and encouraging active lifestyles for seniors in the ACT. In excess of 17,000 ACT senior citizens are eligible to take advantage of this offer by virtue of their membership of the seniors card scheme. The Government is working closely with the Ethnic Communities Council of the ACT to raise awareness of the benefits of the card among non-English-speaking senior citizens. The ACT Government supports Seniors Week by providing free bus travel for seniors card holders, enabling senior citizens to participate in as many activities as they wish during the week. During the opening of Seniors Week on Monday I launched the 1993 seniors card directory. In addition, the Government has provided $3,000 towards the cost of the 1993 Council on the Ageing (ACT) directory of services.

This Government has a strong commitment to eliminate discrimination on the grounds of age. To this end, the Government will shortly make available for public comment a discussion paper which deals with age discrimination legislation. The consultation will include public information sessions and meetings to discuss the proposals in detail. This will ensure an informed public debate and a heightened awareness within the community of the issues involved.

In December 1992 I tabled in the Assembly the first report of an important strategic planning process for Canberra. This process is designed to ensure that we as a government are looking ahead and preparing for our future on the basis of sound knowledge and understanding of what that future will require. It will equip us to provide for a healthy and socially just society in which all citizens will enjoy the benefits of our foresight. The 2020 study identifies the opportunities and the needs presented by the growth of the ageing population as important features of Canberra's future. Our priorities will include design and location of housing, which I have previously noted, health care and the provision

of community based care and support services. We will also work to harness the skills and energies of an ageing population, which will increasingly be physically fit and financially secure. I have given a brief picture of some of the current developments under this Government which are designed to enrich the lives of our senior citizens.

Finally, it may be of interest to members to know of some of the remaining events for Seniors Week. A seniors painting exhibition is being held, with works by non-professional senior artists. The paintings will be on display at the Canberra Centre on Friday during shopping hours. The Council on the Ageing is holding a debate between teams from the ANU and the University of the Third Age on the topic, "Retirement is a trick, not a treat". The debate will be held at Hughes Community Centre tomorrow. On Friday of this week, Successful Ageing ACT is running a seminar entitled "Social policy on ageing in the ACT: Directions for the 1990s and beyond". Over the past two-and-a-half years Successful Ageing ACT has undertaken a great deal of valuable work in our community. I will be opening this seminar, which will bring together social planners in the ACT to look at positive directions for future planning for our older citizens. As members will be aware, the changing patterns of ageing and the new and emerging needs of this group within our community are assuming increasing importance for us all, as we work to provide a future in which our seniors can enjoy the quality of life to which they are entitled. I present a copy of this statement, and I move:

> That the Assembly takes note of the paper.

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

CENTENARY OF FEDERATION : AUSTRALIAN REPUBLIC
Discussion of Matter of Public Importance

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

> The need for the Government to address the Centenary of Federation with the view of Canberra as the Capital of the Australian Republic.

MR LAMONT (3.23): Madam Speaker, it may come as some surprise to those opposite in particular, but it is certainly my hope that this debate this afternoon should not be turned into a party political debate, but in fact should address issues on a far sounder basis than the way in which some of those issues were addressed recently. I believe that there is, indeed, a growing trend, even within the Liberal Party, in recent days at least, to accept that there is a recognition within the Australian people that Australia should become a republic.

I have a very strong hope that the desire for republicanism should become something which is above that normal political hurly-burly; something which we, as Australians, can all join in together. But I must say that I do believe that an Australian republic is inevitable and that those who oppose it will be left behind to sentimentally mourn an increasingly anachronistic past. Let me state briefly

that my very own strongly held view is that the republic is devoutly to be wished for, and even long overdue. I strongly believe also that it will be an invaluable ingredient in ensuring our economic and social well-being as we face the challenges of the next century.

I have been disappointed, and not a little puzzled, by the arguments put forward by those opposing the republic. The three main arguments have been: If it ain't broke, don't fix it; it is just a diversion from the main economic game; and the monarchy has given us - in John Howard's words - "decades of stability". As to the first - and leaving aside the fact that there are now enough people in Britain, let alone in Australia, who take the view that it is broke and does need fixing - the truth is that all human progress has been based on the desire to make something better.

Turning to the second monarchist argument, it is true that the recent election was not fought solely over the issue of the republic; indeed, it was not even an issue of the second or third rank in the campaign. But, as one editorial put it, "Paul Keating stuck his neck out on the republican issue and did not get it chopped off". At the risk of being a little bit political, I say that the Liberals seem to accept that they too need to look at the broader agenda and that the republic is part of that broader agenda. The election seems, then, to have underlined the point that it has been quite insulting to suggest that the Australian people are capable of discussing only economic issues.

In any event, in my view it is erroneous to suggest that the question of our identity is not integrally tied up with our material and social fortunes. Monarchists should simply ask themselves, "Has the success of other nations been advanced or retarded by a strong sense of national identity and national purpose?". As the republican and one-time Liberal Party preselection candidate for the seat of Wentworth, Malcolm Turnbull, has said, "I am not saying that the republic will make you rich, but history suggests patriotism is good for business".

As to the third argument by the monarchists and the anti-republicans about stability, it must be said that this really is very offensive to Australians as individuals and as a people. The political stability of Australia is a tribute to Australians and to our traditions of tolerance and mateship and not to the grace and favour of a monarch half a world away. Moreover, it can hardly be said that the grace and favour of the same monarch was able to do much for the Indians in Fiji. To the extent that British institutions have served stability in Australia, it is the institutions of courts of law and parliamentary democracy - aspects of which are found in republics around the world and which, in Australia, have found their own local distinctiveness.

Leaving aside, then, these general questions, I would like to address in particular the issue of Canberra as the capital of a Federal republic. In my view, it is inevitable that Canberra's role in national life will be enhanced by the determination of an Australian republic. In fact, what prompted this MPI, Madam Speaker, was an address by Kerry Stokes, the owner of the *Canberra Times*, to a Business Council function - supported also by the ACT Government, the University of Canberra and the National Capital Planning Authority - held at the National Press Club on Tuesday of this week.

I will admit that Mr Stokes said that he did not believe that making Australia a republic would do a lot for the national capital. I, in fact, take issue with that, for I believe that making Australia a republic will do those things which Mr Stokes asked and implored us to do in his address. The interesting thing was that in his address he said that there needed to be a greater recognition in Australia of Canberra as the national political centre and that it should increasingly become the focus of national attention. I believe that in Australia we have the widely held view about Canberra that we have because of the way the Commonwealth parliamentary system has grown up over the last 100 years. The approaching centenary of Federation, I believe, is an appropriate opportunity for Australia, and Canberra in particular, to take advantage of the obvious benefits that that drawing together and the dispelling of the differences in this country can achieve.

Madam Speaker, I do not need to speak at length about the way in which this country has grown up. First of all, I suggest that it was because of the political and economic well-being of individuals and particular families in this country that we ended up with a conglomeration of States. It was the wish to preserve the positions of power and wealth that saw the States created in this country. That led us, almost 100 years ago, to a decision to make a Commonwealth of Australia, to make a federated country.

We need to move now to the next step and to say, once and for all, that we are one country; that we are a single identity in the world. To retain the shackles of the last century, I believe, is inappropriate. Canberra as the capital of a republic, properly determined on the centenary of Federation, will achieve those things which Mr Stokes outlined in his address - a greater appreciation of the role of the national capital and a greater acknowledgment of the right of Canberra to exist as a city in its own right and as the centre of our national institutions.

The Chief Minister talked about the International Year of the World's Indigenous Peoples. The declaration of a republic in this country will go some way towards redressing some of the outrageous things which have been perpetrated on the Aboriginal peoples in this country in the last 200 years. I believe that it is singularly repugnant to have as the symbol of the country a flag which does not pay due respect to the original owners of the country, to the original inhabitants of the country, to the original minders of the country. That is the state of symbolism in Australia at the moment. One hopes that when the republic comes consideration will be given to symbols which reflect what the republic is, so that reconciliation with the Aboriginal peoples can take place and so that a true sense of identity is given to all of the people from diverse backgrounds who have come to call Australia home and who will see the national capital as a city-state which reflects their aspirations in this, their new country.

Madam Speaker, the economic benefits are difficult, but not impossible, to identify in precise quantifiable terms. There needs to be a greater reliance on Australians by Australians. There must be a greater recognition that, as a country, we need symbols that at both a national and an international level portray our aspirations. When you look at parliamentary history you see the ridiculous oaths and declarations with which Australians have been asked to pledge their troth. It is interesting to go back to the time of that arch-conservative and pro-monarchist Sir Robert Menzies and look at the words with which Australians were required to pledge their troth. They referred to an institution half a world away. During our history we have developed our own values.

We have taken values from European culture, we have taken values from North American culture, we have taken values from many other countries; and we have developed them into a unique culture and a unique set of values in Australia.

In terms of the way people regard their country and their national capital, it is wrong not to have a proper reflection of values that are now singularly identifiable with Australia, not a dominion of the British Empire or part of the Commonwealth of Nations. It is important in the heart to regard the national capital as part of the national identity and as the national capital of a republic. At the moment Victorians regard Melbourne, the seat of their State Government, with greater favour than their national capital, Canberra. That is one issue which will be addressed in the declaration of Australia as a republic. National recognition of Canberra will be extremely beneficial and will demonstrate the increasing maturity of Australia.

The centenary of Federation is not far away. It will be an appropriate time to announce to the world and to affirm to ourselves that we have reached national maturity and have an individual identity as a nation. We are made up of people from many different backgrounds, as I have said. We are identifiable as a nation and we do not rely on institutions, nor are we tied to the apronstrings, of a bygone era. That does not mean that we should throw those institutions out. As I said earlier, we have developed some of those marvellous institutions, including the system of parliamentary democracy. We have taken role models from not just the United Kingdom but also other countries and turned them into something uniquely Australian.

It is time, Madam Speaker, that we grasped the nettle. It is time that the debate was held. I believe that it is time that we as the capital city of a future republic started the ball rolling in that debate. I believe that Australians are in a position to accept change and to foster change in this respect. We as the national capital should take a lead in bringing that change about.

MR DE DOMENICO (3.38): I rise briefly, Madam Speaker, to respond to the debate and the remarks made by Mr Lamont. Mr Lamont was almost playing politics. I will try very hard not to play politics. Madam Speaker, once again someone has uttered the magic words "Let us have a republic". Right away, every Tom, Dick and Harry - or is it Harriet these days? - has rushed into print to tell us how and when. I note that one Harry - Harry Evans, the Clerk of the Senate - has reminded us that Australia, and Britain too, already are republics, in the older usage of that word. But in the sense that today the word is being used by the modern day republicans, I want to ask why, for surely that question needs to be answered first.

This issue is not something that has arisen all of a sudden because of Mr Keating or Mr Turnbull or whoever. Even this morning I heard on 2CA:

> The ACT could be an island in the middle of a republic if the New South Wales Labor Party gets its way, with the State Opposition -

the New South Wales Labor Opposition -

> currently seeking advice on New South Wales becoming a republic.

Mr Lamont: We are a republic. The ACT is a republic.

MR DE DOMENICO: I am talking about New South Wales now. In 1993 people may think that this is riveting new debate. Madam Speaker, it is nothing new, though, because the history books show that in 1887, the year of Queen Victoria's golden jubilee, there was an upsurge in radical republicanism in New South Wales.

Like Mr Lamont, I welcome a debate on this issue. It is a very important issue. If some people have a genuine feeling about the inevitability of our system of government changing from a monarchy to a republic and if, as I believe they do, the same people intend that this change should come about by peaceful and democratic means, then we have to question their motives and tactics in fixing a target date at a time when, so the opinion polls tell us - and I know that from time to time we should be reminded that they are not always right - that the overwhelming majority of Australians still do not want that kind of change and probably will not want it in 10 years' time. They might at a future time, and I accept that. If that happens, so be it.

To reflect on the statements I have just made, I mention that, since 1901, 42 constitutional referendums have been put to the Australian electorate, of which eight have been approved. To some people these figures show either that our Constitution is unreasonably difficult to amend or that the electorate is too stupid to know what is good for it. Some people in the Liberal Party say that from time to time. Those people are now burying their heads in the sand perhaps even deeper than they did prior to the last Federal election. Surely we are not going to say that, because one thing that we do know is that the Australian electorate and the Australian people are not stupid. Even on those occasions when a referendum has been held at the same time as a Federal election, as for example in 1974 and 1984, it has been seen that the Australian voter is wise and clever when marking his or her ballot-paper and choosing the right government, but apparently the same voter lapses into ignorance and stupidity a moment later when marking his or her referendum paper and producing a result which the Government does not like. We cannot have it both ways.

Let us look at what Mr Kerry Stokes said. Like Mr Lamont, I was at the address by Mr Stokes. The most important thing that Mr Stokes - and Mr Lamont - said was that today we should not be worrying about whether we are going to have a republic or not in the year 2001, but we should be concentrating on those issues which are going to help Canberra and the ACT. We recall Mr Richard Carleton's recent assassination of Canberra on *60 Minutes*. It provoked an understandably shrill local furore, amplified of course in the daily pages of the sympathetic *Canberra Times*, which Mr Stokes owns. Yet outside the Territory it attracted little more than a silence broken only by a stifled yawn. No matter how glib you saw his journalism, no matter how trite you may have believed his approach, no matter how unbalanced you thought his story, Carleton was merely reinforcing the prejudices the wider Australia has about Canberra. There is no doubt about that.

The report was nothing, if not unremarkable, outside the borders of the ACT. Yet it crystallised for me the problem threatening Canberra's future, and that is perception. Madam Speaker, given the shenanigans that happened here in this Assembly yesterday afternoon, as reported on the front page of the *Canberra Times* this morning, it is no wonder the perception of Canberra by

people outside the ACT is the one that was reflected by Mr Carleton. It is up to us as a sovereign government to do something about that, because ultimately it will be the perceptions of Canberra in the year 2001 that will determine our destiny. So, to a certain extent I agree with what Mr Lamont has said.

Madam Speaker, perversely, there seems to be a tragically limited understanding or sympathy from ordinary Australians for this city which houses so many of our national possessions, functions and treasures and so much of our natural intellect. The national reportage of local government is arguably not helping the already indelibly unfortunate national image of Canberra. I have said before, and I will say it again: No wonder that happens, given the things that happen on the floor of this house. It is up to us to try to fix that.

Let us look at the perception of Canberra in the year 2001 - and what Mr Lamont did not say. From time to time people on this side of the house are accused of being negative and unresponsive and all sorts of things. But why did Mr Lamont not mention Canberra in 2001 having the light rail system that has been talked about? Canberra might improve its image by being very forceful and convincing the Federal government, be it Labor or Liberal, that we should have a very fast train rolling through this Territory. Mr Lamont could have talked about whether the Chief Minister has written to Senator McMullan, the Minister, making sure that we get a national museum here in the ACT. As we know, it has been promised since 1988, and we still do not have it. If Mr Lamont put pressure on the Federal Labor Government to adhere to promises, then perhaps we would have the credibility that we lack now.

This afternoon the Chief Minister said that events are a major factor for the ACT. She specifically mentioned tourism and sport. Mr Lamont could have talked about whether he will put pressure on his Government and on the Federal Government to accept a bid for Canberra to host the 2002 Commonwealth Games, notwithstanding what Mrs Kelly's views might be from time to time. We are not being as entrepreneurial as we ought to be, as Mr Westende mentioned yesterday. We on this side cannot be accused by people on the other side of not being positive in coming up with ideas.

If sport is so important, Mr Lamont should have talked about what pressure he has put on Mr Berry to make sure that Canberra attracts an AFL team. We can see what happens to Canberra when we have the Canberra Cannons and the Canberra Raiders. Perhaps we ought to be talking about also being able to boast an AFL team by the year 2001. Mr Lamont might also want to put pressure on Mr Berry for Canberra to have a national baseball team. Mr Lamont, they are the sorts of things - - -

Mr Berry: How much is it going to cost?

MR DE DOMENICO: I am glad that Mr Berry interjects and asks how much it is going to cost. It is going to cost about $750,000, Mr Berry, and you know as well as I do that that money is already available. People have spoken to you. After months and months of you fobbing them off and after I asked you a question two weeks ago you finally agreed to talk to them last week. That is how much it is going to cost initially.

Mr Berry: No, it is not. How much is a facility going to cost? Over a million dollars.

MR DE DOMENICO: Madam Speaker, I am not going to be drawn into answering Mr Berry's interjections, because they are as silly as his answers to questions from time to time. Madam Speaker, let us have a look at another thing that Mr Lamont perhaps should have spoken about being achieved by 2001. Hopefully, by 2001 the concept of self-government will be accepted by the people of the ACT and the rest of the community outside the ACT as being something that should be looked up to. As I said, Madam Speaker, with the shenanigans that happened in this place yesterday, with portable phones ringing across the other side of the house and people coming in and playing Scottish tunes, it is no wonder that people have the perception of the ACT that they do.

Mr Wood: Where do you stand on a republic?

MR DE DOMENICO: Mr Wood asks me a very interesting question. Mr Wood, I will tell you where I stand on a republic. At this stage I do not believe that anybody is kicking anybody's door down to change the system that we currently have. Mr Wood, if you read history books you will see that, as far back as 1986, there was a certain Act of Parliament whose long title was "An Act to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation". That was an Act put forward by your Government, a Federal Labor government, in 1986.

Mr Kaine: That was Bob Hawke.

MR DE DOMENICO: Bob Hawke did it, to make us a sovereign nation from 1986. Mr Wood, my stance is: If the people of Australia ultimately want us to change the name and call ourselves a republic for the sake of calling ourselves a republic, so be it.

Mr Wood: It is more than a name change.

MR DE DOMENICO: That is where I disagree with you, Mr Wood. It is literally no more than just a name change and the way we elect a head of state, or perhaps appoint a head of state, or whatever. My stance is that, if the majority of the people in this country decide in a referendum that that is the way they want to go, I will support their wishes. Mr Wood, let me also say that I as an - - -

Mr Lamont: So you are still on the fence?

MR DE DOMENICO: No. You just listen. More than some people in this room, Mr Lamont, I can honestly say to you that I have no ties at all to a British monarchy - none whatsoever. I came to Australia as a migrant. Australia is the country that I wished to migrate to. Notwithstanding what anybody says about Australia, it is the best country in the world. I am here by choice, and that is the way it should be. That is where I stand on the whole issue. I have no personal ties to any British sovereign monarch. However, if the majority of Australians disagree with you, Mr Lamont, I am prepared to say that that is the way we ought to go. If they in fact agree with you - - -

Mr Lamont: They do.

MR DE DOMENICO: You might think that, Mr Lamont, but you are wrong. Mr Lamont should have talked also about employment needs in Canberra in the year 2001. Notwithstanding any fiddling about the edges and renaming little things, the most important issue affecting Australians, Canberrans and anybody else is not whether we should change the name from one thing to another but what we can do to make sure that all future generations of Australians can live as comfortably as, if not more comfortably than, we do today.

As I said, I also was at the lunch Mr Lamont attended. When matters such as "The need for the Government to address the Centenary of Federation with a view of Canberra as a Capital of the Australian Republic" are put forward as matters of public importance, no wonder the credibility of this place goes down a notch or two. This is the country where it is easier to knock than to build; it is easier to condemn than to contribute; it is easier to take the soft options or to do nothing than to meet the challenge of making hard decisions.

The rest of Australia is in certain respects overtaking us. It is going to take Canberra more pain than merely the republicanism debate to kick-start the development of pride and confidence in our national capital by the rest of Australia to a level that will take us into the next century. The most important thing we have to do as an Assembly is not to waste our time talking about so-called matters of public importance presented by Mr Lamont but to ask what we are going to do to make all Australians proud of our national capital and proud of our national sovereign country called Australia.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.52): Madam Speaker, I somewhat relish the opportunity to get up in the debate on an MPI on the subject of Australian republicanism. For as long as I have been able to think about these issues I have been in favour of an Australian republic. It is probably a factor of my particular Australian Celtic upbringing that I have always favoured republicanism.

When I was a student at Adelaide University I was president of the Labor Club and co-convener with a fellow law student, a young man of Greek extraction by the name of Nick, of the Adelaide University republican movement. The interesting thing about Nick was that he was vice-president of the university Liberal Club. We ran that republican association for a couple of years at Adelaide University. We ran a number of seminars. We brought in people such as Donald Horne, who was very prominent in the debate then. We kept quite a bit of interest going for a few years. I have lost contact with Nick over the years. He went into private practice and business in Adelaide and has done rather well; but he has been forced out of the Liberal Party, despite having a lot of promise and being a very able young man from a migrant background. The Liberal Party ground him out of their system probably because, as a young man, he espoused ideas such as republicanism.

I noted the other night on the *7.30 Report* a very able and articulate young man who is the president of the Young Liberal Movement in New South Wales. He was the sort of person that we do not relish facing on the hustings. This very able fellow was saying openly that he was in favour of republicanism. He also made the point, which I thought was interesting, that he thought that Bob Menzies, if he were around today, could well favour a republic. We often enjoy making a bit of fun of Menzies. Of course, when World War I broke out

and Britain declared war, both conservative and Labor politicians in Australia fell over themselves to say, "Because Britain has done it we should do it as well". Andrew Fisher, the leader of the Labor Party, made the very famous statement that the Labor Party, then seeking office, was with Britain to the last man and the last shilling. That was the spirit of the times. Australians regarded themselves as Britons first and Australians very much second. They were - - -

Mr De Domenico: Some Australians.

MR CONNOLLY: No. In that era, Mr De Domenico, the - - -

Mr De Domenico: I never regarded myself as a Pom first, let me tell you.

MR CONNOLLY: Mr De Domenico, we have got only as far as 1914 at this stage. I am talking of the temper of the then times. Times have changed. The enormous influx of postwar migration has fundamentally changed this country; and now there are so many members of our community who, like Mr De Domenico, have no personal attachment to the British Crown. When the Federation was being debated 100 years ago Sir Henry Parkes made his famous statement about the crimson thread of kinship which binds us to the empire. There is no such crimson thread of kinship now; or, if there is, it is confined to a very small portion of the population. The majority of the population now have family connections to the whole world, not just to the British Isles.

The time has certainly come for Australians to seriously debate the issue of the republic. It was so refreshing for those of us on this side of the house to see our Prime Minister very openly debate the republican issue. Mr De Domenico was firing off a bit of rhetoric earlier on about radical republicanism. Perhaps that was a view popular in the Liberal Party for a while - republicanism was somehow a radical issue. When the Prime Minister raised the republican issue last year, a lot of Liberals were salivating at the thought, "There goes Keating. He has taken on the republican issue. That will mean lots of votes for us. The conservative Australian public will flock back to the Liberal Party because Keating has put republicanism on the agenda". In fact, the reverse was true. The Prime Minister discussed and debated the republican issue all through 1992, and he did not duck the issue during the 1993 election campaign.

It is clearly an issue that the Australian people have no difficulty with. The tide is flowing very strongly in favour of an Australian republic. Our party bit the bullet some years ago when the National Conference of the Labor Party committed this party to a referendum on the republic by the year 2001. The Liberal Party at the time was scathing of that. We noted during the recent debate on the Federal Liberal leadership some encouraging comments indicating that at least the Liberal Party is prepared to debate the issue. I hope that the Liberal Party is prepared to debate the issue, because so far I have not heard a compelling intellectual argument in favour of the monarchy.

Mr De Domenico said that he does not think it matters very much, and spent most of his speech talking about other things such as AFL teams, very fast trains, the Commonwealth Games and baseball teams. That is fair enough. Some of his comments on supporting Canberra we would all endorse. But he did not put up any intellectual argument in favour of retaining the monarchy. That is fair enough. That is good. If you are taking a neutral stand, we continue to win the case. We hear no intellectual argument in favour of retaining the monarchy.

I hope that we do hear some sort of attempted argument from someone opposite in favour of retaining the monarchy, because that will give us the opportunity to shoot it down.

Mr De Domenico referred to the Australia Act. The Australia Act was a significant step in Australia's constitutional development from the days of colonialism. At Federation in 1901 we still regarded ourselves very much as a colonial nation. In the First World War Britain was at war and the prevailing view was that we were too. In 1939 Menzies commented, "It is my melancholy duty to inform you that Britain is at war and therefore so is Australia". Again there was an assumption that, because Britain had declared war, so had Australia. There was a change in 1942 when John Curtin saw it as appropriate to separately declare war on Japan, so for the first time Australia asserted an independence.

In 1943, under Dr Evatt's stewardship as Foreign Affairs Minister and Attorney-General, Australia ratified the Statute of Westminster, which was a formal break in the ability of Britain to control and interfere in Australia's affairs. That was an assertion that the British Parliament could no longer amend the Australian Constitution. I suspect that Mr Stevenson thinks it still can, but his views on these antiquarian constitutional aspects are always slightly different from the mainstream. In 1986 we saw the final step in that process of constitutional independence when the Australia Act finally severed the direct relationship between the British Crown and State constitutions. While the independence of the Commonwealth of Australia and the integrity of the Constitution of the Commonwealth of Australia were guaranteed by the Statute of Westminster, there was always the possibility of State parliaments and State governments seeking to find a direct link to the Crown. That link was severed with the agreement of the Australian States, both Labor and Liberal, in 1986.

Madam Speaker, the process of evolution of Australia's sovereign independence has proceeded to the point where, for all practical purposes, we enjoy that sovereign independence. Monarchists have great difficulty with the exchange of correspondence between Speaker Gordon Scholes and Buckingham Palace following the dismissal of the Whitlam Labor Government by John Kerr. Following the dismissal of the Whitlam Labor Government by John Kerr the House of Representatives passed a motion of want of confidence in Prime Minister Fraser and called upon the Governor-General to summon the member for Werriwa, Mr Whitlam, to form a government. The Governor-General refused to do that, and that of course was a fundamental breach because the Governor-General is expected to obey the wishes of the Parliament conveyed to him by the Speaker.

Speaker Scholes contacted Buckingham Palace to point this out, and the response to Speaker Scholes from Buckingham Palace was that the Queen would not intervene in decisions made by the Governor-General of Australia. That is an extraordinary point because those monarchists who say that the Queen is the last bastion, that the Queen will somehow preserve and protect our institutions, must somehow confront the Queen's statement to Speaker Scholes that she would not intervene in the activities of her Governor-General. In fact, we do not have a monarchy; we have a governor-generalship. We have a governor-generalship which hangs under the shade of the monarchy. Most Australians may think, if they think about it at all, that the Queen has a role, but the Queen has divorced herself from that role. That is clearly an unsatisfactory situation.

The proponents of a republic and the moves that are being pushed through the Labor Party to get this debate running are not talking radical or revolutionary reform. We are really just severing that final link so that the Queen disappears as head of state and the Governor-General, or the president, remains. I would be quite happy to continue with the title of Commonwealth of Australia. "Commonwealth" is a fine republican term. It was coined by Oliver Cromwell when he dispatched a monarch in perhaps a rather more exaggerated fashion than we would favour. It was also approved by the robustly independent colonists of Massachusetts when they overthrew the British monarch and formed the Commonwealth of Massachusetts. So the term "commonwealth" actually has a fine republican heritage, and we could well be a republican Commonwealth of Australia but with the Governor-General as head of state, not the distant Queen.

MR STEVENSON (4.03): Madam Speaker, Australia is a republic. The word "republic" in Latin is "respublica". The correct translation is "commonwealth". Mr Lamont earlier mentioned that the ACT is a republic. He could have picked any of the States in Australia and he would have been right. But on the one he did pick he was wrong. Mr Connolly mentioned that in 1986 the Australia Act severed the relationship with England, but it was for the States and the States alone, not the Commonwealth of the nation.

The State Governors now have to act on the advice and the direction of the government of the day in the States. One could say that that is a good idea, or one could say that that is a bad idea. What I would say is, "Were the people of Australia consulted?". The answer to that is a clear and ringing, "No, they were not consulted". One would ask, "Why were they not consulted?". We know why people were not consulted finally on the unconstitutional, undemocratic, unwarranted, unnecessary and impractical self-government in Canberra.

Mr Berry: That you are living off.

MR STEVENSON: Mr Berry says, "That you are living off". I took a pay decrease, effectively, when I came into this place. As I have mentioned on many occasions, I will be happy to be the last one to turn the lights out, because if I resigned first I certainly could not trust the rest of you to follow.

Mr Connolly said that I may not voice views that belong to the mainstream. I could agree with that in a number of cases. At one time, the mainstream view was that the earth was flat. At that time Mr Connolly would have been a member of the Flat Earth Society and he would have said that someone who said that the earth was not flat did not really have mainstream views. History on this planet has shown that mainstream views do not necessarily follow logic, commonsense or law.

It is worthy to note that since men began to govern themselves through elected representatives there has been a constant need, attention and desire to try to work out methods to control those elected representatives, to restrict the power of the people put in charge. Lord Acton, of course, spoke of what power does and how absolute power corrupts absolutely. Prior to 1901 and Federation, the debate had been going on for some 50 years. Why the debate was going on for such a long time was that it was not unknown to leaders in the colonies and to constituents in the colonies that when you create governments, and when you put people in charge of governments, you have people who try to gain more and more power, who draw power to themselves - centralised power. They know that you can hatch something that will finally eat you.

The Australia Act, as I said, did not make the ACT a republic. The ACT is a creature of the Commonwealth, not of the States, so it remains part of the Commonwealth - or, as I said before, a republic, respublica. I think we can agree that, if people in Australia want to sever their constitutional ties with England, if they wish to become something other than a republic, other than a commonwealth, then they have the right to decide that. However, I believe that it should be an informed decision. Not all things are as inevitable as Mr Lamont and others might think. He might say that something is inevitable, but that is a statement that has been used by Fabians for a long time. They believe in the inevitability of gradualness. They say, "We will slowly creep up on them, make little changes bit by bit, and before people are aware of it we will have introduced an Australia Act that destroys the constitutional protections in the States. We will not ask anybody". If you went out and surveyed people in Canberra or around Australia today and asked them whether they knew that there was such a thing as an Australia Act, they would say no. If you asked them whether they knew that the parliament of this land destroyed the constitutional protections of the States, they would say no.

Mr De Domenico made the point about who started it off, but unfortunately the Liberals all agreed with it. There was just one member of parliament in the entire country that stood up for the people. One lone - - -

Mr Connolly: Who would that be, Dennis?

MR STEVENSON: If I had been here it would have been me. One member from Victoria whose name escapes me at the moment had the courage to stand up for the right of the people to have constitutional protection. If we are to have a debate on a republic, those people who would like more power, who would like to centralise power and remove the protections the people have under our constitutional monarchical system, will find - and they may not like it - that the debate will inform people of just what the protections are. The people will begin to be informed that we have a unique situation in Australia. It was not so long ago that the major parties that control the government were having a bit of difficulty between themselves, and the Governor-General said, "If you cannot make up your mind and govern the country, I will take the power from you". Mr Whitlam was understandably upset by that, and we had an election.

All over the world in tin-pot dictatorships and republics there are coups that take power away from the commonwealth, federal or major government. It happens all the time. Inevitably, when that happens, the person who takes the power away keeps it and says, "I have solved the problem of the dictatorship. Now I will make sure that things go right". Did that happen in Australia? No. We have one of the most remarkable systems that mankind has ever seen. What Governor-General Kerr did was hand the power back to the people. It was a truly remarkable situation. He said to the people, "What do you want done?". They got the Labor Party and Mr Whitlam and went bang, and he has not come down since. The people were given the power by our constitutional system to say, "I think it is appalling that this happened and we are going to put the Labor Party and Mr Whitlam back in because we agree with what they are doing". That was not talked about by people in the Labor Party and by many others for a long time, but that was the situation. It is a remarkable system.

Few people understand that Australians can write to the Queen and ask for the removal of members of parliament or the government. I refused to discuss the various methods we have of abolishing self-government, but I grant that there should be a discussion. However, let us finally discuss the truth, the things that you will never teach our children in schools - what our true constitutional protections are.

MRS GRASSBY (4.13): Madam Speaker, I think that what Mr Stevenson said is very interesting, because I think that Mr Kerr - his name is definitely spelt with a "K", not a "C" - really made Australians wake up and decide that they wanted to be a republic. It was the best thing that ever happened. I was sorry to see the Whitlam Government thrown out of power, after it had done so many wonderful things; but thank goodness that nonsense is gone.

Mr Stevenson: I have work to be done. If anyone else talks let me know and I will come back.

MRS GRASSBY: We got rid of him. I must get on my feet more often. I will be able to get rid of Dennis.

The actions of Mr Kerr brought Australia closer to becoming a republic, so we have that to be thankful for. Young Liberals all over Australia - a lot of people would call them wets as opposed to drys, because they do not like to refer to the Right and the Left - have been calling on the Liberal Party to look at the issue of a republic. As Mr Fraser said the other day, the Liberal Party, which was formed in 1945, is going out the back door fast. It has to look at what the younger people in Australia want.

We have to grow up and take our place in the world. We are not part of Europe; we are on the edge of Asia. The empire went years ago, like the Spanish empire, the Dutch empire, the French empire and the Italian empire. They have all gone. There are no empires any more. We have to grow up and take our place. There is no master race in Australia. There was a founding race. Unfortunately, they were not treated very well and they probably have the right to have more say than any of us. People who can trace their origins back to the Anglo-Saxons make up about 37 per cent of the population. The Irish account for 27 per cent, the Scottish about 3 to 4 per cent, and the Welsh one per cent. The rest of our community is made up of people from Europe, South America, Asia and the Middle East. There is no master race in Australia.

I am very proud to be an Australian. I am three-quarters Irish, third generation, and a quarter Spanish. I am proud to call myself an Australian, but I would like to be looking at a flag that I think represents this country more and I would like to be able to say that Australia is a republic. The white people who came here, the English, gave Australia many great things - laws, parliaments - as they did other countries such as Canada and India. They also did this in the US. But do many of us here realise that the Germans also did that? But for one vote, the national language in the United States would have been German. It was only one vote that made it English. It would have been interesting to see what would have happened in the two world wars if the people of the United States had spoken German. I went to a play last night to see Googie Withers and John McCallum - - -

Mr De Domenico: We would not have been able to understand *Hogan's Heroes*.

MRS GRASSBY: That is right. I went along to see Googie Withers and John McCallum, and it was a wonderful show. I looked around the group of people there, and most of them were 50 and over, except the row of university students behind me. Googie Withers and John McCallum were absolutely wonderful. They talked about their whole life in the theatre. They talked about all the great English authors and about all the great English actors they had acted with and met. I was sitting with somebody who was not English, a person from Holland, who knew the authors but did not know any of the actors. That person did not understand a lot of it.

The group behind me were very interesting at the interval. They commented, "What is this all about? What are they talking about? I know the authors, but who the hell are those actors? I have not heard them mention one Australian actor". They had never heard of any of the English actors. They left after the interval because they did not understand what was going on. People typified by Googie Withers and John McCallum are a race that is dying out. They are the Australian born who, when I was a child, used to say that they were going home to England. You never hear Australian-born Greek, Italian, Dutch or French people saying, "I am going home to Holland" or wherever. They do not. They are Australians.

Mr De Domenico: Yes, you do.

MRS GRASSBY: I have never heard it from any of them.

Mr Westende: I do it every year.

MRS GRASSBY: You say it because you are over 50. You were born in Holland; you were not born in this country. But I have never heard an Australian-born Italian say to me that he is going home to Italy. He might say, "I am going for a trip to Italy", but he never says, "I am going home". But that is what Australian-born Anglo-Saxons said years ago. This country is changing.

Mr Westende: Just as well we did not stay in 1600. You would be speaking double-dutch now.

MRS GRASSBY: Yes, that is right, they are all double-dutch. We know some of the rude words in English such as "Dutch oven" and the like. It is about time Australia took her place on the edge of Asia and was proud of it. I heard somebody say that Mr Keating might be our Prime Minister but he is not theirs. That is another reason why we need to be a republic. We could then vote in, by a vote of both houses, somebody all the people would be proud to call their president.

The one thing that I like when I go to America - although it can be overdone at times - is that people there are proud to be Americans, and they are proud of their flag. I would like to see us have a flag that represents the whole of Australia, not just one tiny bit of it. I would be very proud to be able to stand up and say, "Yes, I am an Australian. I belong to the Republic of Australia". I hope to goodness that I see it before I die. I know that I will. I have no fear about that. I will be proud to be part of that. I would not be like some silly people in Canada who, when they raised their wonderful flag for the first time, turned their back on it. Of course, if you talk to Canadians now, they will tell you that they are very proud of their flag.

MADAM SPEAKER: The discussion is concluded.

MEDICAL PRACTITIONERS REGISTRATION (AMENDMENT) BILL 1993

Debate resumed from 23 February 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MRS CARNELL (4.19): It is with very real pleasure that on behalf of the Liberal Party I support this Bill. The Medical Practitioners Registration (Amendment) Bill 1993 has been a long time in coming, for a number of reasons, not the least being the inactivity of the Minister. Primarily, this Bill puts into place the requirements of the Mutual Recognition Bill.

Mr Berry: How many other States have done it?

MRS CARNELL: It is not for that reason, Mr Berry. We are not talking about that bit of the Bill. This means that the requirements and qualifications to register as a medical practitioner in the ACT will be the same as those elsewhere in Australia. Apart from being substantially more efficient and sensible, this will protect ACT health consumers from practitioners who may have been deregistered or convicted of an offence in another State or overseas.

It is heartening to see legislation that treats Australia as one country rather than a number of individual States. There are some downsides to this approach, because there is a potential for the lowest common denominator effect to occur; that is, for one State to adopt lower registration requirements than other States, thus allowing a flow-through effect of decreased professional standards. I believe that this Bill gives the Medical Registration Board sufficient discretion to overcome this potential problem, but a watching brief should be adopted. In principle, the adoption of mutual recognition principles should improve standards and ensure that all Australians have similar quality of medical practice.

The Bill also greatly increases the power of medical boards to discipline practitioners. For many years - and I stress many years - a number of the registration boards have been lobbying governments to give them some real teeth. Registration boards exist to protect the public, and it is incumbent on the members of the boards to ensure that the practice of their peers is of a high standard. But up until now the scope of the Medical Board to discipline practitioners has been very narrow indeed. This has caused very real problems for the board, because regularly the types of complaints received have not been serious enough to actually deregister the offender, but the capacity of the board to levy any other appropriate penalty has been very limited. In fact, the Minister has been known to be critical of registration boards for being too lenient, but the primary problem has been boards not having appropriate penalties available to them.

Mr Berry: When was I critical? Go on, tell me.

MRS CARNELL: You were. This Bill goes a very long way towards remedying this situation by giving the board the power to caution, reprimand, fine, suspend registration and, of course, deregister.

Madam Speaker, I am pleased that this Bill continues the program of removing sexist language from legislation. It is interesting to note that there are now more female medical students than male, so it is appropriate to acknowledge this in legislation. There is one provision of this legislation that concerns me, although I am aware that it was agreed to by all health Ministers, and that is clause 35 of the Bill. This clause allows foreign medical practitioners who hold Australian registration and are regular Australian citizens to be deregistered if they were not domiciled in Australia on 31 January 1992 and did not practise medicine in Australia for at least three months during 1992.

I understand that very little notice was given of this provision, and certainly not enough to allow doctors who, I stress, have Australian registration and are Australian citizens but were practising overseas or studying overseas, to make adequate arrangements to avoid deregistration. In fact, I understand that a large number of the doctors received notification of the change only in January 1992, approximately two weeks before they were required to be living here - a situation that is totally untenable. At face value, this provision would appear to be discriminatory, so I sincerely hope that doctors unfairly caught by this clause will be sympathetically dealt with and that the Medical Board has the discretion to decide who should and who should not be deregistered. I have been assured that that discretion does exist in this legislation, but I sincerely hope that the Medical Board will treat this power with due caution.

The Medical Practitioners Registration (Amendment) Bill picks up the recommendations of the Australian Health Ministers Conference, and it is the first of a series of Bills designed to bring the ACT into line with other States. In fact, this Bill has been lifted from fairly similar legislation in New South Wales. Madam Speaker, I have just said that this is the first of a series of Bills, all of which should have been in place by 1 March. The Chief Minister agreed at the Heads of Government meeting early last year that all legislation required for mutual recognition should, if possible - and I accept that - be in place by 1 March, so we are certainly looking forward to registration legislation for psychologists, podiatrists, dentists, optometrists, pharmacists, physiotherapists, chiropractors, and the list goes on. All of this legislation should be in front of this Assembly now.

These pieces of legislation have the potential to improve the quality of health in the ACT, so why did Mr Berry give priority to legislation to abolish the Board of Health - a piece of legislation that had absolutely no capacity to increase the quality of health anywhere, let alone here? As usual, it appears that ideology wins out over better health services for the people of Canberra. Still, I suppose we should be thankful that this Bill is in front of us today. This Bill is not an initiative of this Labor Government; it is part of a nationwide move to standardised health legislation. I cannot help wondering whether, if it had been up to Mr Berry to change the legislation to give the Medical Board these increased powers that are very necessary, we would have seen this legislation on the table at all. Madam Speaker, the Liberal Party will be supporting this legislation and will also be supporting the amendments.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.27), in reply: I welcome the support from the Liberal Party for this legislation. I notice that it was peppered with Mrs Carnell's usual too quick, too slow, too high, too low, too much, too little, and so on. It can never be just right. But I am happy about that because, if Mrs Carnell is unhappy, we are on the right track. This is a piece of legislation which, as has been explained, is necessary in the context of one Australia. It comes from the Heads of Government meetings which have occurred around this country, and it is a result of initiatives of a Federal Labor government and, in particular, the former Prime Minister, Mr Hawke. Of course, this process will continue. As part of the Labor Party, I am quite proud to have played a part - only a very small part; nevertheless, a part - in relation to this legislation.

I would like to circulate a corrigendum to the explanatory memorandum which was earlier circulated. An omission was picked up by the Scrutiny of Bills Committee in its report No. 3 of 1993. Two lines of the text describing the effect of clause 24 were omitted from the top of page 26, the final page of the memorandum. They read:

> Clause 24 provides for the amendment of the Act in accordance with the Schedule. The Schedule amends various provisions of the Act to -

You missed that, Mrs Carnell. I thought I would test you out. I did not want to give you anything else to complain about. This corrigendum corrects the error in the explanatory memorandum by inserting the two lines of the text which have been omitted.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.30): I seek leave to move together amendments Nos 1 to 7 which have been circulated in my name.

Leave granted.

MR BERRY: I move:

Page 14, clause 16, line 31, proposed new paragraph 30(l)(k), omit "and".

Page 14, clause 16, line 33, proposed new subsection 30(1), add at the end - "; and

(n) any conduct by the practitioner, whether occurring in the practice of medicine or not, that adversely affects the practice of medicine by the practitioner or brings the medical profession into disrepute.".

Page 18, clause 22, line 16, proposed paragraph 39C(a), insert "20(1)," after "subsection".

Page 18, clause 22, line 29, proposed paragraph 39C(h), omit "or", substitute ", section 29C or subsection".

Page 23, paragraph 35(b), line 14, add at the end "or".

Page 23, paragraph 35(c), line 18, omit from the end "or".

Page 23, paragraph 35(d), lines 19 to 23, omit the paragraph.

As has been explained, the Medical Practitioners Registration (Amendment) Bill 1993 is the first of a number of health professional registration laws which will be amended in line with the Australian - - -

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Mr Berry, it is 4.30 pm. I have to 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.

MEDICAL PRACTITIONERS REGISTRATION (AMENDMENT) BILL 1993
Detail Stage

Debate resumed.

MR BERRY: Madam Speaker, as has been said, the agreement is to ensure a uniform approach to the regulation of health professionals in the interests of public health and safety. It provides for nationally agreed qualifications for registration and defines a number of procedural arrangements for regulating medical practitioners, including the imposition by boards of uniform disciplinary sanctions. The mutual recognition arrangements came into effect on 1 March 1993. This legislation allows mutual recognition of occupational registration arrangements in participating jurisdictions, regardless of any difference in standards. However, mutual recognition does not preclude uniform standards where these are perceived to be necessary.

Provision has been made to expand the Medical Board's disciplinary powers to allow for a uniform range of sanctions which may be imposed and recognised in participating jurisdictions under mutual recognition. The transitional arrangements for medical practitioners which were announced by the Australian Health Ministers in November 1991 have now been included. Decisions of the Medical Board in respect of registration or disciplinary matters will be subject to appeals to the Administrative Appeals Tribunal.

The Bill also provides for a number of amendments of a housekeeping nature to update the penalties for offences and to remove redundant provisions which are now dealt with under the mutual recognition legislative framework. The development of uniform procedures in medical practitioners registration legislation across all jurisdictions has been a landmark exercise and, as a consequence, it has been necessary to make some amendments.

The Standing Committee on Scrutiny of Bills and Subordinate Legislation has also made a number of comments relating to the Bill. Madam Speaker, I wish to thank the committee for those comments. As a consequence, the following government amendments are proposed: The removal of paragraph 35(d) will bring the transitional provisions into line with the policy directions agreed to by Australian Health Ministers. The proposed new subsection 30(1) will provide for an expanded definition of the term "unsatisfactory professional conduct". This will enable disciplinary action, including cancellation or suspension of registration, to be taken when a person's conduct has an adverse impact upon his or her capacity to practise medicine or on the reputation of the medical profession. The inclusion of a right to review a refusal by the Medical Board to re-register a person under the new section 29C and the inclusion of a right to review a decision of the Medical Board to impose conditions upon the registration of an intern under the proposed new subsection 20(1).

In addition to these amendments, the Standing Committee on Scrutiny of Bills and Subordinate Legislation identified the need to correct the spelling of the term "administratrix". Where it appears in the Bill, the corrections will be done by way of a Clerk's amendment. Madam Speaker, I present a supplementary explanatory memorandum for these amendments, and I commend the amendments to the chamber.

Before sitting down, I pick up a point that Mrs Carnell made in her speech in relation to the recent repeal of the Health Services Act in the ACT. Mrs Carnell knows, and understands very clearly, why the Act had to be repealed. If it were not for the constant harassment by the Liberal Party of the Board of Health, that board would still be in place. That is a matter that is on public record and something that will not go away, despite her protestations.

Amendments agreed to.

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

Bill, as amended, agreed to.

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1993

Debate resumed from 25 February 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (4.37): I advise the house that the Liberal Party will be supporting this Bill because it makes an appropriate and sensible amendment to the law.

Mr Berry: Twice in a row! Have you some too highs, too lows, too quicks, too slows to go with it?

MR HUMPHRIES: I know that Mr Berry is deeply disappointed that he will not have another argument to generate. But I am afraid that on this occasion somehow - mainly because he himself is not involved in this Bill, I suspect - this Bill has actually won our support. This proposal amends the Motor Traffic (Alcohol and Drugs) Act 1977 to keep up with the rapidly changing area of drink-driving offences. The Bill closes the gate on a loophole in the law which permits a person to escape conviction because they can cast aspersions, in effect, on blood alcohol or breath alcohol tests that have been undertaken in respect of an alleged offence of a person driving a car on the road while that person has in excess of the prescribed concentration of alcohol in the blood.

The problem, Madam Speaker, is that the PCA offences, as they are called, are so framed as to have a very artificial flavour about them. It is not an offence in the ACT, members might be surprised to learn, for people to drive a car while they have more than a certain concentration of alcohol in the bloodstream. That is just as well, because it would be very difficult, I imagine, for policemen to be leaping into moving cars to do tests on people as they were driving down the street. It is an offence - - -

Mr Kaine: To get caught doing it.

MR HUMPHRIES: Not quite that either, Mr Kaine. It is an offence if a person who has been the driver of a motor vehicle on a street and undertakes a test, a blood test or a breath test, that indicates a certain level of alcohol in the bloodstream. The offence is being in a certain state after having driven a car on a public street. There is a legal assumption that a person who has been driving a car and who now has a certain level of alcohol in the bloodstream was in that same state 15 minutes or 30 minutes before the test was taken, or whenever it might be.

In the existing Act there are two sections which deal with this. Section 19 provides that a person who is in that position having undertaken a breath test is guilty of an offence; and the same situation is reflected in section 20, under which a person who, having taken a blood test, is in that position commits a certain offence. The present law, of course, depends very heavily on the reliability of the primary instrument measuring either breath or blood levels of alcohol. I say "the primary instrument" because very often a breath test is followed up with a blood test. A blood test occasionally might be followed by a breath test, although that would be very rare, I imagine.

As the law stands now, the tests need to be, in effect, numerically consistent. A recent case in the Supreme Court, to which the Attorney made reference in his presentation speech, indicated the danger which the present drafting of the law presents. In that case, Harrington v. Zaal, an accused person had both a blood test and a breath test, and those two tests indicated different readings. Perhaps the tests were taken at different times; perhaps there was just some inconsistency in the reading. From notes that the Attorney kindly showed me, one test indicated a blood alcohol level of .07 and the other .09 - something of that kind anyway. Both of the readings were above the .05 limit which is prescribed in the ACT. On appeal to the Supreme Court, this was relied upon by the defendant in that case to show that neither test was accurate because the results were at variance with each other. The breath test could be disputed by the blood test and the blood test could be disputed by the breath test. Even though they both showed a reading of over .05, they were not consistent and therefore neither could be relied on.

Of course, the problem is exacerbated by our present law, which has alternative charges. You are charged under section 19 following a breath test or under section 20 following a blood test. Charging under both, I imagine, would not be the common practice. These new provisions, therefore, are far more sensible. They substitute, for two separate offences, a single offence as follows:

A person who -

(a) has been the driver of a motor vehicle on a public street or in a public place; and

(b) has, within the relevant period, a concentration of alcohol in his or her blood equal to or more than the prescribed concentration;

is guilty of an offence.

It is very simple. You only have to have been the driver of a vehicle and to have in your bloodstream a certain concentration of alcohol. Subclause (2) goes on to say that this would be established by a breath test, a blood test or some other analysis. It may be established in one of those ways. This means that you need to satisfy only one test, in effect: Was the person in the car when he had in excess of the prescribed concentration of alcohol? That is the test rather than: Was it a breath test or was it a blood test? Madam Speaker, these provisions are sensible. They do not derogate from the power of a defendant to appeal on the basis of inaccuracy of instruments, but a defendant cannot rely on a difference between one test and another test to say, "Neither is accurate and therefore I should be let off the offence".

Madam Speaker, as penalties for drink-driving in this community increase, as they have done in recent years, and the community clamps down on drink-driving as a general category of crime, the attempts to escape this offence will become more imaginative. People will take greater steps to try to get out of the offence. Therefore, at some point in the future we may need to reconsider some provisions in the Act because an imaginative lawyer has worked out a way of getting around the provisions as they stand. I think this amendment, for the time being at least, is a fairly resilient one and will prevent some of the loopholes which have existed from being exploited. I support the Bill.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.44), in reply: I thank Mr Humphries for his support. The Bill does indeed attempt to close a loophole. My recollection is that the laws were cast in their present form by various States in the 1970s. In an attempt to avoid other loopholes, they locked an offence into failing the test. Now we are going back the other way. No doubt the wit of some clever lawyer will find another loophole and in five years' time we will be doing something again, but for the moment this Bill tightens up a clear loophole in the law and I am pleased that the Bill is being generally supported.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 4.45 pm until Tuesday, 30 March 1993, at 2.30 pm

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ANSWERS TO QUESTIONS
MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 513

Rehabilitation and Aged Care Services

Mrs Carnell - asked the Minister for Health:

(1) Was the aged care assessment team closed or scaled back during the 92/93 Christmas New Year period?

(2) What effect did this have?

(3) Were any other services provided by ACT Health closed or scaled down over the 92/93 Christmas New Year period.

Mr Berry - the answer to Mrs Carnells question is:

(1) No.

(2) The services offered by the aged care assessment team over the 1992/93 Christmas New Year period continued as usual.

(3) The only reduction in services provided by the Rehabilitation and Aged Care Service of ACT Health over the Christmas/New Year period occurred in ward areas. The geriatric ward (Ward 11A) and the rehabilitation ward (Ward 11B) amalgamated on Ward 11A, with a total of 24 beds closing for four weeks from 21 December 1992 to 17 January 1993.

Emergency admissions continued; patients who could not initially be accommodated on Ward 11A were bedded in other areas and transferred when beds re-opened.

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25 March 1993

LEGISLATIVE ASSEMBLY QUESTION NO. 519

Police Force - United Nations Transitionary Authority in Cambodia

Mr Humphries: To ask the Attorney General -

(1) Is the funding for the seven ACT Region police who form part of the UNTAC in Cambodia provided from Program 3.5 International Obligations or from Program 2 ACT Community Policing. If not from either, from where is it provided.

(2) Will the Minister provide a breakdown and the total cost to the ACT Division and as a proportion of the total spending of Australian police in Cambodia.

(3) Is any of the funding for the UNTAC operations jointly provided ie. partly from the Commonwealth and partly from the ACT Division.

(4) Who paid for the flights of ACT Region officers to Cambodia.

Mr Connolly: the answer to Mr Humphries question is:

(1) Australian Federal Police attached to the United Nations Transitionary Authority in Cambodia (UNTAC) are fully funded by the Commonwealth Government.

(2) There is no cost to the ACT Government for the UNTAC commitment.

(3) No.

(4) The Commonwealth Government.

852

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 521
Chief Minister - Relocation of Office

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

(1) What was the cost of relocating your office and your staff from the Constitution Avenue end to the Nangari Street end of the Fifth Floor, ACTAC.

(2) Is it intended to replicate the ensuite in your original office and the adjacent kitchen in your new accommodation and if so what is the estimated cost.

(3) Have the dark room and recording facilities originally located on the Fifth Floor overlooking Nangari Street been moved and if so, where to and at what cost.

MS FOLLETT - The answer to the members question is as follows:
(1) The cost was as follows: (S)
Removal costs of Ministers and staff 799.00
Removal costs of Mr Lamont MLA and staff 184.00
Telephone changes for Ministers and
Staff 1,281.40

Telephone changes for Mr Lamont MLA
and staff 298.00
Minor alterations to fit out 1,150.00
Changes to signage 212.50
Sub-total 3,924.90
Removal and relocation of public
servants 865.00
Telephone changes for public servants 1400.60
Sub-total 2.265.60
Total 6.190.50
(note: a portion of the costs associated with the removal, relocation and telephone changes for public servants would have been incurred in any event in the longer term as part of the ACT Government Service accommodation migration plan.)

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(2) No.

(3) No. The dark room remains in use by staff undertaking the government advertising and publications functions, and the media recording function was discontinued in 1991, owing to the high capital cost of replacing outdated equipment. Media monitoring services are now provided by NJP Monitair Pty Ltd.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 536

Housing Trust - Non-Resident Applicants

MR. CORNWELL - asked the Minister for Housing and Community Services - In relation to the statement (The Canberra Times 26 December 1992, page 3) that:
"The Trust was unaware of people from interstate gaining an ACT address while living elsewhere "

(1) What procedures does the ACT Housing Trust have to prevent people not resident in the ACT but using an ACT address from obtaining Trust accommodation.

(2) If no procedures exist how can such a statement be made.

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

(1) Applicants for housing are required to complete an application form which includes their current address. Applicants are required to provide other documentation which includes proof of income. This documentation usually also confirms their address.

An integral part of each application form is an affidavit. This is in the form of a Declaration signed by the applicant that the information provided is true and correct and that the provision of false information may result in prosecution.

(2) Refer to (1) above.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 537

Housing Trust - Tenants Pets

MR. CORNWELL - asked the Minister for Housing and Community Services - In relation to pets in Housing Trust properties -

(1) Are tenants of Trust houses permitted to own pets and if so, are they limited to certain numbers of certain types of pets.

(2) Are tenants of Trust flats permitted to own pets and if so, are they limited to certain numbers of certain types of pets.

(3) Does a Trust tenant need to seek the permission of or notify the Trust before purchasing or obtaining a pet to be housed on Trust premises.

(4) If there are restrictions or permission is needed to house pets at any particular type of Trust property, what action does the Trust take to enforce such regulations and what action is taken if a tenant is found to have breached those regulations.

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

(1) Yes, but they must comply with the Dog Control Act (1975).

(2) No, but the Commissioner for Housing will consider applications to keep pets.

(3) No in respect of houses.
Yes in respect of flats.

(4) Tenants are informed that they have breached their tenancy agreements and that if they do not find a new home for the pets within 7 days their tenancy may be terminated.

856

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 538

Housing Trust - Housing Review Committee

MR CORNWELL: To ask the Minister for Housing and Community Services In relation to the ACT Housing Trusts Priority Review Panel

(1) How often does it meet.

(2) Who are the members by name and by reason of appointment.

(3) How many applications, on average, are considered at each meeting.

(4) How many applications for priority housing are up for consideration at 31 January 1993.

(5) How many of the applications at (4) are (a) Canberra residents and (b) interstate.

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

The Housing Review Committee (HRC) hears appeals against decisions made by the ACT Housing Trust. The following answers are given in respect of the HRC.

(1) Once every 2 weeks, as a 3 person panel drawn from members.

(2) Ms Trish McDonald (Chairperson)
Mr Uri Hooton
Ms Rosanne Paz
Ms Sylvie Martinez
Ms Nicole Horne
Mr Richard Parker
Mr John Hinchey
Ms Paulina Gajardo

(3) 10.

(4) At 31 January 1993 there were 26 outstanding appeals.

(5) a) 25
b) 1, Canberra resident temporarily interstate.

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MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 545

Capital Works Program - High Schools and Colleges

MR CORNWELL - asked the Minister for Education and Training on notice on 16 February 1993:

In relation to the $1.26 million to be spent on major capital works programs in ACT high schools and colleges

(1) What are the schools and colleges involved by name.

(2) How much money will be spent upon each school or college.

MR WOOD - the answer to Mr Cornwells question is:

(1) The following High Schools are to receive funding as listed:

Alfred Deakin High $65,000
Belconnen High $250 000
Campbell High $100,000
Charnwood High $50,000
Canberra High $40,000
Kaleen High $30000
Lyneham High $85,000
Melba High $30 000
Telopea High $100,000
$750,000

(2) The following Colleges are to receive funding as listed:

Copland College $25,000
Dickson College $240 000
Erindale College $70, 000
Hawker College $50,000
Lake Ginninderra College $80 000
Phillip College $26,000
Stirling College 20 000
$511,000
TOTAL
$1,261,000

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 546

Primary Schools - Student and Teacher Statistics

MR CORNWELL - asked the Minister for Education and Training on notice on 18 February 1993:

As at 16 February 1993 -

(1) What were the individual names of ACT Primary Schools and what were their individual student numbers (a) below 150 students and (b) below 200 students.
(2) How many teachers were at each of the schools by name, at (a) and (b).

MR WOOD - the answer to Mr Cornwells question is:

Census Day for ACT Primary Schools in 1993 was 18 February. Responses below use data taken on that clay.

(1) and (2)

(a) School Name No. of Students No. of Teachers

Co-Op School 69 3
Lyons 121 6.3
Cook 128 7.6
Tharwa 27 2
Uriarra 15 2
(b) Rivett 199 11.55
Hall 155 8.2

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 551

Cook and Lyons Primary Schools

MR CORNWELL - asked the Minister for Education and Training on notice on 18 February 1993:

As at 16 February 1993 -

(1) How many students were at (a) Cook Primary and (b) Lyons Primary Schools.

(2) What is the breakdown by year of student numbers at each school.

(3) How many siblings are in Kindergarten at each school.

(4) How many siblings are enrolled at each school in all years.

(5) How many out-of-suburb students, ie. other than Cook or Lyons residents, are in Kindergarten at each school.

(6) What was the per capita funding for students at each of these schools.

MR WOOD - the answer to Mr Cornwells question is:

Census Day for ACT Public Schools in 1993 was 18 February 1993. Responses (1) to (5) below use data taken on that day.

(1) (a) The number of enrolments at Cook Primary was 128. (b) The number of enrolments at Lyons Primary was 121.

(2) The number of enrolments by Year Level at Cook and Lyons Primary Schools were:

SCHOOL	K	1	2	3	4	5	6	TOTAL
COOK	28	22	14	18	18	15	13	128
LYONS	21	22	19	20	17	14	8	121

(3) The number of students at Cook Primary with siblings in Kindergarten at that school was 8.
The number of students at Lyons Primary with siblings in Kindergarten at that school was 9.

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(4) The number of siblings enrolled at each school in all years were:

SCHOOL	K	1	2	3	4	5	6	TOTAL
COOK	8	12	3	5	6	-	-	34
LYONS	9	8	2	4	-	-	-	23

(5) The number of out-of-area students in Kindergarten at Cook Primary School was 7.
The number of out-of-area students in Kindergarten at Lyons Primary School was 2.

(6) The per capita funding for students in both Cook and Lyons Primary Schools is $74 per annum, the same as for other small primary schools. Larger primary schools receive $83 per student per annum.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 574

Housing Trust Properties - Damage by Tenants

MR CORNWELL: Asked the Minister for Housing and Community Services In relation to the ACT Housing Trust

(1) Upon vacation of a property by a tenant, is the maintenance performed in order to prepare the property for the next tenant divided up into "wear and tear" damage and "wilful" damage.

(2) If so, are steps taken to recover the cost of that "wilful damage" maintenance from the vacating tenant, and if no steps are taken, why not.

(3) If steps are taken (a) what amount of money was outstanding as "wilful damage" under those circumstances at 31 January 1993 and (b) how much money has been recovered under those circumstances in the twelve months to 31 January 1993.

(4) If the property damage is not divided into two categories, why not.

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

(1) Yes, see Question No. 420, Answer No. (2) .

(2) Yes, see Question No. 420, Answer No. (3) .

(3) (a) $50,618.58, (b) $556.29.
(4) Not applicable, see (1) above.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 578

Housing Trust Properties - Leases to community Organisations and Government Agencies

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

(1) How many ACT Housing Trust properties have been handed over to welfare and/or religious organisations and how many does each organisation, by name, manage at 23 February 1993.

(2) Who has control of tenancy agreements, administration and management of these properties.

(3) Who performs and pays for maintenance of these properties.

MR. CONNOLLY - The answers to the Members questions are as follows:

(1) Under the Community Organisations Rental Assistance Program 145 properties were leased to community organisations and other government agencies to operate a range of supported accommodation services as at 23 February 1993. In addition, 16 properties were leased to community organisations under Stage 1 of the Single Share Accommodation Scheme. They are

Aboriginal Health Clinic 1
ACT Health Psych Rehab Services 2
ACT Society for Physically Handicapped 1
ACT Youth Refuge 1
ADD Inc 2
ADFACT 3
Anglican Church Property Trust 1
Barnardos 5
Barton Housing Co-op 4
Beryl Womens Refuge 3
CCHYP 8
Canberra City Lions Club 1
Canberra Lions and Salvation Army 1
Castlereagh House 1
Cura Casa 2
DARE 2
Doris Womens Refuge 2
Focus 14
Incest Centre 1
Intellectual Disability Services 19
LARCHE 2

Lowana Young Womens Refuge 1
Medea 4
Northside Community Service 16
OConnor Family Centre 1
OConnor Uniting Church 2
Open Family Foundation 4
POACH 1
Richmond Fellowship 4
SASWOW 1
St Pauls Anglican Church 2
St Simons Anglican Church 2
St Vincent de Paul
Salvation Army 2
SSAY 2
Toora
Tumladden 1
University of Canberra 1
Vietnam Veterans Association 1
Weston Creek Community Service 4
Woden Community Service 1
Womens Centre 1
YMCA 1
YWCA 4

An additional 21 properties are currently leased to the Association for Post Students Accommodation. These properties are redevelopment properties unsuitable for other tenancies and are leased on a short term basis. The properties are resumed, without providing replacement properties, when the Housing Trust requires them for redevelopment.

(2) The properties are rented on a head tenancy basis, with the organisations entering into a Tenancy Agreement for each property with the ACT Housing Trust. These properties are managed by the ACT Housing Trust in a similar manner as individual Housing Trust tenancies.

(3) The management of the properties includes the responsibility for undertaking and paying for maintenance due to fair wear and tear. The Housing Trust, therefore, performs and pays for maintenance of these properties.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 5 83

Housing Trust Properties - Damage to Burnie Court Flat

MR CORNWELL: Asked the Minister for Housing and Community Services
(1) Is it a fact that Flat 66 Burnie Court was extensively damaged by a vacating tenant within the last 12 months.

(2) Was the cost of maintenance to prepare that flat for its latest tenant $30,000; if not, how much was it.

(3) What action was taken against the vacating tenant for this damage to public property and how much of this damage bill has been repaid by that tenant at 23 February 1993.

MR CONNOLLY: The answer to the Members question is as follows
(1) No.

(2) No. The cost of preparing the flat for its latest tenant was $3385.61.
(3) Not applicable.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 587

Municipal Officers - Literacy Assessment Project

Mr Cornwell - asked the Minister for the Environment, Land and Planning - Listed. under contracts arranged by the Lands Division. (DELP) in the ACT Gazette No 7, 17 February 1993 is Contract 500718 for ACT Literacy Assessment Project. ($7,000 ACT Local Government Industry Training Council Inc)

(1) How will this project be conducted.

(2) What areas and who will be assessed.

(3 When will the project be completed.

(4) Will the results be made available to interested parties

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

(1)The project was conducted by a suitably qualified officer with part-time assistance by an officer from the Canberra Institute of Technology. The project was highly consultative and used a random sample of employees.

(2)Thirteen areas classified as."municipal".from the Departments of Environment, Land. and Planning and Urban services were involved, with a total of eighty participants from the industrial workforce.

Participants were assessed after analysing the results gained from nine instruments which were designed to conduct the study.

(3) The study project was completed in June 1992 and the results were launched by the Minister for Urban Services on 16 July 1992. ..

(4)Yes. Copies of the report, together with a summary paper were widely distributed to all interested parties during July 1992. It is one of the few literacy studies undertaken in Australia and the first for the ACT workforce and has been commended at the National level. (ALGTB)

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 591

Housing Trust Properties - Burnie Court Vacancies

MR CORNWELL - Asked the Minister for Housing and Community Services Services - At 22 February 1993, how many of Burnie Court, Lyons, 264 bedsitters were vacant and for what period of weeks have they been vacant.

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

There were 23 bedsitters vacant at Burnie Court as at 22 February 1993 of which 19 were under maintenance and 4 were awaiting allocation to persons on the waiting list. -

The average vacancy period for the bedsitters was three weeks.

867

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 599

Road Safety - Traffic Lights in Hughes

Mr Cornwell - asked the Minister for Urban Services:

(1) Is it the intention to install traffic lights in Wisdom Street Hughes in the vicinity of Malkara School and St Peter and Pauls Primary.

(2) If so, when might this occur and if not, why not.

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

(1) Yes, traffic signals will be installed at the intersection of Yamba Drive and Wisdom Street close to these schools.

(2) Funding for this project has been approved as part of the Federal Governments Black Spot Program. The design of these signals is now at an advanced stage, and work is scheduled to commence before the end of the 1992/93 financial year.

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 628

Traffic and Pedestrian Study - Hughes and Garran

Mr Cornwell - asked the Minister for Urban Services -

(1) What was the cost of employing Geoplan Urban and Traffic Planning to conduct the Hughes/Garran Traffic and Pedestrian Study.

(2) When is this Study due for completion.

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

(1) The cost of the contract to engage Geoplan Urban Traffic Planning to conduct the Hughes/Garran Traffic and Pedestrian Study was $29,555.

(2) The final report of the Study will be made public before the end of June 1993.

869

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 661

Commissioner for Housing - Senior Executive Service
Fellowship Study Tour

MR CORNWELL: Asked the Minsiter for Housing and Community Services - In relation to the SES study tour undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year -

(1) Did Mr Templar contravene Corporate Credit Guidline 3.9 by using an ACT Government Corporate Credit Card to withdraw cash for use during his overseas trip.

(2) If so, who approved such cash withdrawals and was that person authorised to grant such approvals.

(3) Did Mr Templar contravene Corporate Credit Guideline 3.10 by using an ACT Government Corporate Credit Card for unofficial or private purposes.

(4) Has Mr Templar provided for acquittal all outstanding invoices /dockets for "his" Corporate Credit Card relating to monthly statements for September, October, November and December 1992.

(5) During his trip did Mr Templar adhere to Guideline 11.2 in that all his accommodation and flights were in accordance with approved guidelines.

(6) Has Mr Templar ever been warned against misuse or fraudulent use of an ACT Government Corporate Credit Card, and has he been made aware of the consequences of such activity.

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

An officer was appointed under Subsection 61(2) of the Public Service Act to conduct an investigation into circumstances surrounding the SES Senior Executive Fellowship undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year.

Consideration of these matters has not yet been completed.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 662

Commissioner for Housing - Senior Executive Service
Fellowship Study Tour

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the SES study tour undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year - What contribution to the purpose of Mr Templars study tour were made by his visits to (a) Asia; (b) United Kingdom; (c) the Netherlands; (d) the Mediterranean region; (e) North America; (f) Canada and (g) Hawaii.

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

A report on the SES Fellowship will be provided as soon as it is completed.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 663

Commissioner for Housing - Senior Executive Service Fellowship Study Tour

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the SES study tour undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year

(1) What were the dates of Mr Templars departure from and return to Australia.

(2) Who arranged Mr Templars itinerary and booked his flights and accommodation.

(3) Who approved his itinerary and bookings.

(4) What cities did Mr Templar visit.

(5) What was the purpose of Mr Templars study tour.

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

An officer was appointed under Subsection 61(2) of the Public Service Act to conduct an investigation into circumstances surrounding the SES Senior Executive Fellowship undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year.

Consideration of these matters has not yet been completed.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 664

Commissioner for Housing - Senior Executive Service
Fellowship Study Tour

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the SES study tour undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year

(1) What was the total cost of Mr Templars study tour.

(2) What was the cost of (a) air travel; (b) land travel, including hire of motor vehicles if applicable; (c) accommodation; (d) meals and (e) sundries including telephone and fax costs etc.

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

An officer was appointed under Subsection 61(2) of the Public Service Act to conduct an investigation into circumstances surrounding the SES Senior Executive Fellowship undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year.
Consideration of these matters has not yet been completed.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 665

Commissioner for Housing - Senior Executive Service
Fellowship Study Tour

MR CORNWELL: Asked the Minister for Housing and Community Services - 1n relation to the SES study tour undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year - Were ACT Government funds used to pay for anyone accompanying Mr Templar for either the entire trip or for part(s) of it.

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

No.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 666

Commissioner for Housing - Senior Executive Service
Fellowship Study Tour

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the SES study tour undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year -

(1) Was Mr Templars travel and accommodation at economy class at all times.

(2) If not, which flights or travel or accommodation were not at economy class and who approved such upgrades.

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

An officer was appointed under Subsection 61(2) of the Public Service Act to conduct an investigation into circumstances surrounding the SES Senior Executive Fellowship undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year.

Consideration of these matters has not yet been completed.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 667

Commissioner for Housing - Inspection of Investment Property

MR CORNWELL: Asked the Minister for Housing and Community Services -

(1) Was an investment property of Mr Templar which is leased to Defence Housing inspected by an ACT Housing Trust officer, who drove an ACT Government car to the site, during working hours.

(2) If so, (a) what was the purpose of the report; (b) who requested that it be done and (c) to whom was it given.

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

An officer was appointed under Subsection 61(2) of the Public Service Act to conduct an investigation in relation to matters surrounding Mr Templars investment property.

Consideration of these matters has not yet been completed

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 668

Commissioner for Housing - Senior Executive Service
Fellowship Study Tour

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the recent overseas trip by the ACT Commissioner for Housing
(1) Is a report of the trip being prepared.

(2) Will a copy of the report be made available to interested parties including myself.

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

(1) Yes.
(2) Yes

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 669

Commissioner for Housing - Senior Executive Service
Fellowship Study Tour

MR CORNWELL: Asked the Minister far Housing and Community Services

(1) Did Mr Ken Horsham, General Manager of Housing and Community Services Bureau, write to Mr Templar, Commissioner for Housing, in November 1992 warning him that future use of his Government Credit Card should be strictly within the guidelines and setting out the guidelines which appeared to have been breached prior to that date during Mr Templars trip.

(2) If such "breaches" were suspected, which has now been acknowledged, and Mr Horsham did not write to Mr Templar, why not.

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

An officer was appointed under Subsection 61(2) of the Public Service Act to conduct an investigation into circumstances surrounding the SES Senior Executive Fellowship undertaken by the ACT Commissioner for Housing, Mr Rod Templar, last year.
Consideration of these matters has not yet been completed.