DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

1 April 1993

Thursday, 1 April 1993

Answers to questions:

Thursday, 1 April 1993

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

PAPER

MR MOORE: Madam Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not address the Assembly, nor does it contain a request.

Leave granted.

MR MOORE: I present an out-of-order petition from 112 residents urging the Government to develop commercial tenants legislation.

RADIATION (AMENDMENT) BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.31): Madam Speaker, I present the Radiation (Amendment) Bill 1993.

Title read by Clerk.

MR BERRY: I move:

> That this Bill be agreed to in principle.

The Radiation (Amendment) Bill 1993 amends the Radiation Act 1983 in relation to the membership and responsibilities of the ACT Radiation Council. The Radiation Council is established to control the safe use, transportation, storage and disposal of radioactive materials and irradiating apparatus. The council is responsible for granting of licences in relation to the use of radioactive material and irradiating apparatus; granting registration for an irradiating apparatus; directing licensees in situations where the health of their employees or other persons may be at risk from ionising radiation exposure; controlling the transport of radioactive material; controlling the storage of radioactive material; and granting permits for the disposal of radioactive material. The council also pursues its role in radiation safety by participating in or encouraging education courses for various groups.

The current membership of the council comprises a member who is registered as a medical practitioner under the Medical Practitioners Registration Act 1930 and is a member of the Royal Australasian College of Radiologists; a member nominated by the Australian National University; a member nominated by the Commonwealth Scientific and Industrial Research Organisation; and a member nominated by the Minister for Health. When enacted in 1983, the Radiation Ordinance established the Radiation Council with a membership of five persons,

including a community representative, each appointed by the relevant Federal Minister. With the transition to self-government, the provision for the community representative was deleted. Since that time, the Radiation Council has been required to function with only four members and has not had the benefit of a community representative.
The original Radiation Ordinance did not specify any requirement for expertise in radiation matters for the members nominated by the Australian National University and the Commonwealth Scientific and Industrial Research Organisation. As the Radiation Council is charged with making decisions which require scientific knowledge and judgment, it is considered appropriate that the ACT should now specify that these members have relevant expertise for their role. In addition, the Bill amends the Radiation Act in several ways to improve administrative efficiency by formalising a procedure to allow the Minister to request information or advice from the council; enabling the council to have discretion to issue and renew licences in respect of the use of radioactive material and irradiating apparatus, and registration certificates in respect of irradiating apparatus, for any period of up to five years. The Bill also removes sexist language from the Act. Madam Speaker, I present the explanatory memorandum for the Bill.

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

BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.35): Madam Speaker, I present the Buildings (Design and Siting) (Amendment) Bill 1993.

Title read by Clerk.

MR WOOD: I move:

> That this Bill be agreed to in principle.

The Buildings (Design and Siting) Act gives the ACT Planning Authority the power to grant or refuse approval to proposals for the external design and siting of buildings in the Territory. In its present form, the Act applies only to buildings as defined in the ordinary sense of the word, as well as to such things as signs, fences, masts and aerials, which the Act defines as structures. The amendment Bill extends the range of matters that will be subject to design and siting approval to include roads, paths, car parks, channels, tunnels and dams - in fact, any building works involving significant excavation or earthworks.

The purpose of bringing such works under design and siting control is to ensure the continuance of the existing high standard of urban design in the Territory and to ensure that environmentally sensitive areas are not subject to adverse impacts from development works. Works such as the construction of roads and the development of urban spaces such as parks are often significant contributors to landscape quality, but at present there is no statutory mechanism to require examination of such proposals to ensure the quality of their external design and to ensure that their siting does not adversely impact on their location.

Mr Humphries: That is shocking.

MR WOOD: This Bill redresses that deficiency in the present development control legislation. No doubt you will be applauding this Bill.

Mr Humphries: Yes, excellent.

MR WOOD: Thank you for your commendation. The Bill also establishes the implementation plan system for approving proposed public works "development". The Bill provides that a person who proposes to develop public works in the Territory may prepare a plan called an implementation plan and submit it to the Planning Authority, which will make the plan available for public inspection and consultation for a minimum period of 21 days. After the public consultation period is completed, the authority may revise the plan before submitting it to the Minister, together with a report on any written comments received as a result of public consultation. If the Minister approves the plan, any applications for design and siting approval of proposed public works relating to the plan are exempt from further public notification and third party appeal.

The implementation plan system has two benefits to the community. First, it allows public works proposals to be publicly aired at a very early stage; that is, as soon as there is sufficient information available for members of the community to have a reasonable chance of understanding what the development is about. By going to public consultation before major design and development costs begin to be incurred, there is a greater likelihood that any compromise necessary between the community and the agency sponsoring the public works will be harmoniously achieved. The second benefit to the community is that there is greater certainty that development works related to the implementation plan will be delivered as planned. This is because they will not be subject to third party objection and appeal when the plans reach development approval stage.

I consider that the implementation plan system is a benefit to the community because generally the types of projects that will be the subject of implementation plans are going to be essential to community well-being. They will include facilities such as roads, power and water lines, parks and other recreation and landscape features, and residential subdivisions. The right of the individual member of the community to be heard is preserved because he or she would already have had the opportunity to raise any relevant issues in the public consultation process or by direct approach to the Minister prior to approval of the implementation plan. Importantly, the wider public interest will also be served because of the greater certainty that important public works can be delivered on time. These are the matters of substance dealt with by the amendment Bill. I present the explanatory memorandum for the Bill.

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

LAND (PLANNING AND ENVIRONMENT) (CONSEQUENTIAL PROVISIONS) (AMENDMENT) BILL 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.41): Madam Speaker, I present the Land (Planning and Environment) (Consequential Provisions) (Amendment) Bill 1993.

Title read by Clerk.

MR WOOD: I move:

> That this Bill be agreed to in principle.

The Land (Planning and Environment) Act 1991, commonly known as the Land Act, introduced a new regime for dealing with planning, heritage, environment and land matters. The Land (Planning and Environment) (Consequential Provisions) Act 1991 complements the Land Act by repealing, amending or retaining pre-existing legislation as appropriate. In the period since the Land Act commenced, a number of issues have been raised in respect of the consequential provisions Act that need to be resolved so that the Land Act can operate effectively.

Section 25 of the consequential provisions Act saves a lease that was granted or continued before the Land Act commenced under repealed legislation. However, there have been occasions since the Land Act commenced on which the leases have been issued under repealed legislation. This occurred for a number of reasons. In some instances, it had been agreed that leases would be granted under repealed legislation as applications had been made before 2 April 1992, the commencement day of the Land Act.

Section 26 of the consequential provisions Act provides that, notwithstanding that legislation has been repealed, a repealed Act shall continue to apply in circumstances where an application was received but not determined before the Land Act commenced. It was also the case that on some occasions, as with private enterprise land development, a holding lease for an estate provided that subsequent leases for residential blocks would be granted under the now repealed City Area Leases Act 1936. In both cases, as such leases would not have been in force on or before 2 April 1992, they are not comprehended by section 25 and are therefore not subject to the Land Act. The present Bill resolves this problem by providing that all such leases shall either be granted or be taken to have been granted under the Land Act.

In addition, the Bill addresses the situation where the Commonwealth relinquishes control over national land after the Act came into effect. Such land then becomes Territory land, subject to the management objectives of the Territory. Leases over such land which would have been issued under Commonwealth laws need to be transferred, as it were, to Territory leases. The current procedures require the lessee to surrender the Commonwealth lease and be granted a lease under the Land Act. It would be administratively more effective to provide in the consequential provisions Act that such leases are taken to have been granted under the Land Act.

An amendment is also proposed to section 29 of the consequential provisions Act. Section 29 provides a mechanism that would afford protection to a place of possible heritage significance until such time as the Heritage Council has completed an evaluation of that site. In essence, an order may be issued directing a person to stop or not to commence work in relation to the external design and siting of a building on a place which may be of possible heritage significance. This provision is intended to operate during the period of 12 months commencing from 15 July 1992 - that is, the date of the commencement of the amended Buildings (Design and Siting) Act under which the orders could be effected - to allow the Heritage Council time to establish an interim Heritage Places Register. At the time the consequential provisions Act was introduced it was anticipated that the evaluation of places most at risk would have been completed within 12 months. However, because of the workload involved in assessing places for inclusion in the interim Heritage Places Register, this timeframe will need to be extended.

As section 29 affords the only protection for places of possible heritage significance until such places are listed, the Bill amends section 29 to extend to 18 months the period during which a stop order may be made. I present the explanatory memorandum for the Bill.

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

LIQUOR (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.46): Madam Speaker, I present the Liquor (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

The Liquor Act 1975 has in recent years undergone significant reforms, primarily relating to the processes for the issue, suspension and cancellation of liquor licences and under-age drinking provisions. This Bill continues the update of ACT liquor legislation to reflect current community standards and expectations by specifically addressing the safety and community issues of overcrowding in licensed premises and loss of amenity in the vicinity of licensed premises.

The potential hazards associated with overcrowding of licensed premises have concerned the Government, licensing authorities, police and the Fire Brigade for some time. The Bill will address the issue by providing for the setting of occupancy loadings in accordance with accepted standards of the Building Code of Australia for the public areas of all licensed premises where liquor can be consumed on the premises; the display of occupancy loadings at the entrances to each public area in the premises; and the provision of powers to licensing inspectors and police to deal with overcrowding.

The proposed amendments also address the issue of loss of amenity in the vicinity of licensed premises. A loss of amenity in the vicinity of licensed premises can occur in a number of ways, including noise emanating from equipment or people on the premises, increased traffic in an area, fighting, vandalism of public or private property, or disturbances by people leaving or arriving, particularly late at night. To address this problem, the proposed amendments make provision for a loss of amenity in the vicinity of licensed premises to be grounds for complaint and establish a two-tiered process for resolving complaints. Firstly - and it is hoped that most complaints can be resolved at this stage with the minimum cost and inconvenience to all concerned - the Registrar of Liquor Licences can convene a meeting between the complainant and a licensee in an effort to conciliate an agreed solution. Secondly, when a conciliated solution cannot be achieved, the registrar can refer the matter to the Liquor Licensing Board, which will conduct a hearing.

The Bill also includes amendments to allow the Deputy Registrar of Liquor Licences to consider a liquor permit application and to allow the police to institute proceedings for all offences under the Act. I commend this Bill to the Assembly and present the explanatory memorandum to the Bill.

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

MOTOR TRAFFIC (AMENDMENT) BILL 1993 [NO. 2]

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.49): Madam Speaker, I present the Motor Traffic (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

The ACT Motor Traffic Act was introduced in 1936 and relates to the control of motor vehicles and the regulation of motor traffic. This Bill contains amendments to the Motor Traffic Act 1936 to refine fine default procedures for traffic and parking infringement notices, amend taxi plate auction procedures, and remove sexist language from the Act.

Firstly, I ask members to note the improvements to fine default procedures for parking infringement notices and traffic infringement notices, commonly referred to as PINs and TINs. Fine default for TINs or on-the-spot fines were introduced in 1992. This was an extension of the scheme which had been operating successfully for PINs. The aim of fine default is to replace the ultimate sanction for failure to pay fines, namely, a gaol term, with a penalty which is more appropriate to the offence. That penalty is currently cancellation of a driver's licence or vehicle registration or suspension of the right to drive in the ACT.

Cancellation may have been an appropriate sanction at the time when the licence was current for only one year. However, as we now have five-year licences, cancellation has become a more drastic measure than the enforcement policy requires. For example, if the licence holder's licence is cancelled in the first year

of a five-year licence, then the holder must pay another five-year licence fee to have the licence reinstated. This is in addition to the TIN penalty on the notice and the administration charge. Of course, if the event occurs in the last year of a five-year licence period, it is a significantly lower loss. I therefore propose that suspension, and not cancellation, is a more reasonable enforcement option for the non-payment of a parking or traffic ticket.

Another procedure which has been reviewed is that which applies where a traffic infringer wishes to dispute liability through the court system. If an infringer wishes to dispute liability, it should be done via the criminal jurisdiction of the Magistrates Court rather than the current process of civil jurisdiction. The present TINs procedure offers the police officer the option of proceeding by summons rather than by issuing a traffic notice, but does not provide the same option to the infringer. By providing for the infringer to have the matter heard in the criminal jurisdiction, it offers the infringer the opportunity to have the matter adjudicated on the criminal and thus higher standard of proof. It is unlikely that many infringers will elect to have the matter dealt with in the criminal jurisdiction as this would involve the risk of conviction and the acquisition of a criminal record, but the option should be available.

A further amendment is designed to ensure that the recipient of a TIN is not able to dispute liability after the issue of a final notice. There are two notices involved in the TINs procedure - the traffic infringement notice itself and the final notice. At present, a person served with a TIN is able to dispute liability at any time up to and following service of a final notice. This has the effect in some cases of creating an extraordinarily long delay before the ultimate sanction is undertaken. The Bill streamlines the procedure by providing that after a final notice has been issued an offender no longer has an entitlement to refer his or her case for adjudication in the court. This approach will not prevent reinstatement of a licence in a case where the justice of the case requires it, as the Registrar of Motor Vehicles has a general discretion to reinstate a licence on satisfactory grounds being established.

Aside from these changes, amendments are also being made to facilitate the setting of PIN penalties in regulations along the same lines as the TIN penalties under the Act. In addition to these major amendments, the Bill also contains a number of minor amendments to streamline TINs operations. Firstly, the Chief Police Officer for the ACT will be able to delegate certain powers relating to TINs. Secondly, costs of a court hearing will be at the discretion of the court. Finally, the Chief Police Officer should be able to withdraw a TIN at any time. Other minor technical amendments to improve the administration of TINs fine default have also been made.

In addition, the Bill reinstates two former sections of the Act - sections 27A and 27B - which were inadvertently repealed by the Motor Traffic (Amendment) Act 1991. These provisions dealt with the auctioning of taxi licences and the limitation on the number of taxi licences that the Registrar of Motor Vehicles could grant. Finally, the amendment Bill will remove sexist language from the Act, in line with the Government's commitment to the ongoing modernisation of ACT legislation. Madam Speaker, I present the explanatory memorandum for the Bill.

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

MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.53): Madam Speaker, I present the Magistrates Court (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

The Magistrates Court (Amendment) Bill (No. 2) 1993 will amend the Magistrates Court Act 1930 as a consequence of the amendments made by the Motor Traffic (Amendment) Bill 1993 to the fine default procedures in the Motor Traffic Act 1936. The Motor Traffic (Amendment) Bill 1993 will remove the current sanction for default of payment of a parking or traffic infringement notice, that is, the cancellation of the defaulter's driving licence or motor vehicle registration. Under that Bill, the sanction in future will be the suspension of a driving licence or registration. The Magistrates Court (Amendment) Bill (No. 2) 1993 will amend the Magistrates Court Act 1930 to remove the references to the cancellation of a driving licence or registration from the relevant provisions and to substitute references to the suspension of a driving licence or registration. Madam Speaker, I present the explanatory memorandum for the Bill.

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

TRAFFIC (AMENDMENT) BILL 1993

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

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

The Traffic (Amendment) Bill 1993 will amend the Traffic Act 1937 as a consequence of the amendments made by the Motor Traffic (Amendment) Bill 1993. The Traffic (Amendment) Bill will remove the isolated traffic infringement notice penalty contained in section 6D of the Traffic Act and facilitate the penalty's transfer into regulations under the Motor Traffic Act 1936. The TIN penalty referred to in section 6D relates to the compulsory wearing of a bicycle helmet. The inclusion of this TIN penalty in the regulations will enable changes to be made more cost-effectively and ensure that all TIN penalties are located together. The amendments will also remove sexist language from the Traffic Act 1937. I present the explanatory memorandum for the Bill.

Debate (on motion by **Mr De Domenico**) adjourned.

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO. 2) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.56): Madam Speaker, I present the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

The Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1993 will amend the Motor Traffic (Alcohol and Drugs) Act 1977 as a consequence of the amendments made by the Motor Traffic (Amendment) Bill 1993. The Motor Traffic (Alcohol and Drugs) Act 1977 provides powers to examine for the presence of alcohol or drugs the breath or blood of persons who drive motor vehicles. The Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1993 will remove the isolated traffic infringement notice penalty contained in paragraph 26A(f), dealing with blood alcohol levels of between .05 and .08, and place it in the Motor Traffic Regulations. The inclusion of this TIN penalty in the regulations will enable changes to be made more cost-effectively and ensure that all TIN penalties are located together. Madam Speaker, I present the explanatory memorandum for the Bill.

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

SOCIAL POLICY - STANDING COMMITTEE
Reference - ACT Housing Trust

Debate resumed from 25 March 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.

MS SZUTY (10.58): Madam Speaker, I have spent some considerable time examining the case for an inquiry by the ACT Legislative Assembly Social Policy Committee into the operations of the ACT Housing Trust, as proposed by Mr Cornwell. I have read the briefing papers Mr Cornwell has provided me with, including his summary of the information and the conclusions he has drawn from that summary; the appendices, which include questions he has placed on the notice paper and the Minister's answers to those questions; and also relevant *Canberra Times* articles over several months in which Mr Cornwell has raised a number of issues. I have also read detailed briefing notes from the Minister, Mr Connolly, provided to me in response to Mr Cornwell's concerns about the operations of the ACT Housing Trust.

I have also received a further briefing from Mr Ken Horsham, General Manager of the ACT Housing and Community Services Bureau, and Mr Rod Templar, Commissioner for Housing, and I have received a copy of the ACT submission to the Industry Commission inquiry into public housing dated March 1993. I have requested further information from the trust, in particular a timeline of major reforms over the years and interstate comparisons, and have spoken with people who have had long and considerable experience with the operations of the trust.

I have concluded that an inquiry by the Assembly's Social Policy Committee into the operations of the ACT Housing Trust is not justified. I now propose to explain to the Assembly why I believe that such an inquiry is not justified. As I see it, Mr Cornwell's concerns about the operations of the ACT Housing Trust centre on four main issues. They are rental arrears, maintenance, waiting lists, and behaviour of Housing Trust tenants. I intend to address each of these four areas of concern in turn.

Firstly, on the question of rental arrears, Mr Cornwell claims that 50 per cent of ACT Housing Trust tenants are in arrears with their payments of rent and that these arrears total $4.5m. The apparently high level of rental arrears principally relates to a significant change in the collection of rent from tenants due to the installation of the computer system. Tenants are now required to pay their rents two weeks in advance rather than in arrears. I agree that, as this is the ACT Housing Trust's policy and decision to align the payment of rent with what happens in the private sector, and as this policy will particularly disadvantage low income earners, it is appropriate that the change from payment of rent in arrears to rent in advance happens gradually over an appropriate period of time which will not disadvantage tenants.

There are 3,800 tenants - the majority of the 6,900 tenants who are in arrears with their payments of rent for less than two weeks - still adjusting to the change of policy which the installation of the computer system has brought upon them. I can imagine the distress that some ACT Housing Trust tenants must feel at being behind in their payment of rent possibly for the first time, receiving regular rental notices which indicate that their rents are now in arrears. These arrears account for $2.65m. There are a further 1,300 tenants in arrears between two and four weeks, and the trust has negotiated arrears payments with 1,600 of the 2,300 ACT Housing Trust tenants who are over four weeks in arrears with their rental payments, accounting for a further $1.63m. So, of the $5m in rent which the Minister has said is outstanding, valid explanations exist for $4.28m. This leaves a total of $720,000 in rent that is more unlikely to be recoverable.

The trust has introduced due process for the recovery of rental arrears, which is entirely appropriate. The information provided by the computer easily identifies tenants in rental arrears. Regular statements on the status of their rent accounts are provided to tenants, letters are sent to tenants when their accounts are 21 days in arrears, and personal contact with tenants is made by officers of the trust, either by visit or by telephone, to resolve rental arrears. There is an expectation that rental arrears will be paid by tenants, the emphasis being on the gradual recovery of arrears, and further stress is not placed on the family. Applying pressure to the family to pay outstanding rental arrears immediately would result only in the likelihood of tenants approaching the Smith Family, for example, for alternative assistance.

Following the adoption of a process which mirrors that in the private rental market, the ACT Housing Trust is unable to proceed with regard to the eviction of tenants for non-payment of their rent before appeals can be heard by the Housing Review Committee. Again, this is a fair process, the equivalent of which is available to tenants renting in the private sector.

The ACT Housing Trust has acknowledged that difficulties exist regarding the payment of vacated arrears - the rental money that is owed to the ACT Housing Trust when tenants have vacated their property suddenly and unexpectedly. The possibility of the ACT Housing Trust writing off some of its outstanding debt in vacated arrears was explored during the estimates process last year. The trust has explored the options pursued in other States and is currently examining a system of debt collection for vacated arrears. Because State and Territory housing authorities will not accept interstate tenants who have housing arrears in other jurisdictions, there is some reluctance by the trust to actively pursue a write-off policy. The balance needs to be found between appropriate write-offs for non-payment of vacated arrears and the prevention of irresponsible tenants signing up for public housing in other jurisdictions. I have taken a long time to explicitly say that the ACT Housing Trust is effectively and appropriately pursuing the non-payment of rental arrears by trust tenants.

I would now like to move on to consideration of maintenance issues. Mr Cornwell has drawn attention to an ACT Housing Trust maintenance bill which totals 50 per cent of trust income. As the Minister has pointed out in his response to Mr Cornwell's concerns, the most appropriate comparison for assessment of the extent and cost of maintenance is with asset value. Therefore, maintenance expenditure of $20m is compared with the asset value of the trust, which is $1.1 billion. Thus, the percentage of maintenance work in relation to asset value is 1.87 per cent. This level of repair and maintenance compares favourably with maintenance expenditures by other housing authorities in Australia - New South Wales, 1.28 per cent; Victoria, 1.58 per cent; the Northern Territory, 1.6 per cent; Queensland, 1.79 per cent; the ACT, 1.87 per cent; Western Australia, 2.39 per cent; Tasmania, 2.58 per cent; and South Australia, 3.04 per cent.

The ACT Housing Trust has four maintenance programs. The first is urgent maintenance and minor repairs, including tenant requests for these repairs. These are ad hoc requests for maintenance over which the trust has little or no control, and these have totalled $9.7m. The second area of maintenance is cyclical maintenance, which includes regular upgrades of public housing stock, for example, by way of painting. As opposed to urgent maintenance and minor repairs, cyclical maintenance can be planned for and budgeted for, and it has totalled $5m. The third is the vacancy maintenance program. This is where maintenance upgrades occur when Housing Trust properties are vacated. These are difficult to plan for and relate to the turnover of trust properties. The fourth is the refurbishment and replacement maintenance policy. These upgrades can also be linked with the vacancy maintenance program. However, the refurbishment and replacement program takes a longer-term view of the maintenance of public housing stock and generally occurs 50 years following the establishment of public housing. As the bulk of the ACT's public housing stock was built between the 1950s and the 1970s, major upgrades of public housing will need to occur at the turn of the century and be maintained until the year 2020.

I am very pleased that, with the introduction of the trust's computer system, tenants have a much greater opportunity to initiate repairs and maintenance work on their properties. This process empowers tenants to be more responsible for the maintenance of their properties in good order. The volume of calls received by the trust per year with regard to repairs and maintenance issues approximates 30,000. According to the trust, 90 per cent of tenants are happy with the repairs and maintenance system and the work that is done on their homes.

Thirdly, Mr Cornwell is concerned that 8,000 applicants for public housing are currently on the waiting list. Again, waiting lists effectively comprise three lists: Firstly, applications for emergency housing; secondly, applications for priority housing; and, thirdly, applications for public housing on the wait turn list. Applications for emergency housing are dealt with as urgent priorities by the trust, although Jerrabomberra House remains the trust's most likely option for emergency housing. Applications for priority housing are necessarily dealt with as higher priorities than applicants on the wait turn list, as the name implies. This is appropriate and means that people in the greatest need of public housing have their needs met first.

According to the trust, interviews for priority housing have increased in this financial year by 13.2 per cent over 1991-92. So far this financial year, 1,337 interviews have been conducted following requests for priority housing. Again, the installation of the trust's computer system has given the trust a good general idea of the length of the waiting list. Teething problems were experienced to begin with, as the same people making applications for public housing from regional offices - for example, Belconnen, Civic and Woden - were at times counted as three applications for public housing instead of one. People on the waiting lists for public housing are contacted every 12 months or so and their applications are reassessed. It is not uncommon for Housing Trust applicants to have significantly changed their circumstances once their applications for public housing have been lodged. They may experience changes in circumstances in their relationships or in their financial position; or they may have moved interstate or decided to share housing with others in the private rental market.

However, by far the most important indicator of Housing Trust waiting lists relates to the ability of the ACT's private rental market to cater for the needs of people who are eligible for public housing. The private rental market simply cannot provide affordable housing for all those people who need it and therefore the provision of public housing performs an important safety net role. As for the ability of New South Wales residents to have access to the ACT's public housing waiting lists, this practice occurs legitimately as part of the Commonwealth-State Housing Agreement, which enables portability between waiting lists of public housing authorities throughout Australia. This means that people waiting for the allocation of public housing are not disadvantaged should they choose to move interstate to pursue job opportunities, for example. Once on the ACT's waiting list for public housing, however, interstate residents will not be allocated a house, except in exceptional circumstances, within six months of their being resident in the ACT.

Fourthly, Mr Cornwell has raised concerns about the standard of behaviour of some ACT Housing Trust tenants. The most effective way of dealing with the inappropriate behaviour of trust tenants is to focus on the behaviour and not the tenants themselves. This is not to say that the trust should not continue with its current policy of appropriately matching tenants with Housing Trust properties. The trust retains close contact with tenants in flat complexes, in particular where there are known to be difficulties, and encourages meetings between tenants to resolve difficulties, referrals to the Conflict Resolution Service where appropriate, and referrals to other community agencies where tenants require special assistance, for example, with the development of living skills.

In recent times, the trust has placed particular emphasis on addressing appropriate social support structures for tenants in public housing complexes, which have achieved significant results. Civil disorder problems, especially where they persist, are best handled through the legal processes which currently exist. Civil disorder problems can happen anywhere in our city at any time. Additional options that are currently being examined by the trust, in response to the operation of several flat complexes that have been identified as having particular difficulties, include designing-out options, where the physical structures of the complexes are changed to improve local environments, consideration of on-site management of some complexes, which will address in part security issues, and consideration of the location of a greater social mix of people for certain flat complexes. Obviously, building design modifications would need to occur in some instances to enable small family groups to move into large flat complexes, along with the provision of improved playground equipment and landscaping to cater better for small children.

There are many other issues I could raise today to support my argument that no inquiry by the Social Policy Committee into the ACT Housing Trust is needed. However, I mentioned earlier in my speech that I had requested additional information to be provided to me by officers of the trust. That information specifically related to a request for a timeline of significant events which have occurred in public housing in the ACT since Canberra was founded. Madam Speaker, I seek leave to table this timeline, for the information of members.

Leave granted.

MS SZUTY: This timeline establishes the significant work that has been conducted by the ACT Housing Trust since the mid-1980s, and most particularly since self-government. *(Extension of time granted)*

Finally, in concluding that I do not believe that an inquiry by the Assembly's Standing Committee on Social Policy into the operations of the trust is needed, I draw members' attention to the Industry Commission inquiry currently being conducted into all public housing authorities throughout Australia. Should any issues in relation to the operations of the ACT Housing Trust be raised by this inquiry, I would be happy to refer the matter to the Social Policy Committee at that time. However, on the basis of the information that has been thus far presented by Mr Cornwell, a separate inquiry by the Social Policy Committee at this time cannot be justified.

MR MOORE (11.14): Madam Speaker, in preparing for this matter, Ms Szuty and I discussed it at some length. We agreed that the bulk of our ideas would be presented by Ms Szuty, who has done this in a particularly careful and thorough manner. The suggestion by Mr Cornwell on a number of occasions in this house reflects an ideological difficulty with the way the Housing Trust operates. It seems to me that the difficulty focuses on the difference between public housing and welfare housing. What Mr Cornwell would like to see is the Queensland style of public housing, where about 3 per cent of all housing is basically welfare housing. The historical background of Canberra is such that we have a system of public housing rather than welfare housing. The most significant advantage of that, as I see it, is that people are not marginalised by their need to seek help in terms of welfare housing. There is a range of people who use public housing, and those who can easily afford the full rental wind up assisting the community as a whole to pay for those who are not able to pay full rental because they are in need of some assistance.

I feel very proud to live in a suburb where there is a wide range of public housing, and I would think the vast majority of people in Canberra feel exactly the same way. It is fair to say that Mr Cornwell on a number of occasions has also expressed the point of view that he has no difficulty with housing through a range of suburbs. The difficulty with some of the proposals we have heard for selling off housing, particularly the more valuable housing, almost invariably around the inner city, is that then there is a different distribution of housing as far as the public is concerned, and we wind up with an approach that focuses on welfare housing rather than public housing. It is very important that public housing be distributed as widely as possible throughout the suburbs in Canberra. I think this is the approach the Housing Trust has taken and it is an approach I have always supported and continue to support.

The question of an inquiry taking place was raised by Ms Szuty, who expressed her opposition to an inquiry at this stage. In supporting Ms Szuty, I point out that it is important for us to realise that each of our inquiries is relatively important, and we must be convinced that there is enough evidence to support an inquiry that is based on issues rather than on an ideological stance.

Mr Cornwell has asked a whole series of questions that probe the Housing Trust very thoroughly and has done so in the Estimates Committee. I congratulate him for that because that is the role of an opposition and that is part of the accountability process. An inquiry is also part of the accountability process, but at this stage I believe that we have not had enough information to indicate that there is something drastically wrong or that we have such a major problem that it would require a full inquiry into the Housing Trust. In opposing this motion, I also draw attention to the fact that the issues raised by Mr Cornwell in his series of questions are important issues for the community to consider, but at this stage through the process he has been using and through the Estimates Committee rather than through the process of a specialist inquiry.

MR LAMONT (11.18): Madam Speaker, as indicated by Mr Connolly, we will be opposing this reference, and we should continue to do so not only for the reasons outlined by Ms Szuty and Mr Moore but also where such an inquiry is predicated on a desire to change fundamentally the face of Canberra. A number of questions have been put from time to time by Mr Cornwell to alter the way in which public housing is operated and distributed throughout the ACT. One of the things that have allowed the ACT, and Canberra in particular, to be developed in the way it has is the policies adopted by successive governments on the operation and location of public housing.

One of the matters we need to keep a close eye on as far as the Housing Trust is concerned is the way in which those properties Ms Szuty has outlined as needing redevelopment are redeveloped. To date, this Assembly has shown a great willingness to take on that issue. The Planning, Development and Infrastructure Committee of the Assembly is required to review all variations to the Territory Plan and it has also taken on that issue. I believe that that single issue is being adequately dealt with by this Assembly and by an existing committee of the Assembly. I believe that the basis of this reference is a witch-hunt; that is what is behind putting this reference to the Assembly.

Ms Szuty tabled a document which shows the significant events in the history of the Housing Trust and its forerunners since Canberra was established. In concluding my very brief address, I seek leave of the Assembly to have that timeline incorporated into *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

MR KAINE (Leader of the Opposition) (11.21): Madam Speaker, I want to speak briefly in support of Mr Cornwell's motion. I think it should be made clear that there is no contention here of malfeasance or anything of that nature in the Housing Trust. It is simply a question that this organisation has become a large operator, in anybody's terms. There are clearly problems, perhaps merely from the volume of business they conduct. There are some unsatisfactory aspects of that, and Mr Cornwell has run through them in some detail. Perhaps it is time for the Government to look at the way this operation functions. In my view, that would begin with a review of the philosophy behind the Housing Trust. Why do we have the Housing Trust? What is the nature of its functions? How does it operate? How efficient is it? Does it satisfy all of the criteria that should be applied to an operation of this kind?

I do not intend specifically to traverse the material Mr Cornwell put before the Assembly, but the sort of question that comes to my mind, not as a politician but simply as somebody who lives in Canberra, is that we have more publicly owned housing here than is the case anywhere else - I think it is something of the order of 12,000 residential units - and we have nearly 8,000 applicants on the waiting list. So one can say that close to 20 per cent of the householders in Canberra either are living in Housing Trust houses or wish to do so. That is way above the percentage of the population that lives in or has applied to live in Housing Trust houses anywhere else in Australia.

What is so different about the ACT that makes this so? Why is it that a housing stock of 12,000 houses - 12 per cent of our total housing stock - is inadequate to meet the needs of those who require assisted housing? That is essentially what we are talking about. Is there something wrong with this community that it is totally different from communities elsewhere in Australia?

Mr Lamont: Yes.

MR KAINE: Mr Lamont says yes. How can he be so positive? This community, we are told, is one of the most highly paid, most affluent communities in Australia, yet 20 per cent of us either live in Housing Trust houses, most on assisted rental, or want to do so. Some of those who want to do so are also living in assisted housing. That says to me that there is something wrong here; or, conversely, that there is something wrong in the rest of Australia, where people find other ways of solving their problems, but they still have difficulty. I do not know, but the fact that 20 per cent of the population either live in Housing Trust houses or want to do so suggests to me that we should be trying to find out why that is so. Maybe it is because the philosophy underlying the Housing Trust leads people to have greater expectations of the provision of public housing here than you would find anywhere else in Australia. Is that expectation a reasonable one? Again, I do not know, and that is why I support Mr Cornwell's proposal that we should have an inquiry into the matter.

There are other issues he raised. The question of uncollected rents seems to be a major problem. Mr Cornwell attempted to put some dimensions on that and he expressed a concern about it. Is uncollected rent unduly high compared to everywhere else in Australia? I understand that the Housing Trust says no. Maybe we should have a look at that. I could work through all of the things Mr Cornwell has put forward as justification for having an inquiry, but at the end of the day, no matter what I say, it is merely an opinion on my part that there appear to be some administrative difficulties in the way the Housing Trust is run.

If the fact that some of us in the community have concerns about this is not a good enough reason to have a broad inquiry into the nature of the Housing Trust, the way it does its work, and whether it is efficient and effective or not, what is justification? Do we have to come in here and prove that millions of dollars of public money is being embezzled or wasted before there is justification for an inquiry? I do not think so. I would have thought this inquiry would be in the interests of the Housing Trust. Once people start asking questions about the waiting list, about uncollected rents, about the size of the maintenance bill, those things in themselves ought to warrant an investigation, if necessary to prove that the trust is efficient, that it is doing its job right, and that those figures are good figures.

I do not know whether they are good or bad figures; there are a lot of people who say that they are not good. The order of magnitude of the amount of money that is invested in public housing, of the value of the public asset that is being managed by the Housing Trust, of the annual turnover of money through the Housing Trust and of the amount of money appropriated from the Consolidated Account to the Housing Trust each year is very large in the context of the ACT economy. Are we going to allow the Housing Trust to be held up to ridicule and

criticism for another 10 years on the basis of incorrect information or an incorrect assessment of that information, with officers of the trust constantly being hounded by the media and others when in fact the information is wrong, or are we going to set out to prove that the information is right? I would have thought that would have warranted an investigation to determine whether the trust is operating well or whether it is operating badly.

I finish where I began, Madam Speaker. I am not suggesting that there is embezzlement or fraud or gross mismanagement or anything of the kind. There seem to be some legitimate questions and, for my part, they begin with this apparent high demand for public housing that you do not find anywhere else in Australia. We live in a society that is said to be the highest paid, best educated, most affluent in Australia; yet 20 per cent of us need public housing, for which we should read "subsidised housing" in most cases. That is a matter of concern to me, and on that issue alone I think an inquiry is justified. For those reasons, Madam Speaker, I support Mr Cornwell. I would like to see the Government take the matter up and have a good look at the way the organisation functions.

MS ELLIS (11.29): I will be very brief, Madam Speaker. We do not need an inquiry such as the one suggested by Mr Cornwell. I believe that what we have here is a basic philosophical problem. Housing Trust properties are not to be regarded by anyone as welfare housing; they are public housing. That is what makes the ACT unique and that is probably what the Opposition is having a certain amount of difficulty grappling with. Mr Kaine suggests that we need to examine why we have the ACT Housing Trust in the first place. I suggest that that very question displays the difference in our positions on this issue. The people who live in these properties do not have to justify their position, and I believe that an inquiry of this kind would turn into that sort of justification process, which would be quite inappropriate and quite unfair.

The other point I would like to make is that the Estimates Committee, which is there to examine financial matters relating to government expenditure, had the opportunity, and I believe took that opportunity, at its last committee session to look at - - -

Mr Kaine: Except that they are not all financial matters.

MS ELLIS: You just referred to financial matters, Mr Kaine. The committee looked at the issue of finances throughout government. I understand from my reading of the report that there was no note in it of any problems being raised in relation to the Housing Trust. I think it is very important that we get that point on the record. Mr Kaine also talked about ridicule. I personally believe that the only ridicule would be that continuing to come from the Opposition and people who share their unfortunate views in relation to public housing in the ACT. The sort of inquiry Mr Cornwell is proposing, I believe, would end up being a witch-hunt based on philosophical grounds, and for that reason I strongly oppose any such inquiry.

MADAM SPEAKER: Mr Cornwell?

MR CORNWELL (11.30), in reply: I am waiting for the Minister, Madam Speaker.

MADAM SPEAKER: He has spoken.

Mr Kaine: He obviously did not say much if you do not remember it.

MR CORNWELL: I certainly do not, no. Madam Speaker, I have listened with interest to each of the speakers this morning. Taking it from the top, the figures Ms Szuty produced could be interpreted in the way she wishes to produce them. In turn, I can put my own interpretation on them. I would like to comment very briefly on what I said originally. The fact remains that, in relation to outstanding rents, there is $4.5m in rent arrears for 1991-92, of which $2.4m is in vacated accounts. It does not matter whether the new procedures now allow for rent to be payable in advance, although that is a welcome initiative and I applaud the trust for moving in that direction. We have $2.4m outstanding in Housing Trust accounts from people who have shot through. One has to ask: How did that occur? It is a very substantial amount of money.

Mr Lamont: It is not people who have shot through.

MR CORNWELL: Mr Lamont tells me that it is not people who have shot through. What otherwise do you call vacated accounts, Mr Lamont? There is $2.4 in vacated accounts, of a total amount of $4.5m for the year 1991-92. I do not regard that as a satisfactory arrangement in terms of public funds, and that is what we are looking at. I also seriously challenge the suggestion that the maintenance budget should be based on the stock value of something in excess of $1 billion. This seems to me to be an absurd way of looking at it. It is all very well arguing that you have $1 billion worth of stock, but that stock is realising only $42m in income, of which some $20m is going out in maintenance - something like 48 per cent of the income you are receiving. You cannot work it on the value of your stock. The stock value is not realisable unless you sell it. Therefore, I seriously question the argument put forward by Ms Szuty.

I was, however, enlightened by another comment she made about portability, allowing people to come from interstate to take up ACT Housing Trust properties. I was not aware that portability existed around Australia. I know that there is a requirement that people on the waiting list must have lived in the ACT for six months, but she raised the very interesting point of portability, and I will most certainly be investigating that further, Mr Minister.

Mr Connolly: We can look forward to many more questions on that, I am sure.

MR CORNWELL: You can indeed. We have 45 per cent youth unemployment here. Why would people, as Ms Szuty suggested, be coming to Canberra to look for jobs? We cannot even accommodate the people we have here in terms of jobs.

Mr Connolly: Because they want to come and live under this benign Labor Government. That is why they want to come here.

MR CORNWELL: Well, maybe. I put to you that the figures Ms Szuty has put forward could be interpreted as we wish. This is one of the problems of using too many figures in these debates.

Mr Moore commented that we do not have welfare housing here; we have public housing. All I can say is that I am confused, and this is perhaps another reason for an inquiry. The trust itself does not seem to know - never mind whether it is welfare housing or public housing - how many people are receiving rental rebates. You can use whatever nomenclature you like; it does not matter whether it is public housing or welfare housing. The fact remains that one figure indicates that 80 per cent of Housing Trust tenants are receiving rental rebate and another figure tells me that 84.4 per cent are receiving rental rebate.

Mr De Domenico: It might be a typographical error.

MR CORNWELL: I will be coming to that shortly. We have either 20 per cent of people not receiving rebate or 15.6 per cent. I know not, but I find it passing strange that the Housing Trust does not appear to know either.

However, that is hardly surprising. To refer back to Mr De Domenico's earlier comment, I think it is fair to say that one would have to question the statistics provided by the trust when they can make a typographical error of $100m in a trust submission to the Industry Commission inquiry - the very inquiry whose findings Ms Szuty wants us to await. That should be very interesting, considering that the information has been passed forward to the Industry Commission that the amount of $186.78m in rent receivable by the Housing Trust was only $86.78m because we made a typo of $100m in a submission. If I can pick it up, in just looking through their submission, and put a question on the notice paper, why on earth could not the trust have responded and told the Industry Commission that they had made that mistake? I am confused as to how many people in public housing, to use the Government's words, are in receipt of a rebate.

Mr Lamont made some comments about changing the face of Canberra. Mr Lamont, I do not object to your committee's examination of these things. I think it is very sensible and very fair. But I have raised before questions about single parents living in flat complexes. Mr Connolly disagrees with me, but certainly the representations received in my office would indicate that many of those people would prefer to be out in the suburbs - not marginalised, Mr Connolly - where their children can play with their peers rather than being cooped up in flats, where there are, unfortunately, some undesirable tenants.

We have had this one out, too. I want to make it quite clear that I do not believe that the vast majority of decent Housing Trust tenants should have to put up with - and I will repeat the phrase - a minority of social miscreants. It is a shame and a pity, and I would strongly advocate that the trust improve their procedures for routine, regular inspections of the trust properties, rather than using crisis

management, which works very simply on the basis that if you complain they will do something about it. That worries me. I wonder how many people are living in trust properties with bad tenants around them and are frightened to complain for fear that some action may be taken against them by those tenants. It is a matter that needs to be looked at, Mr Connolly, and I hope that the trust is addressing this question.

Mr Kaine: It is a question of social justice.

MR CORNWELL: It is a question of social justice, and the fact remains that many people are less than happy with that arrangement. You must have some more routine inspections.

Mr Connolly: Many people are unhappy with their neighbours.

MR CORNWELL: Not quite to the degree of the complaints that I receive. Single mums are in considerable fear about wild parties and drug taking and used syringes and things lying around public areas. I believe that the matter should be addressed. You cannot just push them away. You cannot just have a different standard for those people.

Mr Moore: So what do you do with them?

MR CORNWELL: You put them somewhere else altogether, Mr Moore.

Mr Moore: Like Melba Flats. We tried that.

MR CORNWELL: No. What we might do is to put them in Reid, next door to you. *(Extension of time granted)*

Finally, there is another area that concerns me, apart from the failure to collect the rents. Every time I raise questions in this Assembly in relation to what is supposed to be done - and I grant you that the Housing Trust has all sorts of guidelines, all sorts of policies - the fact is that there does not seem to be any follow-through. The most recent, Mr Connolly, was your answer in relation to this wilful damage of trust properties. There are two types of damage. One is fair wear and tear and the other is wilful damage. My questions elicited the information: "Yes, the trust views very severely the problem of wilful damage, and we will take action against the tenants. We send them accounts, et cetera". When I asked how much money had been received, I was advised that there was something like $50,000 in arrears for wilful damage. In other words, accounts had been sent out for that amount and only $556 had been received back.

Mr Kaine: Would that cover the postage?

MR CORNWELL: I doubt it, Mr Kaine. What it comes down to is that the trust is saying one thing and not doing another. This is taxpayers' money. It deserves to be properly accounted for, and I believe that that is not happening. These are justifiable reasons, in my opinion, for an inquiry into the trust, and I urge members to support such an inquiry.

MADAM SPEAKER: It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77, as amended by temporary order, and the resumption of the debate is made an order of the day for the next sitting.

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

That the time allotted to Assembly business be extended by 30 minutes.

Question put:

That the motion (**Mr Cornwell's**) be agreed to.

The Assembly voted -

AYES, 7	*NOES, 10*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Humphries	Ms Follett
Mr Kaine	Mrs Grassby
Mr Stevenson	Mr Lamont
Mr Westende	Ms McRae
	Mr Moore
	Ms Szuty
	Mr Wood

Question so resolved in the negative.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Statement by Presiding Member

MR LAMONT: I seek leave to make a short statement in relation to the consideration of the draft Territory Plan by the Planning, Development and Infrastructure Committee.

Leave granted.

MR LAMONT: I rise to provide the Assembly with an update on progress being made by the Standing Committee on Planning, Development and Infrastructure in dealing with the draft Territory Plan. Members are aware that the PDI Committee is required to review every draft variation proposed to the Territory Plan. Members are also aware that the existing Territory Plan essentially comprises over 1,100 former NCDC policies. These have been used as an interim measure to provide a planning policy framework since the abolition of the NCDC and the introduction of self-government. The draft Territory Plan now before the PDI Committee is the largest and most significant draft variation ever to come before the committee. The plan is intended to replace the former NCDC policies with a distinctly Canberran planning document which responds to our

community's needs as well as being accessible, unambiguous and relatively simple to use. Of course, the final document must also meet the Commonwealth's requirement that it be consistent with the National Capital Plan.

The Minister for the Environment, Land and Planning referred the draft Territory Plan to the PDI Committee on 1 December 1992. In accordance with sections 25 and 26 of the Land (Planning and Environment) Act 1991, the Minister asked the committee to prepare a report on the draft variation and to do so without undue delay. Though the proposed Territory Plan essentially comprises a comprehensive written statement and a map, the papers associated with the draft plan are voluminous. They include a very large set of consultation documents which enable any one of the 1,000 submissions to the Planning Authority to be tracked through the authority's processing stage and for its key points to be clearly identified.

The committee has already asked for and received additional documentation on matters raised in the draft plan. Among other matters, the additional documentation bears on the extent and nature of consultation between governments in the ACT region - that is, the Commonwealth, State and local governments - the policies of the old NCDC, the elements of the North Canberra area strategy, which is being funded in part by the Commonwealth Government under its building better cities program, and supplementary material on the Planning Authority's handling of submissions.

On 3 February 1993 the committee resolved to set aside 12 dates in March and April for examination of the draft Territory Plan. On 3 March the committee resolved to call for public comment on the draft plan, with members anxious to stress that the committee wanted to hear from those persons and organisations who made a submission on the earlier version of the plan and who remain dissatisfied with the response of the ACT Planning Authority to the issues raised in their submissions.

The committee believes that in making this decision it steered the right course between too greatly opening up a renewed period of public comment and too restrictively confining that public comment. To call for submissions on every element of the draft plan would likely see the committee inundated by the 1,000 submissions already received and processed by the Planning Authority in earlier periods of public consultation. By requesting members of the public to advise the committee where they think the planners have inadequately dealt with their submissions, the committee intends to act as a check on the ACT Planning Authority and provide people with a further opportunity to air their concerns. I assure members of the public that members of the PDI Committee have no hesitation in tackling the planners over any matter to do with the draft Territory Plan.

Advertisements appeared in the *Canberra Times* on Saturday, 6 March, the *Canberra Chronicle* on Tuesday, 9 March, and the *Valley View* on Wednesday, 10 March. The advertisements requested that public comment be passed to the committee by the last day of March, that is yesterday, which gives just sufficient time to arrange a set of three or four public hearings on the matters raised.

The first public hearing is set down for next Tuesday in the ground floor meeting room of the Belconnen Churches Centre from 1.00 pm to 6.00 pm. The second public hearing has been arranged for Wednesday, 7 April, in the community room of the Tuggeranong Town Centre Library, again from 1.00 pm to 6.00 pm. The purpose of both these hearings is to hear public comment on issues that are specific to the north side and south side respectively. The committee will hold a third public hearing on Tuesday, 20 April, here at the Assembly building. This meeting will hear public comment on issues of principle in relation to planning. At a further public hearing on Wednesday, 21 April, the ACT Planning Authority will be asked to publicly respond to all of the matters raised in these three hearings.

At this stage the committee hopes to wrap up its report on the draft Territory Plan by early May in order to have the report tabled in the Assembly on or about Tuesday, 11 May. The report then will lie on the table. Members of the Assembly are aware that the Government is required to have regard to the committee's recommendations before finalising the planning variation. I should stress, Madam Speaker, that the committee is not wedded to the above timetable. If matters arise which lengthen the time necessary to properly consider the draft Territory Plan, the committee accepts that some blow-out in the reporting time will occur. In large part, this depends on the response of the public to the call for comment on the draft. If members of this Assembly are aware of any individual or group who believe that their concerns about the draft plan have not been appropriately addressed by the ACT Planning Authority, then I urge them to ask such persons to contact the secretary of the committee urgently.

As I have indicated, Madam Speaker, the documentation associated with the draft plan is massive and the committee is carefully working through it. Members have been greatly helped by the Chief Planner, Mr Tomlins, and his staff. Each member of the committee has received one or more individual briefings on the documentation, and the committee as a whole has been briefed to date by officials of the Planning Authority, the Department of the Environment, Land and Planning and the ACT Housing Trust. Specific attention has been paid to date to the following elements of the draft Territory Plan: The handling of issues surrounding public and open spaces, and rural leases; land use policies in town centres; and the consultation process used to develop the draft plan. Madam Speaker, in relation to a number of those we are greatly appreciative of the amount of detail which has been provided to the Planning Committee by officials of those organisations. As they say, every day you live and learn. The history of how Canberra, as an entity, has been developed and the issues surrounding future development that have been provided by the agencies have been greatly appreciated by me as chair of this committee.

In closing, I wish to assure members of the Assembly that the Planning Committee is carefully considering the myriad of matters raised in the draft Territory Plan and is most anxious to get it right. In a cooperative spirit of accord, my colleagues and I are endeavouring to ensure that the final planning document provides the thorough and comprehensive guide to the ACT's future growth which the community expects and deserves to get out of this process.

CANBERRA IN THE YEAR 2020 STUDY
Ministerial Statement and Papers

Debate resumed from 25 February 1993, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

MS SZUTY (11.55): Madam Speaker, I am pleased to be able to respond to the second quarterly report of the Canberra in the Year 2020 study and to place my comments on the record. I claim an overwhelming interest in this process as it was as a result of my motion in the Assembly last year that we have commenced thinking about our medium- and long-term future as a self-governing Territory. Madam Speaker, I appreciate the effort by which the Government has produced these issues papers within a short timespan and that the reference group membership will soon be announced by the Chief Minister. Those people will then have the task of producing much of the work that goes into the third stage of this process. So I think it is timely to place Assembly members' views on the record to give some indication as to how we feel the process is going.

Firstly, I would like to outline what I feel is expected of this process by the Canberra community. I know that not many Canberrans will be aware of the nature and the scope of this exercise and that they may be waiting for more public processes to commence before having a major input, but the major expectation of those people with whom I have discussed the 2020 vision is that it will discuss a wide range of options with as many scenarios put forward as possible. It may not be possible to be expansive in the timeframe allowed; however, this process is about vision, so a reasonably wide range of options must be presented for discussion and debate. The process is also expected to be receptive to the views of the community, so that decisions about revenue raising measures, future planning, education and all the other areas of activity which form the basis of a thriving community can be a reflection of that community's aspirations. The process is also expected to be open, clear and devoid of jargon. The process must also start with a clear outline of where we are at the present time. We must all be aware of the starting parameters. If I may make an analogy, it is like following a map. If we have an idea of where we are going we can define that on the map, but if we have different ideas of where we are to start we will never arrive at our destination.

What have we established from this process? The first point that follows from my last statement is the fact that the issues papers have not been able to agree on the demographic scenario which will face the ACT in the year 2020. In the first report we have been presented with three scenarios - one representing a booming economy, which would result in a population of 542,000; a second declining scenario resulting in a population of 401,500; and a medium scenario which gives a figure of 516,500 people by the year 2020. In a confounding leap of logic, Background Paper No. 1, "Demographic Projections", goes on to rename the boom scenario as the medium scenario. In the first paper our growth rate was set at 2 per cent to arrive at a population of 516,500 by 2020, yet the background paper on demographics claims that the same growth rate would now produce a population of 540,000.

This has led to the situation where two papers - "Education and Training" and "Infrastructure Development" - assume a population of 516,500. "Urban Form" and "Economic Development and Employment" use 540,000. Five other reports use general terms such as "population growth" and point to an increase in the number of people over 65. "Housing" uses its own measure, preferring to talk about households but not about the size of those households. The difference in the figures, where actual figures are used, is not insignificant. The two scenarios are some 33,500 people apart. This is a lot of people - more than three West Belconnens or 11 North Watson proposals. This is not a small discrepancy in the figures. I am sure, however, that the Government is aware of these discrepancies and that the Chief Minister will have something constructive to say about how this has been addressed for the reference group's consideration of the issues papers.

Before leaving the issue of demographics I would like to raise another matter. The base and medium scenarios outlined as attachment No. 1 of the demographic background paper both use an unemployment level of 8 per cent. This is despite the fact that we have one scenario which claims to be either "business as usual" or "a boom economy". In my estimation of the statistics, and here I must admit reliance on the ACT's statistical summaries, while unemployment has climbed in recent years, the highest monthly unemployment rate in the past 10 years has been just over 8 per cent, while annual averages tend to be between 5.5 and 6.5 per cent, and some have been as low as 5 per cent. I will be interested to hear the Government's response to the fact that its officers appear to be quite comfortable with a relatively large number of ACT residents out of work in the long term, and that they feel that this will continue to be the case regardless of whether the economy is booming or in decline. The Government needs to make clear to the people of Canberra what basis there is for arguing an average unemployment rate of 8 per cent over 30 years.

I would like to point out that many of the issues papers appear to do a fair job of considering the future. In particular, the "Economic Development and Employment" issues paper has a very readable methodology for examining the issues. It begins with a fairly obvious "Where are we coming from?", asks next "Where should we be going?", and then looks at the influences which may affect us in getting there. It concludes the paper with a discussion of future choices. The main strength of this paper is that it raises issues and starts discussion. Indeed, that is the purpose of this part of the exercise. The "Social Justice Perspective" also very clearly sets out its interpretation of the present, the key issues and the possible scenarios in a way which is approachable, if a bit prescriptive. The "Urban Infrastructure" paper was also one of the better papers in the way that it approached the study; but I feel that it, too, suffered from being too prescriptive in its assessment of Canberra in the year 2020. The paper on "Finance and the Economy", while not being directional in its headings, also raises the main issues involved in the economy and invites discussion, and I found the "Key Global and Local Trends and Issues" paper informative.

Some the issues papers, however, disappointed by putting current technology forward as the 2020 vision. In particular, the "Law and Justice" paper put forward a list of six statements which represented its vision, and then proceeded to outline how they would be achieved. While I recognise that there may be a 30-year time-lag in the court system catching up with current technology because of budgetary constraints, I do not see the adoption of computerisation and video

technology as being a goal for the 2020 vision. We have that technology, and are using it in many instances. This is more of a short-term goal that is actually being driven by economic imperatives as much as by the need to speed up the justice system. That point aside, this paper also fulfils the need to raise issues and talk generally about future development.

There are five papers I have not yet mentioned and I regret that I will not be able, in this forum, to fully explain my concern about their contents. "Housing" sets out quite clearly its goals and has a clear outline of how it approaches the vision. However, it fails to explain some of its assertions. It makes the point that, on current household demographic trends, a greater number of households in the future will be headed by single, older women. While an interesting demographic fact to some, I do not see the relevance of the sex of the head of the household, unless, of course, it is to shore up the later section on gender issues in housing which seems to equate being a female sole parent with the needs of all women with children of young school age. Older women need to be consulted about what they want in housing choice, not to be told that their life still revolves around the shops, schools and work. There are, and will be, other lifestyle choices that they want to have available to them.

The "Education and Training" paper does not attempt to look at the current system in any meaningful way, but seems to accept that it lives up to its stated objectives and the community's expectations. However, it does raise issues. I feel that one of the major issues which will arise from this paper is the mission statements that it uses as its basis.

The "Health" paper causes me great concern as it commences its task by prescribing what its writer sees as the imperatives for the year 2020. It is also of great concern that its key trends and issues, the section that follows immediately on from the statement that "individuals should become even more health aware than now", begins with a discussion which includes artificial organs, expert systems, gene splicing, orthopaedic prosthetic customisation, robotic surgery and soft tissue implants. These technologies will become more common in the future, but I see no discussion of how preventative measures will be redefined, or how self-monitoring, early detection and new techniques will remove the need for some of these procedures. There is also no discussion of how a population, even of 540,000, will support the development and adoption of these procedures. Madam Speaker, I feel that this paper does perform the function of generating debate; however, I feel that the vision expressed could be clearer.

I reserve my remaining comments for the "Urban Form" and "Environmental Quality and Cultural Development" papers. These I will regard as the same, as they obviously have the same authors who have a fixation with dot points and motherhood statements. For example, I will describe the paper's definition of the quality of life:

> In this paper, quality of life is viewed as a concept that encompasses individuals, community and the environment. It arises from an integrated view of health and well being as a major community resource for social, economic and personal development. This includes consideration of people's physical, mental, social and spiritual dimensions, including the importance of self esteem, a sense of place, a sense of belonging, and a sense of ownership and control.

We are informed that both papers have been framed to address the principles of "Integration, Partnership and the Community, Equity, Sustainability and Conviviality". The writers must have blessed their word processors because in writing two papers they were able to use quite a lot of material twice. The definition of "environmental quality", which should have formed a major part of paper No. 7, says of the term that it "includes and seeks to integrate physical, social and cultural conditions and processes which impact on the quality of life".

Madam Speaker, I was disappointed that these two papers, which are so integral to the concept of the 2020 vision, are confusing, and seem to be driven by an already determined agenda which is never discussed. There is an assumption that "a shift to local electorates will affect the emergence of distinct cultural identities and may alter decisions about local environmental quality". Given that there is no plan in the public arena to give the new electorates under the Hare-Clark electoral system control over planning, or the collection of revenue, and given that we have one Territory Planning Authority to oversee development applications and environmental impacts, how will this difference emerge? What underlying assumptions have been made about the workings of future ACT local electorates and how can the community discuss these options?

Madam Speaker, I hope that the reference group has an ambition to arrive at an agreed future for Canberra in the year 2020 through community consultation and a thorough examination of the process to date. The reference group will have at its disposal the services of the authors of these various issues papers and will be able to examine the various demographic statistics which will be such an integral part of the future planning process. I also hope that they will canvass a wide range of opinions on the areas of study for this process. We need to be aware of all the potentialities, not just those that form the current thinking of the bureaucracy.

In doing its work on the 2020 vision the first task of the reference group is to review the issues and fundamental goals outlined in the issues papers. Then, I feel, there will need to be a consolidation phase where problems such as the inconsistencies of the demographics used are resolved. The group then is required to "advise on community views concerning key issues for Canberra in the period to the year 2020". The group also has the task of advising on the goals, strategies and evaluation and review processes which will form part of the final report.

In presenting the community with options, and in the last two reports to this Assembly, I would ask that the language used be devoid of jargon and that concepts be expressed clearly. As a community we have a very high level of education and can understand complex issues, but in the general acceptance that this exercise is meant to produce an outcome for the whole community it should be approached as a study which will be accessible to those whose future it describes - for example, the current secondary college population. We do not assume when talking to students that they all study economics as a subject; therefore, we should aim to express economic outcomes in plain English. If this means that terms such as "vertical fiscal imbalance" need explanation, then this explanation should be included in the documents. I would also ask that any terms which need definition be given practical definitions and not be discussed in terms of what they encompass, include or take into account, as that type of definition makes the term very subjective and we will need objectivity to arrive at common ground.

The timeframe for the completion of this task is tight, but I hope that the Government will live less by the letter of the law than by the spirit and, in addressing this issue, bring back to this Assembly a thoroughly researched study which properly reflects community aspirations and possibilities, or asks this Assembly to extend the process to allow this goal to be achieved. Much work remains to be done if this vision is to fulfil its promise. I am confident that the reference group will achieve the goals set for it, and, despite what may seem like a critical response to the material presented so far, I congratulate those people who have taken part in developing the papers. If I have dealt harshly with some papers, it is in the interests of making the process clear and accessible to the people of Canberra, the community we serve.

Madam Speaker, in conclusion, I am conscious that this exercise has the potential to be a very positive one in uniting Canberra in a way that has not been possible before or since self-government. We are working on a vision for our future and that of succeeding generations. What we leave for the next generation to continue will very much depend on whether we can formulate a clear vision and choose a direction that we as a community wish to take. If we have common goals and have agreement on the key issues that the future will bring, we stand a better chance of presenting ourselves to the rest of Australia as a distinct entity, separate from the politicians in Federal Parliament and from our other national capital identity.

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

Sitting suspended from 12.10 to 2.30 pm

DISTINGUISHED VISITOR

MADAM SPEAKER: Members, I would like to inform you of a distinguished guest in our midst. Present in the gallery is Mr Neil Bell, the member for Alice Springs in the Northern Territory Legislative Assembly.

QUESTIONS WITHOUT NOTICE

ACTEW Enterprise Agreement

MR KAINE: I would like to address a question to the Minister for Urban Services. Minister, yesterday your colleague the Minister for Industrial Relations told the Assembly:

> ... Mr Connolly has instructed ACTEWA to inform the Industrial Relations Commission that at this point they are not ready to proceed with an enterprise agreement between themselves and the Electrical Trades Union, or whatever its new name is ...

Can you confirm that you have issued a direction to this effect to the authority, and that you have done so in accordance with subsection 37(2) of the Electricity and Water Act?

MR CONNOLLY: There is an issue running with the Electrical, Electronic and Plumbing and Allied Workers Union in relation to an agreement. As was indicated yesterday by Mr Berry and as I said this morning on the Matthew Abraham show, the Government has taken a decision that enterprise bargains must conform with a global, whole-of-government format, and the arrangement that had been entered into between ACTEW and the union did not conform with that. The Government's intention is to continue talking with the union, through both ACTEW officers and officers of Mr Berry's department, to get a form of agreement which, in effect, preserves the benefits of that agreement but does so in a manner that is consistent with a whole-of-government approach.

I did issue a direction under the Electricity and Water Act. It was a formal direction. All the formal consequences of that will follow. It will be included in the annual report of the authority, which I think is the legal consequence that follows. I know that it was a formal direction under the Act. I cannot tell you whether it was under the section you quoted or not, but it certainly was a formal direction.

MR KAINE: I ask a supplementary question. If that is the case, perhaps you may care to table it. My supplementary question is: Will you now proceed to compensate ACTEW in accordance with subsection 38(1) of the Electricity and Water Act, which you are required to do?

MR CONNOLLY: I am required to do it only if I feel that there is a case for compensation, I think, if you read the section of the Act. As our officials are still working with industrial relations officials and the union, it is highly likely that we will get the most desirable outcome, which is preserving such benefits as there are to the community from the original agreement but doing it in a manner that is consistent with the global agreement. I doubt whether the question of compensation will arise.

Naval Communications Stations

MR LAMONT: My question is directed to the Chief Minister. Can the Chief Minister advise whether there has been any progress in transferring Commonwealth land at Belconnen and Symonston to the ACT for use in the Government's urban renewal program?

MS FOLLETT: I thank Mr Lamont for the question, Madam Speaker. Members will know that early last year the Federal Government indicated that the Belconnen naval communications station in the suburb of Lawson and the Bonshaw communications facility which is associated with the Harman naval station in Symonston would remain in operation until new facilities were built in the Riverina region of New South Wales. Construction of the new station is scheduled to commence in late 1995 and it is planned to be operational in 1999. I was very pleased indeed, Madam Speaker, to read yesterday that the Department of Defence had announced that they had acquired land in the Riverina area, in fact west of Wagga and north of Urana, for $11m, and that the proposed development, together with the closure of the Canberra based facilities, is on schedule.

The Government does welcome that announcement as it is, I believe, a very significant step in the Federal Government's commitment to vacate these areas in the ACT. I understand that the whole of the defence land in Belconnen and Symonston will be degazetted as national land upon the relocation of the existing facilities. Any costs to the ACT Government for this land are yet to be negotiated. Madam Speaker, the urban renewal program will include both of these areas in Lawson and Symonston once acquisition by the Territory is imminent. The availability of that land in Lawson and Symonston is consistent with and in fact of great help to this Government's aim of consolidating urban growth in Canberra.

ACTEW Enterprise Agreement

MR HUMPHRIES: Madam Speaker, my question is to the Minister for Industrial Relations. The Electrical Trades Union, or whatever it is now called, has delegates who, only in the last 24 hours I understand, have passed a motion of no confidence in you, the Minister, and have called on you to resign because of your "obvious bungling of the ACTEW enterprise agreement". I also understand that the head of that union has dubbed today April Wayne's Day. I ask the Minister: Given your very close connection and involvement with the union movement, do you regard this measure as a slap in the face? What does this motion do to your credibility as a Minister for Industrial Relations in a Labor government?

MR BERRY: Madam Speaker, no, I do not regard it as a slap in the face at all. One expects unions to be agitated by particular industrial circumstances, but I am buoyed by the fact that the Labour Council of the ACT have supported the Government stand on this issue because they know what it means to the Territory as a whole. They know that it is important to have in place an industrial arrangement which is fair to everybody, which is equitable, and which brings the best results for the community as a whole. I will read to you from a press release which was put out today by the Trades and Labour Council. It states:

> The TLC Executive resolved today to formally intervene in the AIRC Hearings concerning the industrial dispute of ACTEW, and the hearings concerning the Enterprise Agreement with the ETU.
>
> "It is Council's role to support the maintenance of a fair and equitable agreement across the entire ACT Public Service", said TLC Secretary, Charles McDonald.
>
> "Accordingly, we have called on the ACT Government to support its agreement with ACT unions of December last year.
>
> ACTEW was a party to that agreement, and equity requires that the broad principles be followed for all employees in that organisation", Mr McDonald said.

This is not an issue which concerns just 30 or 40 per cent of ACTEW employees; it concerns the whole of the public sector. At the same time the ETU ought not be isolated from receiving the benefits of a wages arrangement. That is why the Government is moving quickly to mesh, where possible, the arrangements reached with ACTEW with the overall arrangement that we reached and promised in December last year.

The integrity of the wages system relies upon continued commitment to that system by both parties. I can say to you that the Government is committed, and we have made that very clear in all of our negotiations with the trade union movement. It is now very clear that the Trades and Labour Council are committed to that sort of outcome as well because they know and understand that there is going to be a need for much energy from the trade union movement and workers out there in the workplace to work through those economic bargaining activities which will have to take place under this arrangement. We need their commitment to it; we have it. They need an employer who has a commitment to it; they have it.

Methadone Program

MR MOORE: Madam Speaker, my question is also directed to Mr Berry, but as Minister for Health. I gave the Minister some notice that I intended to ask a question about methadone. It is important also, Madam Speaker, to follow up the fact that the Minister indicated that the Government can move quickly on some issues. Can the Minister explain the reasons why the methadone program has still not been instigated in pharmacies, given that following a training session on 31 January, conducted by the Pharmacy Guild and other pharmacists, a number of pharmacists registered expressions of interest? If the Minister is intending to start the pharmacy methadone program, can the Minister give a starting date and indicate which pharmacies will be participating?

MR BERRY: Thank you, Mr Moore, for the question. Mr Moore did give me some notice of this, and I have been asked to respond on the media to a statement that Mr Moore has made already in relation to it. I can tell you, Mr Moore, a few details about the methadone program. The client places have expanded to 208, from 86 places in August 1991, so I think you would describe that as fairly fast action. This expansion will continue to a projected target of 350 places by the middle of this year, and we hope that that can be achieved because that will be a good outcome. The Government is expanding the range of places where methadone can be provided. A facility at the City Health Centre, which we discussed this morning, has commenced operation, and another is planned to open in a few months in Phillip.

In addition, changes have been made to the program to provide a greater choice and flexibility. A charge will be levied on clients from the end of March 1993. The criterion for waiving the fee has been agreed between client representatives. Developing a drug-free lifestyle and harm minimisation will remain a core treatment goal. To date, I am told, on my last advice, four community pharmacies have expressed interest in distributing methadone. I asked some of the questions that you raised with me this morning. I am not able to tell you on what date the first pharmacy will distribute methadone. I have asked the question and will receive some advice on that matter in due course, and I will bring that to you.

Mr Kaine: You cannot even answer a question on notice.

MR BERRY: The question will be answered. It will be properly considered and all of the details will be put in place. In relation to the Government's commitment to distributing methadone from pharmacies, the legislation has been passed in the Assembly. There are certain requirements in that legislation which provide for applications by pharmacies and response by government, and we will adhere to the provisions of the legislation, as you would expect.

MR MOORE: Madam Speaker, I have a supplementary question. It refers just to that legislation and adhering to that legislation. In fact the four applications you received were received before the end of February. Why have you failed your obligations under subsection 159(3) of the Drugs of Dependence Act, which requires you to make a decision about that within 28 days?

MR BERRY: As I said, I do not know on which day they made an application for it, but if - - -

Mr Moore: I tell you it is more than 28 days ago.

MR BERRY: The date upon which they applied has not come to my attention, but I will certainly - - -

Mr Moore: The legislation requires it.

MR BERRY: If those requirements have not been adhered to - that has not been brought to my attention - I will make sure that it is dealt with in great haste. It is not satisfactory for those sorts of applications to be made and for the legislation to be ignored. I will issue an instruction now, if you like, that my officers get off their butts very quickly and get me the advice about the applications and the information that I asked for this morning and that they provide it to me today. I will make sure that you are informed today, and any activity that is required from me as a result will be taken today as well.

ACTEW Enterprise Agreement

MR DE DOMENICO: Madam Speaker, my question without notice is to the Chief Minister. I refer to the ETU and plumbing union - or whatever it is called - dispute. Noting that the Federal Labor Government and the ACTU support similar enterprise agreements under accords mark VI and mark VII, will the Chief Minister now intervene to ensure that electricity supplies are not put under threat because of a demarcation dispute between two unions and an apparent ideological difference between two of her Ministers?

MS FOLLETT: Madam Speaker, there is no demarcation dispute. Members opposite have to understand that we are not like them. On this side of the chamber we take decisions collectively, and we take collective responsibility for them. There have been a range of questions asked and very good answers given concerning the current situation with the Electrical, Electronic and Plumbing and Allied Workers Union and their enterprise agreement with ACTEW.

Madam Speaker, on this side of the house our aim is to resolve the problems with that enterprise agreement and make sure that an agreement is entered into which is fair and equitable, which does maintain consistency with the ACT public sector enterprise agreement which some 15 unions are already a party to, and which also includes elements of the local productivity agreement which was previously negotiated between the ETU and ACTEW. That is what we are on about. I have no interest whatsoever in the kinds of alarmist and divisive tactics that members opposite seem to attribute to people on this side of the chamber. It is simply not the case. Madam Speaker, I think it is a case of wishful thinking over there that really is a little bit sad, in view of recent occurrences within the Liberal ranks.

We are concerned only with coming to an agreement which is fair to all parties and which, as I have said, mirrors the agreement that other unions are a party to. We are also extremely concerned that there not be inconvenience to the Canberra public. Again, that is an aim, and through continuing negotiations, continuing discussions, rather than trying to escalate problems, we intend to meet that objective.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. Can the Chief Minister explain to the house whether the views of her Government are similar to the views of the Federal Labor Government and the views of the ACTU in terms of enterprise agreements?

MS FOLLETT: The Government's approach to enterprise agreements mirrors the Commonwealth's approach on such matters. In our current issue that is exactly the outcome that we are looking to achieve, as I have said many times. We have an ACT public sector enterprise agreement and we regard it as very important that other agreements - agreements made subsequent to the December agreement - are consistent with that. That is precisely the situation that the Commonwealth has adopted as well, as far as I am aware.

Community Medical Practitioners

MS ELLIS: My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. The Australian Medical Association last night claimed on television that ACT Health subsidisation of 17 community medical practitioners is an extravagance. Is there any basis to that claim?

Mrs Carnell: It costs $3m a year.

MR BERRY: Madam Speaker, I hear Mrs Carnell interjecting and coming onside with the AMA. That does not surprise me because Mrs Carnell also supported the AMA in the recent election campaign where the AMA was moving to outlaw bulkbilling, and the people of Australia gave them a good drubbing for that. The claim by the AMA is misleading because it does not address all of the facts. Community medical practitioners provide an important service to the people of Canberra, a service that the people of Canberra want to continue. I am surprised a little at the remarks by the AMA. I would not have expected that sort of a remark, given that it is a criticism of their fellow health professionals.

Mrs Carnell: No, it is not; it is a criticism of you.

MR BERRY: Mrs Carnell interjects that it is a criticism of me, so it is a criticism of me for supporting those valuable community medical practitioners. I do support them and the AMA can criticise me all it likes. They are a valued asset to the community. The medical profession, as a whole, is supported by this Government and we know its value to the community; but when valuable community assets like community medical practitioners are attacked we will rise to their defence.

These community medical practitioners, Madam Speaker, are the key to maintaining access to bulkbilling, which is a must if access to health care is to be based on clinical need and not financial status. So it is very important that we maintain those community medical practitioners. Other advantages include closer links with interdisciplinary services, such as physiotherapists, nutritionists and nurse practitioners, and allowing a more holistic approach to case management. Salaried doctors are also able to give more time to the total needs of the clients, including preventative and educative treatment. Community health services are greatly enhanced by the contribution of community medical practitioners.

The reasons that I have outlined are, in themselves, enough to justify those community medical practitioners. Financially, the practitioners are far from an extravagance, and we should not look at them only in financial terms because there is much more that they provide to the community than value for the dollar. In the 1991-92 financial year the 17 medical practitioners raised a total of $1.3m in revenue for ACT Health.

Mrs Carnell: What did they cost, though?

MR BERRY: Their salary costs were $1.2m.

Mrs Carnell: But that is not including the cost of the premises, or the ancillary staff, or the - - -

MR BERRY: You see, we are different from Mrs Carnell. We do not weigh up services in dollar values. We weigh them up in the service to the community. We are, of course, quite different from the Liberals on this score. They would argue that no service is good for the community unless it makes a profit. We are quite different on that score. We make sure that service to the community is the most important feature.

The claims by the AMA, Madam Speaker, appear to be based purely on their consistent criticism of bulkbilling in the public sector and the private sector. I would urge them, now that the election is over and all the froth and bubble of politics has gone, to pick up the issue of bulkbilling and embrace it rather than fighting it, because if we are ever going to provide a quality service to the community out there bulkbilling is going to be an important feature of it. The Liberals ought to know that it has been turned on its head now. The people of the ACT have voted and have made it clear, even to these Liberals opposite, slow as they are on the uptake, that they do not want to see Medicare interfered with and they want to maintain bulkbilling. So embrace it; you will be better off.

Acton Peninsula

MS SZUTY: Madam Speaker, my question without notice is to the Minister for the Environment, Land and Planning, Mr Wood. I draw the Minister's attention to remarks he made in the Assembly last week where he stated that the extensive consultation process which is occurring on the future of Acton Peninsula is a process that Mr Lyndsay Neilson has been running and that in the end the ACT Government will determine what goes on Acton Peninsula. I further draw to the Minister's attention remarks made by the National Capital Planning Authority in the *Canberra Times* today which state that construction of a hospice on Acton Peninsula cannot start without its approval. My question to the Minister is: Why are not the National Capital Planning Authority and the ACT Government working cooperatively together to determine the future use of Acton Peninsula?

MR WOOD: Madam Speaker, the NCPA and the ACT Planning Authority are working together on this matter, though the National Capital Planning Authority, it must be said, has very much the prime role in this. They are the initiator. They do most of the running, and the ACT Government, through the Planning Authority, is a minor player. I have given thought at various times to the ACT Planning Authority's role in this, to see how the ACT Government's view can be put with more determination, with a greater emphasis on what we have in mind there. Bear in mind that the responsibility, legislatively, is with the National Capital Planning Authority, so while there is a deal of activity between the two agencies, a good deal of it at an informal level, we are limited in what may happen.

I said the other day that we determine what goes on that site. That is the case, because we are the ones who will be authorising it, and paying for it to the extent that there are government works on it. It is also the case - it is quite clear and always has been - that because the NCPA has the planning responsibility, ultimately, through their processes, they will determine, by way of the planning, what is possible there. To give you one example of that, we have indicated that certain health facilities will be on that site. I expect no difficulty with that because it was part of the document that the National Capital Planning Authority put out some time ago. In due course, when plans come forward, there will be authority, via the planning approvals, for health facilities there. That will happen. We will be able to put that there. If certain other things come through on that plan that we do not desire, they will not be built. That is the case. I am confident that what we want for that peninsula will be able to happen. Nevertheless, I am not entirely comfortable with the arrangements as they are because, while we do not have that planning responsibility, there are some limitations on our ability to initiate action. I am considering means by which the ACT Government can play a more dominant role.

Health Budget

MRS CARNELL: My question is to the Minister for Health. On Tuesday I asked the Minister to explain the difference of $6m between the Health financial report to 31 December 1992 and the Treasurer's December quarterly financial statement. The Treasurer, on behalf of the Minister, who seemed incapable of replying at the time, explained the difference in the figures in terms of draw-downs to provide for advance payments. Regardless of whether the funds were drawn down in December for prepayments, unless the funds were actually expended in December they would not have been recorded in a cash based account as used by both Treasury and Health. The figures for expenditure to the end of December, therefore, should have been the same. The Minister must explain what the difference is. Are the Health figures wrong, the Treasury figures wrong - noting that the Treasury reports financial information supplied by Health - or is cash accounting not the basis being used by both Treasury and Health as stated?

MR BERRY: This is just a repeat of a question. The question has been fully answered, Madam Speaker, and Mrs Carnell has been caught out for misleading the community. She has been caught out on a big one. It was fully explained to Mrs Carnell, on the day that this was raised, why the differences were there. It was about figures which were drawn down for Health and not expended in the first week of January.

Mr Kaine: If it was not expended, how does it figure in the cash accounts as being spent?

MR BERRY: Wait. That involved additional pay over the Christmas-New Year period, prepayment of salaries and a payment of leave loading - it was all explained to her - additional funding-down to compensate for outstanding reimbursements from other agencies, the prepayment of third quarter grants to the non-government sector, the prepayment of Calvary Hospital rent for January. Do not let us be misled by this. Mrs Carnell went out and said that there is a $10m blow-out in Health for the six months ending December, and in saying that she misled the community.

Nobody in this Government knows more than I do that the health system is under a great deal of strain, because my office continually has to deal with the issues concerning it. It does no good for the health system for the likes of the Liberals opposite to campaign against the public health system incessantly. Yes, Madam Speaker, the health system in the ACT is under stress. There is no question about that. It is treating more people than was predicted and it costs more. There is no question about that. We have known that at the end of this financial year we will have spent more than was budgeted for a year previously.

Mr Kaine: By about $10m at least.

MR BERRY: It was already about $4m around Christmas, and it will be more than that by the end of this year. It has never been any secret, as I explained to you. The Treasurer's December quarter financial statements indicate payments from the Consolidated Fund to Health's bank account, whereas Health's financial performance report relates to expenditure from the Health bank account. Is that understood? Payments from the Consolidated Fund included funds required by Health for payment of accounts due in January 1993. Furthermore, the Health December financial performance report presents the expenditure from Health's bank account.

Direct comparison cannot be made between the two reports because they relate to different accounting entities and have different cut-off dates. Problems of comparison such as this are one of the reasons why the Government has acted to wind up the Health bank account this year. It will be wound up. There is no question about it. I will not stand idly by and see the misleading campaigns run out there in the community by Mrs Carnell and the Liberals, without saying something to correct it.

MRS CARNELL: I have a supplementary question, Madam Speaker. Again, Minister, is cash based accounting the basis used? Maybe I should ask the Minister whether he understands what cash based accounting is.

MR BERRY: It has all been explained. The money is drawn down from Treasury and placed in the Health bank account. I might try to explain it to you this way and you might then understand. For example, if you predicted a little way down the track that you had some bills and you had some money in your savings account and you wanted to pay those bills from your cheque account, you would take the money from your savings account and put it into your cheque account, and it might lie there for a couple of weeks before you pay it out. Think about that. It might explain to you what happened.

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

Unemployment Statistics

MS FOLLETT: On 30 March Mr Stevenson asked me a question about the number of people in the ACT who are registered as unemployed and the number receiving unemployment benefits. I took the latter part of Mr Stevenson's question on notice. Madam Speaker, the answer is that the information is collected by two Commonwealth agencies, the first by the Commonwealth Employment Service and the second by the Department of Social Security. The CES does not publish information concerning the number of persons registered as unemployed. They consider that the labour force survey conducted by the Bureau of Statistics is the relevant source of data concerning employment and unemployment.

The Department of Social Security advises that as at 19 March 1993 its Canberra office records a total of 9,831 persons in receipt of an unemployment benefit. This number includes people living in the ACT as well as in Cooma, Yass and Bombala. I am advised that it would take some time to obtain disaggregated information for ACT residents from the Department of Social Security. They keep regional statistics rather than statistics for the ACT.

ATTORNEY-GENERAL
Motion of Censure

MR STEVENSON (3.04): Madam Speaker, I seek leave to move a motion of censure of the Attorney-General, Terry Connolly.

Leave granted.

MR STEVENSON: I move:

> That this Assembly censure the Attorney-General, Mr Terry Connolly, for misleading it.

I understand the importance of this motion, both for the public and for this parliament, and I do not move it lightly. However, knowing the facts as I do, I feel that it would be improper for me not to move to censure the Attorney-General.

Last week, on Tuesday, 23 March, Mr Connolly misled this Assembly during the debate on domestic violence. Today I will table written evidence to show that Mr Connolly made statements, recorded in *Hansard*, which clearly contradict earlier written statements he made. Not only did Mr Connolly mislead the members of this Assembly but his statements in the house contradicting his own signed letter of 21 January 1993 show that he knew that what he said in parliament was untrue.

Today I will show three things. I ask members to consider each one of these things separately. I believe that it is clear that any one of them, if proven, would warrant censure. Firstly, I put it that what Mr Connolly said in this house was not the truth, in that it contradicted earlier statements he had made. His statements also misrepresented the content and tone of a letter of invitation he received to a domestic violence forum; thus he misled the house. Secondly, the written evidence shows that Mr Connolly must have known that what he said in this house was untrue because it contradicted earlier correspondence signed by him. Thirdly, what he said in the house, under privilege, unjustly maligned and defamed public organisations and individuals associated with them. This is not, nor should it be, a debate on the relative merits of legislation to prevent and control domestic violence. It is simply a debate on whether or not Mr Connolly misled the house.

Let us begin with the details. The *Hansard* record of 23 March shows on page 76 that Mr Connolly made certain statements in reply to a question I had raised during debate. My question asked why he had not attended or sent a representative to a public forum on domestic violence to which he and other members of this Assembly had been invited. While the *Hansard* record I refer to is the uncorrected proof copy, I do not expect that Mr Connolly will wish to make any significant alterations. His answer was:

> Mr Stevenson asked me why I did not attend a particular meeting. I did not attend the meeting because the "invitation" for me to attend the meeting was in fact a demand that I immediately repeal the domestic violence laws in this Territory or face a High Court challenge to demonstrate their illegality and, by the way, would I like to come to this meeting and explain why I failed to repeal them. When I get that sort of extremist ratbaggery directed to me I politely decline the invitation.

I will now read out the invitation that was sent to Mr Connolly. It is fortunate that we have an exact copy of Mr Connolly's invitation, so we can tell what was written. As I read, you may wish to ask yourselves: Is this invitation an example of the extremist ratbaggery that Mr Connolly alleged it was? You may recognise the invitation as it is the same one that was sent to 12 members of the Assembly, each personally addressed. In his speech Mr Connolly also referred to the right-wing misogynists out there who are dedicated to overwhelming domestic violence laws. "Misogynist" means woman hater. This is yet another unjust label that can be seen to be directed to the convenors of the forum. I read the letter, labelled annexure A, from the Lone Fathers Association (ACT) Inc. that invited members of this Assembly to the domestic violence forum:

> Terry Connolly
> ACT Attorney-General
>
> Dear Terry
>
> Re our recent telephone discussion.
>
> I now confirm (in writing) my request for your assistance in our plight for some fairness to be put back into our ACT laws on Domestic Violence.
>
> Neither ACT-based single parent organisations with which I am involved - Parents Without Partners (PWP) and the Lone Fathers Association (LFA) - condone domestic violence, but we do speak out against the inequities which are built into the current laws.
>
> For instance, we strongly protest at the assumption that a person is assumed guilty on allegations alone, until that accused person proves that the allegations are incorrect! Often this results in an order from the Magistrates Court giving the Police powers to evict one party from the matrimonial home. That person has no rights and cannot go to court to answer the charges until up to 10 days after the event! Even then the accusing party can come up with further false allegations and present these as evidence which causes the matter to drag on even further.
>
> I am, I hasten to add, not for one moment trying to justify any act which may be construed as "domestic violence" such as the learned judge in South Australia did recently. His judgment has set back human relationships (let alone the law) by 20 years!! Let me repeat; I, and my organisations (which represent many women who have suffered from similar circumstances), are against all forms of violent behaviour. However, it is a common occurrence that false allegations are made in desperate circumstances (even the women will admit this). I have been called on my home 'phone number for help on this very issue by over one dozen callers during last December alone! They are often referred to us by the very people responsible for their eviction; eg, the Police; as well as counsellors, LifeLine, and even areas of the local government!! Our organisations do not have the resources to deal with the complications of such cases, nor the trauma of trying to find accommodation for fathers and young children evicted from their homes in the middle of the night!! That is just social madness!! It is also creating much bitterness and needlessly inflamed passions!!!

I turn to page 2, which reads:

> I have been bringing these problems to the attention of the local government for years now and, as you are no doubt aware, there is still nowhere for these people to go, as there are no "men's refuges" or other such organisations for them to turn to - apart from us!
>
> Therefore we feel that there must ... be a balance reinjected into the current legal process which allows the accused their statutory right of natural justice.
>
> Should the law and the ACT government not yield to our request, then we will have no alternative but to take immediate steps to institute a legal challenge in the courts which will effectively outlaw all domestic violence legislation. This will have the effect of leaving many women and children vulnerable and unprotected in the whole Australian community. However, if the rights of the accused individuals are not to be protected, then this is the only course of action we can take to preserve the dignity and compassion of the society in which we all are forced to live.
>
> To avoid such a mutually unrewarding situation, I suggest that we all get together, in public, to clear the air and make some constructive amendments to the current legislation.
>
> I now invite you to a forum which will be run by both the LFA and PWP. I will also advertise it widely in the local media and pass on invitations to all those affected by the current legislation. This is what it will say:
>
> PWP(ACT) and the LFA(ACT) will host a public forum on domestic violence to be held at the Parents Without Partners Centre ... Dickson ...
>
> An invitation is extended to anyone interested in this issue. The Federal Minister for Justice and representatives from the Federal Police and other referring agencies have been invited to attend. Local politicians have also been invited and can expect to be lobbied to have these matters (and any resolutions) discussed in the ACT Assembly.
>
> This is a personal invitation to you to come along and at least see for yourself the legitimate grievances of those who are being prejudiced by the current domestic violence legislation and its operation in the National Capital. Please send your acceptance to me at the above address, or 'phone or fax it to me, as soon as possible. Preferably we would like to know your intentions by week ending 5 February 1993.
>
> Yours sincerely
>
> Barry Williams, BEM, JP
> National and ACT President, Lone Fathers Association Inc; State President, Parents Without Partners (ACT) Inc.

I seek leave to table a copy of this letter, labelled annexure A.

Leave granted.

MR STEVENSON: Mr Connolly told us that this letter was an example of extremist ratbaggery. Reading the letter shows that, far from its being of an extreme or ratbag nature, the letter is one of invitation. It does present a strong viewpoint, but it does so in a balanced way and shows genuine concern for the important issue of domestic violence. The community groups concerned are hardworking and public-spirited organisations.

This is the same letter that caused me to attend the forum. I certainly saw no offence in it. Indeed, I do not believe that offence could be taken by any reasonable person. This was the same letter that caused Mrs Carnell and Mr Humphries to attend as representatives of the Liberal Party, and I believe that it was the same letter that caused Mr Moore and Ms Szuty also to attend the forum. I am certainly glad that I went. Those of us who did attend represented every group or Independent in this Assembly except the Labor Party. We heard a range of views, which I for one found to be most educative.

We have seen that this serious allegation directed at community groups and their members by Mr Connolly is unfounded. If you believe that we can say what we like, I ask: Why? Is it fair to slander unjustly community groups by misrepresenting what they say? Mr Connolly also suggested that the invitation he received was directed at him personally. This is a relevant point. Was it something personal? We now know that this also is incorrect, the same letter having been sent to 12 of us, though individually addressed.

Let me make the point that the bona fides of the Lone Fathers Association and Parents Without Partners are not in question here in relation to whether or not Mr Connolly misled the members of this house and the Canberra community. Such bona fides are relevant to the fact of Mr Connolly's defamatory remarks, but this is a separate question. Are his statements unwarranted and unreasonable? If so, this is, by itself, a matter that would warrant censure - another one. We should note that Mr Connolly's remarks about extremist ratbaggery must be viewed only in the context of the letter of invitation. Mr Connolly was not talking about some opinion he had formed some time earlier; he was referring to the invitation itself. Remember that he said:

> When I get that sort of extremist ratbaggery directed to me ...

As Mr Connolly did not table the letter for us to make our own judgment about it, he knew that we had to rely on his words in this parliament. To understand this point, let us turn our attention to the author of the invitation Assembly members received to the domestic violence forum. As I indicated earlier, the letter of invitation was signed by Mr Barry Williams, who is the national and ACT president of the Lone Fathers Association. He is also the ACT president of Parents Without Partners Inc. Mr Williams was awarded the British Empire Medal in 1980 in recognition of his work for single parents. He has received a great many letters congratulating him for the work he has done.

Is it not a grave injustice that this man and the organisations he is associated with are denigrated by Mr Connolly under parliamentary privilege, and that this was done by misrepresenting what the letter said? Members can clearly understand my reference to parliamentary privilege. Such comments made outside the house would be actionable. Mr Connolly deserves censure for defaming the Lone Fathers Association and Parents Without Partners by misleading this house about what they said in their invitation letter. Members who were in the chamber at the time will recall that Mr Connolly, in making his entirely unreasonable and defamatory statements that included those organisations and Mr Williams, spoke in a fairly heated and aggressive manner. The evidence shows us that his statements were unjustified and misleading.

This point stands alone: The major censure will come from the false reason he gave for not attending the forum. Mr Connolly accepted the position of Attorney-General in the ACT. In doing so, he undertook to accept the senior responsibility to ensure that justice is available to all Canberrans. In his claims of extremist ratbaggery, Mr Connolly ignored the rules of propriety and roundly abused the privilege extended to him by this Assembly and his position. Both of these things are, and must be shown to be, unacceptable behaviour in any member of this Assembly. Such action by a Minister is all the more unconscionable. It is particularly so if done by the Attorney-General. Ahead of anyone else in the ACT, the Attorney-General should be mindful of the harm caused by defamatory statements. His own conduct in such matters must be exemplary. Yet we see in the Attorney-General's statements a very poor example to the community and to members of this house.

Mr Williams began his letter of invitation by appealing for "your assistance in our plight for some fairness to be put back into our ACT laws on domestic violence". Yet Mr Connolly refers to the letter as extremist ratbaggery. In 1981 the Minister for the Capital Territory, Michael Hodgman, said that Mr Williams had achieved more benefits for lone parents than any other known person or organisation. As well as censuring the Attorney-General for his slanderous and untrue statements, this Assembly must leave the Minister in no doubt that he should seek to make amends for the harm he has done by, at the very least, apologising to the people whom he has needlessly damaged and to this Assembly.

The next statement made by Mr Connolly in this house that I wish to highlight was:

> ... my letter to the person who invited me made it very clear that we would not be repealing these laws.

This is another untrue statement by the Attorney-General. His letter made no such mention, let alone making it very clear. Let me read the letter Mr Connolly sent in reply to the invitation by the Lone Fathers Association. The letter is addressed to Mr Williams, national and ACT president, Lone Fathers Association, and is dated 21 January 1993. It reads:

Dear Mr Williams

Thank you for your facsimile of 15 January 1993 which, inter alia, invites me to a forum on domestic violence.

Given your interest in the issue, I have enclosed for your consideration a very informative discussion paper on domestic violence which was prepared by the ACT Community Law Reform Committee (CLRC) following a reference I gave to that committee. As the Government is progressing this matter through this committee, it is inappropriate for me to attend your forum.

In addition, I believe that the terms of reference in the discussion paper pave the way for a wide-ranging review of the ACT legislation and provide an appropriate mechanism where community concerns about domestic violence can be considered by an impartial, independent and reputable body. I am sure the CLRC would welcome any submission your organisation wished to furnish.

(Extension of time granted) The letter continues:

I have asked an officer from my Department to provide you with details of public hearings and the date for the closing of submissions.

Thank you for your interest in this matter.

I quote a second letter from Mr Connolly to Mr Williams, dated 27 January and labelled annexure C:

Dear Mr Williams

I refer to your facsimile of 15 January, my response of 21 January and your telephone call to my office last Monday.

For the reason stated in my letter to you, I do not intend to participate in your forum, nor do I wish to send a representative.

Let me highlight that the reason stated in the letter why Mr Connolly found it inappropriate to attend was the work being done by the Community Law Reform Committee. That was the reason he clearly gave in the letter, and he restated it in the second letter.

Let us look at the evidence. Mr Connolly told the house that he did not attend the domestic violence forum because of the letter. This is the major point. We ask ourselves: Was Mr Connolly's assertion true or did he mislead the parliament? He said that he did not go because of the letter, but we see in Mr Connolly's letter that he gave an entirely different reason for not attending the forum. Let me read that section of the letter again. Mr Connolly said:

Given your interest in this issue, I have enclosed for your consideration a very informative discussion paper on domestic violence which was prepared by the ACT Community Law Reform Committee ... following a reference I gave to that committee. As the Government is progressing this matter through this committee, it is inappropriate for me to attend your forum.

That is not what he told the house. Clearly, Mr Connolly misled the parliament. He told us that he wrote something other than what he did write. Fortunately, we have written proof of this, signed by Mr Connolly. In Mr Connolly's second letter, as I mentioned, he again affirmed that he did not go because of what was stated in the first letter. So once again we see that Mr Connolly told us in the house things that were not true and that he knew were not true. He also told us in the parliament that he had written:

> ... we would look forward to any such legal challenge ...

As you will recall, the letter I read out did not contain any such statement. I also suggest that for the Attorney-General to say that the ACT would look forward to expensive litigation is quite bizarre. However, as we have now established, the Attorney-General did not write any such statement.

I now wish to address the second issue raised by this motion - the apology due from Mr Connolly to Mr Williams and the numerous good people who either work for or benefit from the worthwhile activities of the Lone Fathers Association and Parents Without Partners. In his invitation to Mr Connolly, Mr Williams did present a firm stance - I certainly acknowledge that - but I do not believe that it was unbalanced and it was certainly compassionate. He demonstrated a genuine concern for effective solutions being found to a knotty problem. That was both reasonable and appropriate. Mr Barry Williams is an independent consultant to the Federal Government on the child support scheme, appointed by Brian Howe in 1987. This committee was chaired by Justice John Fogarty of the Family Court, and various notable people, including David Simmons as Minister for Family and Community Services, have expressed in writing their appreciation of Barry Williams's constructive contribution in this area. Yet Mr Connolly, with parliamentary privilege, tells all of Canberra that Mr Williams is an extremist and a ratbag.

Parents Without Partners, an international group which has been of considerable help to thousands and thousands of people in traumatic situations, gave Barry Williams a commendation in 1982 for outstanding service to lone parents and their children. Malcolm Fraser conveyed to Mr Williams his warmest congratulations on the honour conferred by the Queen. Mr Williams achieved the conversion of the single mother's benefit to the single parent's benefit. The result was that thousands of parents around Australia could then afford to properly feed and clothe their children. Mr Williams, through the groups of which he is a member, obtained many benefits for some of the most needy members of our community. These benefits included the lone father's benefit in 1977, free medical cards in 1978, greater tax concessions in 1978, free legal assistance from solicitors on the solicitor duty system in 1980, and discounts on electricity in 1981. Are not these remarkable achievements that deserve the highest commendation? Mr Williams also raised $60,000 by running a public dance every Friday night for nine years. The result is a building built by Parents Without Partners in Canberra for their use and named after Mr Williams.

In defamation cases, damages are awarded for the damage done to the plaintiff's reputation. After Mr Connolly's allegations in this parliament, which we now know to be false, we saw the kind of damage being done in this very chamber. I well remember some members agreeing with Mr Connolly's statement that they

would have been horrified if they had known about the demands attributed to those whom Mr Connolly accused of extremist ratbaggery. Mr Moore was one. I recall that my estimation of Mr Williams and the associations he represents was lowered by my assumption that what Mr Connolly had said was true.

There are three reasons why Mr Connolly should be censured, each of which, I believe, stands alone and any one of which would warrant censure. The first - that what Mr Connolly said in this house was not the truth in that it contradicted his own earlier written statement - is uncontestable and warrants the censure of Mr Connolly by this house. However, Mr Connolly not only changed his story as to why he did not attend the domestic violence forum; he also misled us as to the contents of the letter he received on the forum. Thus he again misled the house. Secondly, we have seen written evidence of Mr Connolly's own letter, which shows that he knew that what he said in the house was untrue when he said it because it contradicted earlier correspondence signed by him. Thirdly, what he said in the house under privilege unjustly maligned and defamed public organisations and individuals associated with them. We have seen the numerous recommendations for Mr Barry Williams and the valuable reforms that have been achieved by the Lone Fathers Association and Parents Without Partners.

It would be a travesty of justice if any one of us failed to vote for this censure motion. Mr Connolly must now apologise to this Assembly for his deliberate and misleading statements. He should also seek to make amends for his defamatory statements to Mr Williams and the groups of which he is a member. I ask members to accept their role as upholders of the law and principles that give us our freedom. A vote against this motion because of personal political beliefs or party dictates would do a disservice to yourselves, to this Assembly and to the people of Canberra. I ask for a vote on principle.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.28): I am in the unique parliamentary position of responding to the second censure motion in a week. Perhaps we need to reserve a place for censure motions on every daily program. I would suggest to members that we really are debasing the currency here. Mr Stevenson's tirade does deserve a response, and I will give him one. I will acknowledge that one of Mr Stevenson's comments was accurate. He said that my response in the house that evening was "heated and aggressive", and I guess it was. My usually pleasant-tempered approach to this house was tested somewhat by Mr Stevenson's remarks in a debate on domestic violence. It not only tested my temper. I know that there were a number of women here supporting the adoption legislation, which we had just debated or were just about to debate, who were absolutely appalled by Mr Stevenson's performance. In my opening remarks in that debate I thanked members who had made valuable contributions to the debate and I said:

> Members from all sides made eloquent and intelligent contributions and Mr Stevenson delivered a tirade against feminism, the Family Law Act, alcohol, the demise of the family and every other ratbag right-wing view rolled into one. His suggestion that domestic violence displays an anti-male bias, a feminist bias, just confirms all the prejudices of those hardline, right-wing misogynists out there who are dedicated to overturning domestic violence laws.

I certainly stand by that attack on Mr Stevenson. Mr Stevenson's claim is that I misled the Assembly. What I said was this:

> I did not attend the meeting because the "invitation" for me to attend the meeting was in fact a demand that I immediately repeal the domestic violence laws in this Territory or face a High Court challenge to demonstrate their illegality, and, by the way, would I like to come to this meeting and explain why I failed to repeal them. When I get that sort of extremist ratbaggery directed to me I politely decline the invitation.

I think Mr Stevenson heard the "politely decline" to the invitation. He in fact read out my "politely decline" to the invitation. Some of my colleagues on this side of the chamber have suggested that perhaps I was a little too polite. I certainly did not say to Mr Williams, "I am not attending your meeting because of the threatening nature of your letter to me". I said to the Assembly, "When I get that sort of extremist ratbaggery directed to me I politely decline the invitation", which I did. I guess that it is a question of judgment as to whether members would agree that this letter contained extremist ratbaggery. Most members received this invitation. This is a situation where, I guess, when you read a letter you can form a different impression, and most members may have had the impression only of that first page. What it basically demands is that we must change the domestic violence laws so that there is what he calls this right to justice, this right to a response.

Members would know that for many years assaulting one's spouse has been an offence. The Chief Minister, in her opening remarks in the debate, pointed out that in old legal history, a century ago, it was not. The law allowed a husband to beat his wife. But for many years now the law has taken a different view. Assault has always been an offence, but that has not protected women against domestic violence. The simple ability to lay a charge and then have that charge brought before a court days or weeks later, with both parties present, is no protection to a woman. What we refer to as the domestic violence law is the ability of a woman to immediately get an order which is effective immediately to provide immediate protection, and the husband, the spouse, can later dispute whether that was validly presented. Absent that immediacy, absent that ability to go to a magistrate, even over a phone, and get that order immediately to protect the woman, you do not have domestic violence law; you simply have assault law. The demand that we change that is, in effect, a demand to repeal the domestic violence law, because without that immediacy it is nothing.

If it was just a demand to do that I would not have worried; I would have regarded that as a view with which I profoundly disagree, but a reasonable view. I would not have described that as extremist ratbaggery. But it must be tempered with this statement:

> Should the law and the ACT government not yield to our request, -

that is, the request that the law be fundamentally altered so that it is no longer instantaneous protection for a woman; it is a situation just like an assault case where you say to the police officer, "My husband assaulted me", the police officer charges the husband with assault, and days or weeks or months later that comes before a court for hearing -

> then we will have no alternative but to take immediate steps to institute a legal challenge in the courts which will effectively outlaw all domestic violence legislation. This will have the effect of leaving many women and children vulnerable and unprotected in the whole Australian community.

That is what I take to be a threat; that if the Government does not accede to a demand for a change in the law - what I would see as a fundamental change in the law which makes domestic violence law quite meaningless - then they will go to the courts and they will "effectively outlaw all domestic violence legislation". "This will have the effect", says Mr Williams, "of leaving many women and children vulnerable and unprotected in the whole Australian community".

I took that to be a fairly threatening tone, and I take that approach to be, as I said, extremist ratbaggery. Members may disagree with me. Members who got the letter may not have taken that implication. But I think members would accept, when they hear this read out, that that is a fair implication for me to take from that letter. As I said, when I get that sort of extremist ratbaggery directed at me I politely decline the invitation. That is my standard practice when people approach my office and couch their demands in terms of threats such as "If you do not do this, I will do that", or "If you do not do this, I will go to the press". That last one is a favoured one and we usually give them the *Canberra Times* telephone number. That is the way that I respond to such suggestions.

Mr Stevenson then goes on to attack me on the basis that I said:

> ... my letter to the person who invited me made it very clear that we would not be repealing these laws ...

I think the letter he read out explaining our process of reforming and strengthening the laws makes it very clear that we are not repealing those laws. I must concede that I did not state in writing that we would look forward to a legal challenge which we would be confident we would win. I did not expressly say that and, if that is the basis for censure, I do not think any member of any parliament has much of a future.

The point of Mr Stevenson's attack is that I misled the Assembly in that what I said to Mr Williams was not what I said to the Assembly. What I said to the Assembly was that when I get this sort of extremist ratbaggery - a threat of legal challenge to effectively outlaw all domestic violence legislation, which would have the effect, in the words of the writer, of "leaving many women and children vulnerable and unprotected in the whole Australian community" - I regard that as a pretty extreme threat, and again, members may differ, but I think they would have to accept that that is a fair implication to take from this, and I politely decline the invitation. Mr Stevenson read out the letters and I think everyone would agree that they were rather polite. I said that I would not be attending the meeting, nor would I be sending an officer; that we were having our own series of meetings and he might like to attend them. Perhaps Mr Stevenson would have preferred that I robustly take issue with the threat of legal action, but when I get such letters, containing threatening material, I think it is better simply to politely decline.

Madam Speaker, I have no personal quarrel with Mr Williams and I acknowledge that Mr Williams has done a lot of work for a lot of families in Canberra. I profoundly disagree with many of Mr Williams's views on the issue of domestic violence. The reasonable and even-tempered arguments on page 1 of Mr Williams's letter would have the effect of totally changing domestic violence legislation. It would no longer be the DV legislation that we now know. A system whereby you have to have a full hearing before any protection order is issued is not domestic violence legislation. It is not legislation which provides immediate protection for a woman. It is simply the ability to lay an assault charge. That is an issue on which I fundamentally disagree with Mr Williams and would be happy to debate at any time. Had Mr Williams merely argued the case for that, we would have had no quarrel. However, Mr Williams went much further. Perhaps he did not intend to go this far, but he did. It is in his letter. He wrote:

> Should the law and the ACT government not yield to our request, then we will have no alternative but to take immediate steps to institute a legal challenge in the courts which will effectively outlaw all domestic violence legislation. This will have the effect of leaving many women and children vulnerable and unprotected in the whole Australian community.

I will not read that again; I have read it a number of times. No-one reading that cannot accept that it would have been reasonable for me to take that as a threat. Clearly, it is couched as a threat. You only need to grammatically analyse it. I think my comment that that was extremist ratbaggery is a comment which members, even if they disagree, would say is a fair form of comment. Mr Williams's letter was couched in such a way that it gave me no alternative but to not attend. It contained an incredibly serious threat of legal action to totally undermine domestic violence legislation and I regarded that with, I guess, the contempt which it deserved. I think it is unfortunate that Mr Williams cast the letter in such a way.

My polite response to him, which I referred to in the chamber, invited the Lone Fathers Association and anyone associated with that organisation to contribute to the debate on the future of domestic violence legislation which the Government is conducting in the community through the Community Law Reform Committee. It is not as though we are closing our mind to their views. We welcome their views through the appropriate forum, but the threatening tone of that letter, I think, does no credit to Mr Williams. Perhaps if Mr Williams had his time over again he would not have written a letter in quite those terms.

When I referred to that in debate some members looked surprised. Perhaps when members read the letter they had not paid sufficient attention to that paragraph and what it meant, what the implications were - that if we did not make this fundamental change to remove the immediacy of domestic violence legislation, if we did not make this change to say that before there can be an effective order protecting a woman there must be a full hearing, they would move to destroy the whole system. Perhaps members, not having been aware of that, took it simply as an invitation to attend a public meeting.

The whole basis of domestic violence legislation is its immediacy. A woman really merely needs to make the complaint and show some cause to a magistrate and she will receive protection. Of course, there must be justice; there must be the opportunity for the husband to challenge that order, and the husband will have the opportunity to challenge that order after the event, after the protection has been put in place. It is that principle which makes domestic violence legislation fundamentally different from other areas of the criminal law, and indeed the civil law, where, until both sides of the case have been heard, you will not have an effective legal order. Domestic violence legislation is different. You get the order before you hear both sides of the argument, and that is because parliaments across Australia have taken the view that it is appropriate to provide women with that order of protection.

Some people in the community may differ with that view. They are entitled to do that. They are entitled to agitate. I guess that they are even entitled to make threats of legal actions to destroy the whole system if governments do not accept it; but, if they do make such threats, if they do act in such an ill-tempered manner, they have to expect a bit of stick from governments. They have to expect a bit of a lash back, and my phrase "extremist ratbaggery" directed to that type of threat, I think, is fair. I regret that I had to make that statement and I would imagine that Mr Williams would regret that he cast his letter in such a threatening manner. Madam Speaker, this is a silly censure motion. When Mr Stevenson indicated that he wanted to move a motion of censure yesterday we argued with him very strongly that it should be taken immediately yesterday. He insisted that it not occur yesterday, that it occur today. Given that it is April Fools Day it is probably a more appropriate day for this to be debated, and given that it is being debated after lunch it is not surprising that Mr Stevenson is made to look the fool.

MR MOORE (3.41): Madam Speaker, when I received what I believe is an identical invitation to that which Mr Connolly received - it had my name on it instead of his - I made a decision that I would attend that meeting. I was aware of the intemperate language that Mr Williams had used. I decided that I would go along in order to express the alternative view and perhaps then some members of the Lone Fathers Association might understand the importance of domestic violence legislation. I would say that members who attended that meeting would agree that basically that is what I did. My comments were not well received by large numbers of people at that meeting. I took a different view from Mr Connolly as to how to handle that.

Madam Speaker, the purpose of today's motion is to censure Mr Connolly for the way he perceives things. Whenever we deal with matters of law or matters like this, Mr Stevenson seems to put everything in black and white. He does not understand tone. He does not seem to understand the importance of tone in the way people speak and in the way people write. It is quite basic to year 12 literature. We spend a lot of time teaching it at that point, trying to get people to understand tone - the difference between just reading a letter as it is written on a page and the ramifications of its tone. That is why it is that on a number of occasions I have argued with Mr Stevenson about the letter of law and the way he reads the Constitution - for example, section 92 of the Constitution. If we look back at bits of legislation and bits of the Constitution where Mr Stevenson has tried to explain things to us, we realise that he can interpret it just exactly as it is although there are reams and reams of law and comment by some of the most learned people in Australia on different interpretations of what appears to him at face value to be obvious.

I think it is the same with this situation. At face value Mr Stevenson thinks it is very obvious that Mr Connolly has misled this house, yet on reading the information available to us there is no misleading in any possible way in any of the three things that Mr Stevenson raises. Mr Connolly's term is that this is a silly censure motion. I think that what it reflects more than anything else is the black-and-white approach that Mr Stevenson takes to everything in life and the way he argues about everything. Solutions are very rarely in black and white. Instead of Mr Connolly being censured, for the second time this week we have a censure motion that is baseless.

As I indicated in my speech earlier this week when I read from *House of Representatives Practice*, a censure motion is basically a motion of no confidence in a Minister. It means that this Assembly is saying to the Chief Minister, "We are calling on you to remove that Minister from his portfolio because he is totally incompetent, or because he has misled the house, or because he has told lies, or because he is not acting within the law". They are the sorts of reasons why one moves a censure motion, and that should make the Chief Minister think, "Good heavens, what has this Minister done?". A censure motion should really, at the very least, tempt the Chief Minister to remove that Minister from his portfolio. That is the importance of what is supposed to happen here. Yet we get this drivel. That is what it is, Madam Speaker - drivel.

MR HUMPHRIES (3.46): Madam Speaker, let me take each of the claims Mr Stevenson has alleged in his motion and see what substance, what veracity we can give them. It seems to me that there are three essential claims that Mr Stevenson makes in his speech. One is that the letter that Mr Connolly sent to the Lone Fathers Association and the comments that he made in the Assembly with respect to the reasons for not attending the meeting of the Lone Fathers Association were inconsistent. It presumably follows that he was lying in one of those two cases. The second seems to be that comments that he made in this house on the 23rd of last month misrepresented the tone and content of the letter of invitation that was sent by the Lone Fathers Association. The third is that he has maligned and defamed Mr Williams and those two organisations that he heads or belongs to.

Treating them individually, it does seem to me, Madam Speaker, that the accusation that the Minister used language in this place which was different from language he used in his letter and that he was in those circumstances telling lies is in one very limited sense perhaps true; but, if it is true, then I think every one of us in this place would be guilty of an offence. That is because each one of us will use artificially polite language on occasions to respond to situations where we might not wish to proceed, or to accept an invitation or to do what someone requests of us in a letter - whatever it might be. I know that on many occasions I have politely declined or regretted that I am unable to attend, or used some other euphemism, when in fact my feelings were very different. I might almost have said, "You can go jump in the lake; I am not interested at all. Do not bother me any more".

Mr Connolly: We do it to one another in question time quite a bit, actually, don't we?

MR HUMPHRIES: Indeed. That happens. In question time we show none of the politeness and gentleness with which we treat our constituents, which is probably just as well. I honestly cannot say that I see anything reprehensible in the Minister using language which was artificially polite and which was not directed towards the critical comments made in that letter by Mr Williams which were the subject of the invitation and which also were commented on later. Mr Connolly seemed to make his tone a little more abrupt subsequently, in the second letter he sent in January, where he said, "I do not intend to participate in your forum, nor do I wish to send a representative". Some of what he must have felt apparently came through in that second letter to some extent. Again that is not unreasonable. It is not misrepresenting the situation. It is simply saying, "I am not proposing to attend your meeting, and that is the case". I do not believe that there is a ground for censuring Mr Connolly based on that allegation.

The second assertion by Mr Stevenson is that the comments misrepresented the tone and content of the letter of invitation and that in describing it in this Assembly as containing aggressive and emotive language - I think that was the phrase that was used - Mr Connolly misrepresented the content. I have read the letter. I think the letter is essentially a fairly balanced and fairly reasoned argument about domestic violence. It is careful to emphasise that members of the Lone Fathers Association do not countenance domestic violence in any circumstances. The correspondent distances himself from Mr Justice Bollen in South Australia, in his comments about domestic violence, but does point out that there is considerable frustration with the present state of domestic violence laws in the ACT.

He then goes on to make what I think is a significantly less reasoned statement - this is the one that has been quoted already a couple of times - about not yielding to a request, in which case a court challenge would be mounted. This is couched in the form of a request; it was characterised by the Minister as a demand. The difference is not a great one, in my opinion, and I think that in the circumstances what the Minister said in respect of those words is not unreasonable. I quote the Minister:

> ... the "invitation" for me to attend the meeting was in fact a demand that I immediately repeal the domestic violence laws in this Territory -

I think that is a reasonable reading of that letter -

> or face a High Court challenge to demonstrate their legality and, by the way, would I like to come to this meeting and explain why I failed to repeal them.

Again, that is not an unreasonable interpretation. I do not think that the difference in interpretation between the tone that I detected from the letter overall and the electricity which the Minister obviously drew from that first particular comment is sufficient ground to make a comment.

Mrs Carnell: "Electricity" is a good word.

MR HUMPHRIES: It is a good word; it fits the context.

Mr De Domenico: It really shocks them when you use that word today.

MR HUMPHRIES: It is shocking, isn't it? Those differences do not warrant, in my respectful opinion, a motion of censure of the Minister.

The third factor in respect of which the Minister has defended himself is the claim that his comments on 23 March maligned and defamed Barry Williams and, by implication, the organisations he represents. Let me say, first of all, that the word "defamed" is used a bit widely. Defamation is a highly technical concept, much like murder or theft or any other crime. To say that someone has defamed someone else is not necessarily provable, particularly where the claim is being made in respect of a person who speaks under the privilege of a parliament. Defamation is very difficult, if not impossible, in these circumstances, so there is no question of it being defamation. Maligned is certainly the case. As far as Mr Stevenson's claim on this count is concerned, I do think that it is reasonable to read in here a very serious maligning of Mr Williams.

The first comment that Mr Connolly makes is that Mr Stevenson's comment "confirms all the prejudices of those hardline, right-wing misogynists out there who are dedicated to overturning domestic violence laws". Although those words are not directed expressly at Mr Williams or Parents Without Partners, I think it is in the circumstances not unreasonable to conclude that they are in fact directed in that general direction. To describe the contents of Mr Williams's letter as "extremist ratbaggery" is, I think, also a very direct attack on those organisations.

Mr Moore made reference to the fact that Mr Stevenson sees things in black-and-white terms, and I think that that claim could pretty equally be levelled at Mr Connolly. Mr Connolly does see things very much as good or bad, and there is very little in between, and people as being either true believers or right-wing misogynists, or whatever it might be. That is a regrettable trait. It is not the first time that we have seen an indication that the Minister is prepared to attack people outside the Assembly who do not take the same view as he or his Government.

Mr De Domenico: He had a go at Neighbourhood Watch.

MR HUMPHRIES: Yes, the comments about Neighbourhood Watch, I think, on that same day come to mind. I also recall a little altercation he had with some women who came to see him about pornography last year.

Mr Connolly: They keep sending me letters.

MR HUMPHRIES: I was not present. I am not commenting on who was right and who was wrong, but there was a very great readiness on the part of the Minister to spring into a situation of saying, "You are wrong and I am right, and that is the end of the matter". I suspect that life is a bit more delicate and complicated than that. Having said that, I must say that I would certainly plead guilty to the charge of having attacked people outside this Assembly.

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Probably all of us would have been guilty of that at some stage. We have all accused people outside this place of having done something wrong at various times. In fact, some of us have done it on a regular basis. I must say that, if that is the basis of the allegation that justifies censure, then I am afraid I cannot cast the first stone.

Madam Speaker, I think that they constitute the three essential grounds put forward for this motion of censure. I do not share the view of Mr Moore that this is a trivial matter. Mr Stevenson does raise a valid point about treatment of organisations like the Lone Fathers Association. I think it is worth while considering what has been said there. *(Extension of time granted)* I do think that there is a danger of our debasing the concept of a censure motion and we should be very careful about that. I do think that this is a matter worth considering, but not accepting. I do not believe that the censure has been made out.

I talked about seeing things in black and white. I must say that it disturbed me to hear the Minister interject during Mr Stevenson's comments when he was talking about the BEM. He said something to this effect: "The British Empire Medal, BEM, always a bit suspicious". I think that is a little unfair. All those people who received imperial honours might have received them under a former system which is not now in use in Australia, but it is not fair to attack them or to suggest that their awards are somewhat suspect.

Mr Connolly: Quite so, Mr Humphries.

MR HUMPHRIES: Indeed. I will not labour that point. Madam Speaker, to sum up, I think that Mr Connolly is certainly guilty of untempered language, but I do not believe that that constitutes a good basis on which to proceed to censure him.

MS SZUTY (3.57): Madam Speaker, I wish to speak very briefly to this censure motion and I would like to begin by way of a personal explanation. I attended the domestic violence forum as I was personally approached by telephone to attend and possibly to speak during the evening's proceedings. Following the approach by telephone I received a copy of a press release about the forum some time later. For Mr Stevenson's benefit, I did not receive a copy of the letter addressed to Mr Connolly to attend the forum. If I had, I may have considered not attending the forum because of the language and the tone of the language that Mr Connolly has referred to.

For members' information, this morning I received a fax from Mr Barry Williams indicating that he had read the uncorrected proof *Hansard* of the Assembly last week when the issue of domestic violence was raised, and, under standing order 71(a), I have referred this matter to the Speaker for investigation. Both Mr Moore and I received a copy of that facsimile.

As Mr Moore has already said, both he and I regard censure motions as very serious matters and, when they have been proposed in the past in this Assembly, have allowed the suspension of standing orders to allow them to be moved. As Mr Moore has said, censure motions indicate a want of confidence in a Minister and, if passed, suggest to the Chief Minister that the Minister ought to be removed. The activities of the Assembly this week in terms of the censure

motions proposed, both by Mr Stevenson and by Mr Humphries, indicate a weakening in their currency, as Mr Connolly has also alluded to, and a loss in their effectiveness and power. I believe, Madam Speaker, that this Assembly must consider censure motions more seriously and not waste members' time in this fashion.

MS FOLLETT (Chief Minister and Treasurer) (3.59): Madam Speaker, I will be very brief. The issue that Mr Stevenson has raised is not of sufficient import, in my view, to warrant a censure motion, regardless of whether you agree with Mr Stevenson's point of view or not. I consider censure motions an extremely serious matter and I believe that they should be confined to actions of a Minister where such actions would call into question that Minister's ability to continue in the portfolio. Mr Stevenson, in raising this issue, has raised no such doubts in my mind, none whatsoever, and clearly he has not raised any in the minds of other members of the chamber either.

It is a fact, Madam Speaker, that all members here are at perfect liberty to accept or decline any invitation that we receive. It is also a fact that in declining an invitation it is the custom to do so with the utmost courtesy that one can muster, regardless of the circumstances. I think that everybody in this chamber exhibits that courtesy, and in exhibiting that courtesy, as Mr Humphries pointed out, you are not always telling the truth, the whole truth and nothing but the truth. There are diplomatic imperatives in this job and being polite to one's constituents is very much part of that. Madam Speaker, in any case, I find that there is no great inconsistency between what Mr Connolly said in his written communications and his reasons for declining the invitation.

I would like, finally, to say, Madam Speaker, in respect of Mr Stevenson's assertion that Mr Williams has been defamed or maligned, that I really believe that, especially in a vigorous debate, we must make allowance for people's use of the English language. It is quite clear that members in this chamber differ enormously in the way that they use language, in the strength of the views that they express and the way that they express them. We must make allowance for that, just as we must make allowance for different members' quite different inferences from any given piece of correspondence. That is clearly what has occurred as well.

I suspect that what we are really seeing here from Mr Stevenson is part of his endless quest for a constituency. I believe that Mr Stevenson may be feeling that the abolish slogan is wearing a bit thin, now that he is well into his second term in office as an Abolish Self Government member. I think that the Abolish Self Government slogan cannot really be working terribly well. It certainly lacks credibility after all these years. I imagine also that the recent run for the abolish team in the Federal election did not give him much encouragement to continue with that constituency.
Mr Stevenson has also run particular issues very strenuously, again in an attempt to establish or garner a constituency in the ACT, most notably the X-rated video and pornography issues. It is his right as a member to raise those issues, to appeal to people who share his views and to seek their support. In his current attitude towards domestic violence and towards the rights of women, I think Mr Stevenson is perhaps on a rather fruitless search. I feel that the kinds of attitudes or sentiments that have been displayed in Mr Stevenson's utterances on domestic violence will not win him wide support in this community.

I believe that in the ACT there is strong support for a very vigorous law, a very protective law, on domestic violence, and that has certainly been the Attorney-General's attitude towards law on domestic violence. Madam Speaker, I believe that Mr Connolly has pursued the issues of domestic violence in the ACT with great distinction. It is the case that we are well ahead of most other States in the protection of women and of children from domestic violence, and that is a matter of which I am very proud indeed. Mr Humphries referred to the black-and-white nature of both Mr Connolly's and Mr Stevenson's politics. I think he drew the distinction between true believers and right-wing misogynists. I am very proud indeed to be on the true believers side in that debate, and I consider that the vast majority of the Canberra community would also be on that side.

Madam Speaker, to conclude, I think that it is a pity that Mr Stevenson has raised this issue as a censure motion. It really does not warrant that kind of a motion. Even if you agreed with Mr Stevenson, the enormity of the matters he complains of is simply not sufficient to warrant censure of a Minister. Mr Connolly has the full confidence of this side of the chamber in his ability to perform his functions as a Minister, and most particularly on the issue of domestic violence and the protection of women and of children. He has performed with great distinction and I believe that he should continue to do so without this kind of motion, apparently on a daily basis.

MRS GRASSBY (4.05): Madam Speaker, I agree with the Chief Minister. It is a serious matter; but I feel, like Mr Connolly, that it was really just an April fool prank. I think that Mr Connolly is a very caring person in every way when it comes to his portfolio, whether it be in respect of single mothers or single fathers. To be accused of what he has been accused of by Mr Stevenson is very serious, because it is not the way the people outside feel. I have heard many people speak very highly of the way that Mr Connolly has handled problems. I agree with the Chief Minister that in the house words often are said that can be taken one way or the other. In the case of Mr Connolly, I believe that he has done his duty in every way that he can in the portfolios that he has. Like the Chief Minister, I believe that he has all the confidence of this side of the house.

MR STEVENSON (4.06), in reply: Mr Connolly mentioned today that his response on the 23rd was heated and aggressive. It was far different from the manner in which he presented things today. Although he did not use the word "threat", on that day he suggested, in his body language, in his vocal tone and in his word "demand", that he was being threatened by these organisations and the people involved in them. He not only called the people involved with putting on the forum "extremist ratbags" but also referred to "hardline right-wing misogynists". As Mr Humphries said, it was not directed specifically at them but it well could be held that they were caught in this net. To call people hardline right-wing women haters was not a reasonable thing to do.

The letter was an invitation to a public forum on domestic violence where all people had an opportunity to present their viewpoint, and that is something that does not always happen in meetings organised by the Labor Party. I might add that in the letter of invitation Mr Williams again and again talked about a balance to be reinjected into the current legal process. He said that he would have to take immediate steps to institute a legal challenge in the courts that would effectively outlaw all domestic violence legislation, and that this would have the effect of leaving many women and children vulnerable and unprotected in the whole Australian community. He said, and this is another relevant point:

> However, if the rights of the accused individuals are to be protected, then this is the only course of action we can take to preserve the dignity and compassion of the society in which we all are forced to live.

Let us look at what Mr Williams is saying in that particular statement. He is saying that there is discrimination against men with this legislation. He is also saying that it would be most unfortunate if the people who are concerned about that discrimination against men had to take legal action on the discrimination viewpoint. Again and again in the letter he asks for balance, for consultation. He said:

> This is a personal invitation to you to come along and at least see for yourself the legitimate grievances of those who are being prejudiced by the current domestic violence legislation and its operation ...

At least Mr Moore and Helen Szuty went along to hear those grievances. Nobody in the Labor Party went along to hear the other side. Is that fairly representing the people of Canberra? The Chief Minister says that nobody has to go along to any public meeting. Of course they do not. In many cases you find that they do not. How do they choose? Basically, it is an ideological choice. At the meetings that I go to I find again and again that members of the Labor Party are notable by their absence because of the particular issue that the meetings are touching upon.

It is interesting that at various times I have tried to go along to some meetings that would be called left wing, although I do not use that term. One time when I went to an international socialist meeting at the workingmen's club, they got most embarrassed. There were only about four or five people there. I was interested in their viewpoints. One of the gentlemen asked one of the women to go outside for a minute. They had a bit of a whisper and came back in. They looked a little bit worried and did not know quite what to do. Finally, the fellow came over and asked me to leave. This was a public meeting. I thought it was a very interesting viewpoint. It is similar to the Fabian socialist meeting that the Labor Party put on. They did not ask me to leave; they were not even going to let me come along. That was yet another supposed public meeting. So we wonder about the view - - -

Mrs Grassby: No, it was by invitation. It was not public.

MR STEVENSON: Mrs Grassby was the first one I saw when I moved in the door. She was filling out the cheque for $60 for her and Al, and she looked up and she said, "What are you doing here?". I said, "Well, I wanted to come along to the meeting".

Mrs Grassby: It was by invitation. You were not asked.

MR STEVENSON: I know that I was not asked. The unfortunate thing - I am sure that they have corrected it - is that you put out a document inviting people along. It said that it was a public meeting. It said, "All welcome".

Mrs Grassby: It did not say that it was a public meeting. It said, "All welcome in the Labor Party". You were not welcome. You were not in the Labor Party.

MR STEVENSON: I am sorry; you are quite right. It did not say that it was a public meeting; it said "All welcome". When I phoned up on the afternoon after we found out that I was not welcome, I spoke to the fellow and he said that he had already told my secretary that they had had a special meeting the night before and had decided that I could not come. When Quona told me this, I thought it was a bit bizarre. I rang up and he said, "No, you cannot come". I said, "Why not?". He said, "It might be embarrassing". I said, "I will not be embarrassed". Then he said, "No, you cannot come". Nothing I said would make the slightest bit of difference. So I went anyway.

At 7.00 pm I fronted up to the Convention Centre and I saw a security guard at the top. I thought, "It has to be up the main stairs". I went straight past him, looked to the left, and saw a sign saying "Private Function". I thought, "I will bet a million bucks that it is down there", and it was. I went to the Swan Room and, as I said, there I saw Mrs Grassby signing a cheque for both her and Al for the night. I was happy to pay. She said, "What are you doing here?". I said, "I wanted to come along and they said that I couldn't". She looked me straight in the eye and said, "It must have been because all the tables were full".

Mrs Grassby: No, I did not say that. That is a lie, Dennis.

MR STEVENSON: You said, "They must have been full".

MADAM SPEAKER: Order! Could we have some order, please?

MR STEVENSON: If you deny that, you must have been full at the time.

Mr De Domenico: I take a point of order, Madam Speaker. I expressly heard Mrs Grassby say, "That is a lie, Dennis". I ask Mrs Grassby to withdraw that statement.

MADAM SPEAKER: Could we have a bit of order, please? Mrs Grassby, would you withdraw that, please?

Mrs Grassby: Yes, I will withdraw that; but it is not what I said.

MADAM SPEAKER: I understand that, Mrs Grassby.

Mr Moore: I take a point of order. Madam Speaker, I draw your attention to the relevance of this issue to the censure motion. It is a censure motion that we are debating, rather than whether - - -

Mr Stevenson: On a point of order, Madam Speaker: We are in the middle of a point of order.

Mr Moore: No, she has resolved that point of order.

Mr Stevenson: No, we have not.

MADAM SPEAKER: Mrs Grassby withdrew her comment, Mr Stevenson. Mr Moore, thank you for that point of order. I was going to ask Mr Stevenson to direct his remarks to the question in hand and therefore not entertain any further interjections from Mrs Grassby by not inducing them. Would you please come back to the debate?

MR STEVENSON: I will make a note of that. What we had on the 23rd was a most immoderate and invective assault by Mr Connolly against organisations that, I grant, I do not know a great deal about; but, looking at the record of Mr Williams and the organisations, they appear to be very hardworking and concerned community groups.

Mr Moore suggests that I see things in black and white. When it comes to the law I must admit that in most cases I do. It is the judges who have the right to interpret the law or to interpret the severity of the law. If a Minister stands in this house and misrepresents what he earlier stated in a written document, and if that is acceptable to other people because they do it all the time, then I must disagree and disagree strongly. Not once during what must be called a tirade, a tactic Mr Connolly quite often uses when he disagrees with what anybody else is saying - I have not said it previously, but in Mr Connolly's tirade he painted a very black picture about that group - did he tell the truth of what he put in the letter or what was in the letter of invitation to him. I would like to speak on many more matters, such as the suggestion that they would move to destroy the entire system. The letter said that they did not want to do that, but because of the discrimination against men that is the viewpoint that they have.

Question resolved in the negative.

VIOLENCE - NATIONAL COMMITTEE
Progress Report

MR BERRY (Deputy Chief Minister): For the information of members, I present the Government's progress report on the implementation of the National Committee on Violence recommendations, and I move:

That the Assembly takes note of the paper.

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

DEPARTMENTAL ACCIDENT STATISTICS

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I table an answer to a question which Ms Szuty raised, I think yesterday, in relation to occupational health and safety matters.

AGE DISCRIMINATION
Paper

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.17): Madam Speaker, for the information of members, I present a discussion paper on the issues and options for age discrimination law in the ACT, which includes an exposure draft of the legislation, and I move:

That the Assembly takes note of the paper.

Madam Speaker, the discussion paper before the Assembly outlines the important proposals which the Government hopes to pursue to extend the Discrimination Act to prohibit discrimination on the ground of age. The discussion paper canvasses a number of important issues in relation to age discrimination. To facilitate consideration of these issues, the discussion paper is accompanied by a corresponding draft Bill.

Preparation of the paper and the draft Bill has taken full account of the experience in other jurisdictions as well as the particular needs of the ACT community. The Government has not moved to introduce the Bill for debate, as we believe that there should be a two-month period of consultation with the community. We would also like to give members an opportunity to consider the Bill and to discuss it with their constituents. We are interested in talking to as many people as possible and we will be holding public information sessions on the proposed legislation. The discussion paper will be available to members of the community throughout the period of public consultation. The draft legislation reflects the Government's current thinking on these matters but we are receptive to other views. Our aim is that when the Bill is introduced into the Assembly it will reflect the interests and needs of the ACT community.

Madam Speaker, under our proposal the Discrimination Act 1991 will be amended to make age discrimination unlawful. The legislation will cover both direct and indirect discrimination and operate, subject to certain justifiable exceptions, in the areas of work, education, the provision of goods, services and facilities, access to premises and accommodation. It will also apply to clubs and sport. We intend to tie the age discrimination law into existing human rights legislation. This will give the changes real teeth. It will mean that, as with the existing forms of unlawful discrimination, complaints of age discrimination could be lodged with the ACT Human Rights Office. There, complaints of discrimination are investigated and, where appropriate, conciliated. The Discrimination Act provides also for more formal hearings if conciliation is not possible, and also for appeal rights to the Administrative Appeals Tribunal.

The main exercise in the development of this legislation is in balancing rights. As the discussion paper points out, you cannot simply outlaw age discrimination as age is often a logical and sensible method of allocating services or making necessary distinctions between people. There are many justifiable and fair practices based on age that we would not want to change. For example, we would not want to affect people's access to concessions based on age. Health services are frequently targeted at particular age groups on the basis of need. It is also accepted that we should continue to regulate access to drivers licences by age through a minimum age limit and by imposing requirements for more frequent eye testing in older people.

The abolition of compulsory age based retirement is one of the major issues canvassed in the discussion paper. The Government proposes to introduce this reform into the ACT, but we have recognised the need for a phase-in period. We have followed the lead of other States and will allow two years before the introduction of the necessary provision. This means that employers will have the opportunity to consider the changes they have to make in their personnel practices. They will also have the opportunity to observe the operation of laws prohibiting compulsory age based retirement in New South Wales and South Australia. Similar legislation will operate in Queensland and Western Australia in 1994 and 1995.

The Government would have preferred to extend these valuable rights to all ACT government employees ahead of the private sector. The ACT Government Service is obviously well equipped to provide an example of non-discriminatory practice. However, a phase-in period is necessary for these employees also. Half of all ACT government employees are employed under the Commonwealth Public Service Act, which prescribes a retirement age of 65. Because of this, and the Government's policy of treating all ACT government employees equally, we have decided to delay the operation of the retirement provision to the ACT Government Service. A two-year delay will also allow the passage of legislation for a separate ACT service which could give effect to the Government's policy of removing compulsory age retirement. The question of mobility with the Commonwealth Public Service, where age 65 retirement may still apply, and the issue of superannuation for employees over age 65 have not yet been resolved. The two-year phase-in period will allow progress to be made on these matters. There are some appointments to offices in the ACT public sector that do not involve superannuation and where retirement age is not specified in legislation. It is government policy that these appointments should be made without reference to maximum age restrictions.

The Government is also very conscious of the great difficulties that beset young people attempting to enter the work force. This issue and the question of youth wages are both raised in the discussion paper. Many now believe that youth wages are, by themselves, an inappropriate way of providing training opportunities for young people. However, abolition of youth wages could reduce even further their employment prospects. It is our intention that industrially sanctioned youth wages should not be affected by the changes to the Discrimination Act, although it should be unlawful to dismiss a person simply because that person is no longer eligible for a youth wage. We would therefore like to make it clear to employers that the proposed legislation will not affect youth wages that are set in awards. In any event, awards in the ACT are Federal and will, as a matter of law, render ineffective any inconsistent ACT legislation. Special training schemes that address the disadvantages that young employed people face would also be exempted by the existing positive discrimination provision in the Discrimination Act.

Madam Speaker, the Government is aware that employers in other States have been concerned that age discrimination laws will result in an ageing and inefficient labour force. We do not believe that this will be the case. However, there are some jobs that do require a particular level of health or fitness. Therefore, the Bill includes an exemption that permits age discrimination in employment where there are reasonable and relevant health and safety reasons for doing so. This means that it would be lawful to require workers to have health checks when they reach a particular age, where that is necessary for health and safety reasons. A similar exemption has been proposed in the area of goods and services and access to premises. This means that it would be possible to require that children must be accompanied by an adult, where that is necessary for safety reasons.

The discussion paper also raises the question of applying age discrimination laws to recreational activities. It can be asked whether there is anything to be gained in regulating these activities, given the range of choices that are readily available. Therefore, while the proposed legislation would apply to banking and finance, to professional and government services, an exemption is proposed for the

marketing of tours and resort holidays that are designed for particular age groups. We hope that service providers will consider carefully whether such age restrictions are really necessary, but the bottom line is that we cannot see why some recreational activities cannot cater specifically to particular age groups.

Let me emphasise again that I have been discussing the Government's proposals as set out in the discussion paper. While these have been developed in light of legislation and experience in other States, the Government is interested in the views of the community, and in this respect we would also like to hear from the ACT tourist industry.

There is one other area that requires special mention. Schools are basically structured around the educational needs of children of different age groups. The Government does not intend to alter that through this legislation so some exceptions will be necessary to preserve that overall structure. It is intended that it should be permissible to set minimum entry ages where education is provided specifically for a particular age group. The question of allowing an upper age for attendance at senior secondary college has also been raised in the discussion paper. The provision in the draft Bill would be only an enabling measure, and any policy changes would be subject to separate government consideration in the context of future education policy.

Madam Speaker, these issues and others are canvassed in some detail in the discussion paper and I look forward to hearing from members of the Assembly and the ACT community.

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

PERSONAL EXPLANATION

MRS GRASSBY: Madam Speaker, I would like to make a personal explanation.

MADAM SPEAKER: Under standing order 46, Mrs Grassby?

MRS GRASSBY: Yes.

MADAM SPEAKER: I grant you leave, Mrs Grassby.

MRS GRASSBY: Mr Stevenson claimed in his speech that I made a statement which was untrue. The person who made that statement to him happened to be the president, at the time, of the Fabian Society. My statement to him was that it was a private function and he was not invited. Mr Stevenson does not always handle the truth terribly well, so I would like that cleared up.

HUMAN RIGHTS OFFICE - REPORT 1992
Paper and Ministerial Statement

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, for the information of members, I present, pursuant to section 119 of the Discrimination Act 1991, the Human Rights Office annual report 1991-92 and ask for leave of the Assembly to make a very short statement.

Leave granted.

MR CONNOLLY: Madam Speaker, I have pleasure today in tabling the first annual report from the ACT Discrimination Commissioner. This report covers the first six months of operation of the Human Rights Office, from January to June 1992. The Human Rights Office is run on a cooperative basis with the Federal Human Rights and Equal Opportunity Commission, which means that the office deals not only with complaints under ACT discrimination law but also with complaints lodged under Federal anti-discrimination laws.

As the commissioner points out in her report, much of the period covered by this report was taken up with establishing the office and recruiting permanent staff. However, during the period the commissioner and staff of the office took an active role in developing educational programs to promote the objects of the Act. Education is a key feature of anti-discrimination law in Australia and recent reports from the office reflect their continued involvement in that area. Madam Speaker, I commend the report to the Assembly.

ENTERPRISE AGREEMENT
Discussion of Matter of Public Importance

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

> The Government's failure to ratify an enterprise agreement thus putting electricity supplies in jeopardy.

MR DE DOMENICO (4.27): Madam Speaker, as the night gets longer and my voice gets softer - hopefully, the lights will stay on - I thank you. Madam Speaker, as we conceded during question time, I think the first statement I should make is that we should not be deluding ourselves or kidding ourselves about what this potential termination from time to time of electricity supplies is all about. It is about three things, I believe. The first thing is that it is a demarcation dispute. There is no doubt that there is a demarcation dispute between two unions of two different factions within the labour movement. Secondly, it is about another demarcation dispute between two Ministers from different factions within the Labor Government. Thirdly, it is about the failure of the Chief Minister to intervene in order to prevent the ACT public from being used as political footballs within the internal machinations of ACT politics.

Mr Mike Taylor is no lover of any particular side of politics and is a quite fair observer of industrial relations in this country. He wrote that John Howard deserves some of the credit for the system of enterprise bargaining which has been developed between the Government and the ACTU via the accords mark VI and mark VII. It is arguable, Madam Speaker, that without Mr Howard the pace of the change towards enterprise bargaining would have been much slower. It was Mr Howard who placed enterprise bargaining on the political agenda. I think it was in 1986 or 1987 that he produced a policy for the Liberal Party based on taking industrial relations into the workplace. The policy that he outlined then, Madam Speaker, is not terribly different from the reality of today. In other words, what we are saying is that the ACTU and the Labor Party are not the sole repositories of industrial relations innovation.

Be that as it may, we can all say that enterprise bargaining is a reality in this country, and it will continue to be. No-one should attempt to kid themselves that this is not all about demarcation disputes between two unions from different factions and two Ministers from different factions. Reality is something that escapes them if that is not what they believe. There is no doubt that two ACT Ministers are at odds over a Cabinet decision effectively to overturn an industrial agreement between the ACT Electricity and Water Authority and a major section of its employees. We are not talking about some little union with no effect on the ACTEW.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

Ms Follett: I require the question to be put forthwith without debate.

Question resolved in the negative.

ENTERPRISE AGREEMENT
Discussion of Matter of Public Importance

Debate resumed.

MR DE DOMENICO: The Electrical, Electronic and Plumbing and Allied Workers Union represents some 30 or 40 per cent of the ACTU work force - a not insignificant number of people. The other thing that must be said, Madam Speaker, is that Mr Connolly and Mr Berry from time to time in this place have stood up and talked about what the Labor Party sees as their magnificent and sole owning of good industrial relations. From time to time they have said that in their opinion the perfect way to settle industrial disputes is for the Government, employers and employees to get together, come to an agreement, and save any hassle or any argy-bargy. That is exactly what happened in this situation. The former ETU got together with their employer, ACTEW, sat down and talked about what was going on. The Minister ratified that agreement, signed it off and did things sensibly.

We know, Mr Deputy Speaker, that Mr Connolly does do a lot of sensible things. This was not the first time. This sort of thing has happened before. I think we all recall the situation with ACTION buses. Mr Connolly once again attempted to do the right thing, to carry out micro-economic reform and all those sorts of things. He wanted to get together with the union, seeking certain cutbacks in ACTION buses. This time it was the Transport Workers Union, I think, and a Mr Santi was doing things like stacking Labor Party branches. All sorts of things were going on. We know that Mr Berry went to various Labor Party meetings. Out came the knife and in and out it went. We had the faceless men from Belconnen. All this sort of thing is happening within the internal machinations of the ACT Labor Party. For anyone to stand up in here as the Chief Minister did and deny that this is all about two particular demarcation disputes is sheer and utter nonsense.

I have described what happened in the past between Mr Berry and Mr Connolly, and I dare say that it is going to happen again. One newspaper stated:

> Party sources said yesterday that Mr Connolly was extremely "frustrated" by opposition to the agreement from the Minister for Industrial Relations, Wayne Berry.

When asked to comment, Mr Connolly said that he would not comment on the issue; that it was purely a matter for Mr Berry. We all know that, and we all know how confident the Electrical Trades Union is in Mr Berry, and how confident a lot of other people in the community are, like the kick boxers association, the racing industry, the trotting industry, the dog industry and any other industry that Mr Berry is involved in. We know how confident they all are in Mr Berry and the way he handles things. The ACTTAB is another one that comes to mind.

Let us look at the specific dispute. It goes this way. As I said before, ACTU accords mark VI and mark VII, the Federal Labor Government, John Howard, the Liberal Party, most scribes in the country and most observers of industrial relations practices all agree that enterprise bargaining, and specifically agreements between specific enterprises, is the way to go. Let me quote what a Mr Peter Robson says. Mr Peter Robson is not known for his conservative views in terms of politics or any other thing. Alluding to the enterprise bargaining agreement with the Federal Public Sector Union, which is of a different political colour in terms of Labor politics from the local one, Mr Robson said:

> ... the agreement, which included a 4.9 per cent wage rise overall, was just the first stage in a two-part process, the second being the development of the agency based productivity agreements.

If the agreement that Mr Connolly signed off the other week was not an agency based productivity agreement, I do not know what was. Mr Connolly, quite correctly, coming from the right-wing faction of the Labor Party, the sensible part of the Labor Party, agrees with what Mr Ferguson and Mr Bill Kelty of the ACTU say about enterprise agreements, what Mr Keating says, what Senator Cook has said from time to time, and what even Mr Laurie Brereton continues to say. Quite rightly, Mr Connolly did the right thing. We applaud Mr Connolly for attempting to do the right thing. However, in comes Mr Berry.

We all know that Mr Berry is of a different faction to Mr Connolly. Ms Follett is of a different faction of the same faction that Mr Berry is in. So we have the pragmatic Left on the one hand, Ms Follett, attempting to do nothing at all because she cannot do anything, we have the looney Left that Mr Berry belongs to flexing the muscle - we know that the Trades and Labour Council controls that - and then we have the sensible part of the Labor Party, Mr Connolly, but he has been chopped off at the knees again. Mr Berry and Mr Connolly will stand up and attempt to say, "Listen, everything is hunky-dory in the Labor Party". Mr Connolly will say, "I love Wayne and Wayne loves me, and everybody loves everybody else".

But the fact is that we have a Minister who, under section 37, I believe, of a particular Act that he is responsible for, quite rightly signs off this agreement because it is going to save the taxpayer $500,000. Mr Connolly cannot deny that. He will attempt to deny that, but ACTEW believes that it will save $500,000, the union believes that it will save $500,000, and had Mr Connolly not believed that himself he would not have signed the agreement. It makes me think that either Mr Connolly was not aware of the other 15 unions and what discussions had taken place when Mr Berry signed things off, or perhaps he disagreed with that because, being the good Minister that he is from time to time, he agreed that to save the taxpayer $500,000 was a good thing. So one wonders what the problem is.

The other thing is that people who watched television last night saw the farcical situation where the electrical trade union people were wanting to see the Chief Minister. I think their demand was believable. They wanted to prevent any further industrial action on the people of the ACT. We had one of the Minister's apparatchiks, I think it was a Mr Wedgwood, a failed ALP candidate in the last election, saying, "Listen, if you want to see the Chief Minister, get the cameras out and put your request in writing", for heaven's sake. I recall when there was another government in power in the ACT and there was a Minister called Mr Duby, I think, and he from time to time found it difficult to negotiate with the trade union movement. I recall that Mr Kaine, the then Chief Minister, was quite pleased to entertain a delegation from the Trades and Labour Council and after that things were settled. But what does this Chief Minister do? She refuses to see a delegation from the unions.

I am not one, as people realise, who defends unions, but this time we have to be sensible. Here is a situation where the union, the employer and the Government believe that they are going to save the ACT taxpayers an amount of money and everybody wins, and what does the left-wing faction of this Government do? It chops Mr Connolly off at the knees, again; and who pays for all this? The poor old people outside, the people of the ACT, who are being used as political footballs while these people opposite play their party political games. I have talked about the $500,000; but, interestingly, I am not the only one who believes that what has happened has happened. Mr Berry's comments in the *Canberra Times* of today also bear commenting on, Mr Deputy Speaker. Mr Berry said:

> The union has to separate their party politics from their industrial relations or they will get themselves into a real mess.

For Mr Berry to comment in those terms is absolutely profound. I will repeat what Mr Berry said, because it bears repeating:

> The union has to separate their party politics from their industrial relations or they will get themselves into a real mess.

I am suggesting, Mr Berry, that two people have got themselves into a real mess. The first is Mr Connolly. I expect Mr Connolly one day to come in and be about the same height as I am because, once again, he has been chopped off at the knees. The other one who is in a real mess is Mr Berry. Mr Berry is as popular as Yasser Arafat in a synagogue, let me tell you. No-one wants to talk to Mr Berry.

The union movement of the right-wing political faction reckon that he is a dill; that he cannot handle his portfolio. As I said, they are not alone in that, because everything that Mr Berry touches is dynamite. It is fantastic. One does not wonder, because Mr Berry's former profession was that of a fireman. Mr Deputy Speaker, I am suggesting that Mr Berry is the greatest political pyromaniac that this town will ever experience, whether it is health, whether it is industrial relations, whether it is sport or whether it is anything he touches.

I am sure that Mr Connolly would agree with that because if there is someone who has been battered in all this it is Mr Connolly once again. I feel sorry for Mr Connolly because, as I said, he attempts to do the right thing time and time again, but once again he has been chopped off at the knees. He has not got the numbers; he has not got the support. He has been pushed from pillar to post by everybody because of this man over here in front of him, Mr Berry, not even having the support of all the trade union movement. It is interesting because Mr Berry, in answer to a question I asked him on notice, said to me that there were 13 unions involved with ACTEW. Mr Berry will stand up here and say, "Listen, we want mirror agreements - - -

Mr Berry: No, I said that 15 unions have signed up.

MR DE DOMENICO: If Mr Berry would listen, Mr Deputy Speaker, before interjecting, I repeat that in answer to a question on notice some time ago Mr Berry informed me that there were 13 unions involved in ACTEW. Mr Berry will stand up in a minute and he will talk about mirror agreements with the Federal Public Service and all this sort of thing; but let me suggest to Mr Berry that there may be differences in what people who are members of the Federated Clerks Union and who work for ACTEW would want in terms of an enterprise agreement and, say, the Construction, Forestry, Mining and Energy Union. For Mr Berry to say that, across the board, he wants everybody to settle under the same mirror agreement is sheer nonsense, because the ACTU do not agree with Mr Berry, Mr Peter Robson does not agree with Mr Berry, Senator Cook does not agree with Mr Berry, Laurie Brereton does not agree with Mr Berry and, more importantly, Mr Connolly does not agree with Mr Berry. As I said, I am suggesting that this will not be the last time that this will happen.

This is all about a demarcation, as I said, Mr Deputy Speaker, between two unions of two different factions within the labour movement. It is all about a demarcation dispute between two Ministers of different factions within a Labor government. It is all about the failure of the Chief Minister to intervene in order to prevent the ACT public from being used as political footballs. Finally, the people who are going to be paying the cost for this internal ACT Labor Party factional fight are the people out there, the members of the public who not only stand to lose half a million dollars but also may be without power and water for some considerable time. That is all because this Government says a lot of things but does not practise what it preaches.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.42): I have to say that, judging by Mr De Domenico's knowledge of the Labor Party, it is not the same party that I belong to. If all that went on in the Labor Party were such as Mr De Domenico has described, we would not be able to get people in the halls and we would have to charge for entry. What an exciting place!

Mr Kaine: Will you give us an invitation?

Mr De Domenico: Tell us all about it, Mr Berry.

MR BERRY: You can join, but you cannot belong to the other one at the same time. You have to leave it. Trevor can join. Trevor would be welcome, wouldn't he?

Mr Connolly: Trevor would be all right.

MR BERRY: Yes. Mr Deputy Speaker, in understanding the implications of the ACTEW-ETU enterprise agreement and the Government's position in relation to it, it is important to understand some of the history of enterprise bargaining in the ACT. In December 1992 the Australian Industrial Relations Commission certified an enterprise bargain between the ACT Government and 15 unions. It is an agreement that the Government intends to honour. That agreement mirrored an agreement between the Commonwealth Government and relevant unions for the Australian Public Service. If the ACT had not entered into an agreement which mirrored the Commonwealth agreement, the practical effect would have been that the ACT Government Service would have become separate from the wider Australian Public Service. This split would have occurred not as a result of a planned process but almost by accident. That is hardly the ideal way to start Australia's newest public service, I am sure Mr Kaine would agree. Why start off with a split of that order?

In addition to retaining the important links with the Commonwealth Public Service, the enterprise agreement between the ACT Government and these unions provides a framework for enterprise bargaining within the ACT public sector. Mr Deputy Speaker, real and sustainable productivity improvements will be achievable by all agencies that participate in it; but, like all industrial agreements, it requires continuing commitment and goodwill by all parties if these benefits are to be delivered. It is also relevant that the Government is currently in the process of settling some of the details of the way in which productivity bargaining at agency level will occur within the framework of the ACT public sector agreement.

Turning now to the enterprise agreement that has been reached between ACTEW and the ETU, there are several points which need to be made clear. Let me say that the ETU would not get a warm inner glow, given that there has been such support from the Liberal Party in relation to this matter. Fancy being supported by the Liberal Party when they have said such awful things about the trade union movement in the past, unions just like the ETU! During the last election campaign we saw what had been planned for unions just like the ETU. So what a turnaround is the Liberals now supporting the ETU. I am sure that the members of the ETU would be very nervous about that.

Mr Kaine: You want to think about that. We will have the unions on our side at the next election. Think about that.

MR BERRY: No, the memory will not have faded that far. First, Mr Deputy Speaker, it is an agreement between ACTEW and a union which represents about one-third of its work force. In this sense it is hardly an agreement that covers the enterprise as a whole. Secondly, almost all of the remaining employees within ACTEW are in fact covered by the ACT public sector agreement. Therefore, the inconsistencies that exist between the ACTEW-ETU

agreement and the ACT public sector agreement create anomalies not just between ACTEW and the rest of the ACT public sector but also within ACTEW itself. For example, some ACTEW staff would be in a quite different position from others in terms of the agreed bargaining process.

The real concerns which have been raised by unions which are party to the ACT public sector agreement about this fragmentation are shared by this Government. Earlier on, Mr Deputy Speaker, I read from a press release from the Trades and Labour Council. They are concerned that we maintain the public sector agreement because of the effects that they perceive it will have on their employment prospects for the future. Inconsistency of treatment is an important issue for our employees both within and outside of ACTEW. Thirdly, the ACTEW-ETU agreement anticipates a number of the details about local productivity that are now under consideration by the Government. It is due to these inconsistencies that ACTEW has been directed to indicate to the Australian Industrial Relations Commission that it is not ready to proceed with the ratification of that agreement.

Mr Deputy Speaker, much has been made in debate and in the media of the savings claimed to arise from that agreement. By asking that the matter not proceed before the commission, improvements in productivity in ACTEW have not been lost. An equivalent level of productivity enhancement is achievable through the framework of the ACT public sector agreement. Indeed, the framework agreement envisages a process of continued productivity improvement over the next two years. You just cannot ignore that these factors have occurred. As I mentioned earlier, like any agreement, goodwill and commitment will be needed to maximise the benefits of the ACT public sector enterprise bargain. The fact of the matter is that ACTEW management were out of step with that agreement.

Understandably, the union is agitated about the process. If the Government's commitment to the broad application of the terms of this agreement is seen to be compromised, then it is hard to expect that the unions will put their hearts into the hard work involved in negotiating real and sustainable productivity improvements. It is a narrow view of the world that sees the issues simply in terms of productivity gains arising from an agreement between ACTEW and less than about a third of its work force. Governments need to take a broad view of issues such as this and look at the implications across the whole public sector, rather than just settle for a set of productivity benefits agreed to by part of the work force of one agency only.

Against this background the Government is looking to ACTEW to sit down with the ETU and to develop an agreement which is consistent with the Government's policy and the ACT public sector agreement. In this regard I note that the ETU is party to the Federal Public Service agreement which contains exactly the same productivity measures that we have mirrored in the ACT public sector agreement. Where productivity measures specific to ACTEW have been identified and are consistent with the ACT public sector enterprise bargaining framework, these should be capable of being adopted in any new arrangements.

Mr De Domenico: Do you support Mr Connolly?

MR BERRY: Mr De Domenico asks whether I support Mr Connolly. We are as one on this issue. As for the threats or the taking of industrial action by the ETU, the Government understands that the matter has been before the Industrial Relations Commission. I understand that those proceedings have taken place, but at this point I am not aware of the outcome. It is the most appropriate forum for such serious matters to be considered. I understand, and this has been made clear to the ETU, that ACTEW remains available to sit down with the ETU to negotiate an agreement which is consistent with the Government's policy.

This policy is a very serious attempt to gain the support of the trade union movement for the future of the ACT government sector. We value the support that has been given to that agreement by the labour movement and we value the contribution that the Electrical Trades Union makes to the Government Service here in the Territory. We trust that we will be able to work towards an arrangement which will incorporate issues of concern for the ETU in a way that will satisfy it, but in that process we have to ensure that the framework that we had agreed to previously and to which so many unions are committed is not prejudiced. If we are not able to proceed down that path, then at agency level productivity bargaining would be more difficult because we have an orderly process which has been accepted, by and large, and it has been accepted at the Commonwealth level as well.

All of this was somewhat up in the air with the sabre rattling of the Liberals before the last election. We are all past that and we are going down the path of improved productivity and more efficient public services with the unions. We are not taking them on. We are not like the Liberals, refusing to accept automatic payroll deductions or any of that rubbish. This is a process of working through these problems with the view to settling any disputation in an orderly way. We disagree at this point with the ETU. Such is the nature of industrial relations. Conflict is inevitable, as sensible people who know a bit about industrial relations would agree.

As a follow-on from today's industrial relations proceedings - as I said, I am not aware of the outcome yet - I would hope that the Government, the ETU and ACTEW are able to forge, together, an agreement which is accepted, by and large, by the entire union movement in the ACT because, as I have said earlier, we need their support in forging our way forward towards better industrial relations within the public sector. All of this commitment, I think, will assist in negotiating an acceptable outcome with the ETU. Industrial action while these processes are under way will not be very helpful to the process. I can understand that the ETU are agitated and - - -

Mr De Domenico: So are the community.

MR BERRY: I suspect that the ETU will have due regard to the community whilst they consider these matters. In fact, delegates that I met with earlier indicated their concern for the community. I trust that that concern will overcome any wish to take industrial action. Quite frankly, I am fairly confident that there is a way forward by way of negotiation with ACTEW and the ETU towards an agreement with which they will be satisfied.

This is, Madam Speaker, a bit of a bodgy approach by the Liberals, because they seek to make something out of what is a normal industrial relations process where decisions of government are forged into industrial agreements. The Government has made a decision in relation to this matter and we will work very hard to forge an agreement which will be long lasting. We know that the overwhelming majority of the union movement in the ACT is committed to the course that we originally adopted and we will not abandon those people who made that early commitment. Neither will we abandon the ETU in their pursuit of an industrial outcome with which they can live. I am confident that we will be able to work our way to a successful agreement, again recognising that conflict is a part of industrial relations; but it is only the Labor Party that can work through it.

MR WESTENDE (4.57): Madam Speaker, the Government's failure to ratify the agreement between ACTEW and its employees is most regrettable. Any employer, whether government or private enterprise, knows that its biggest asset is its employees. Why alienate them? Why not work in "unionism", that very word meaning working together? The incredible situation of the Government's failure to ratify an enterprise agreement in ACTEW is a classic example of a lack of vision and commitment to the future. What we have to realise in this country is that we are moving forward, and in many quarters and on both sides of politics there are attempts to respond to the demands of change.

The very essence of the future of enterprise agreements in this country is employers and employees alike working cooperatively together to achieve productivity improvements and remuneration outcomes tailored to an organisation's particular requirements, including the needs of staff. However, enterprise bargaining is much more than two groups trying to strike the best deal for themselves. It is much wider than this. It is about mobilising and equipping the work force with new vision and hope, not only for themselves but for the future of their children. The ACTU president, Martin Ferguson, was reported in the 3 April 1992 - I emphasise 1992 - edition of *Business Review Weekly* as saying:

> The fact is that enterprise bargaining is not simply about wages and conditions. It is about changing the entire industrial culture at the workplace.

I think what Martin Ferguson was getting at was that we have to get away from the mentality of a confrontationist approach to industrial relations. I have been an employer for 23 years, prior to entering this place, and I have never had an industrial dispute. I realise, as do most employers, whether government or private enterprise, the value of my employees. We have to see the workplace as being a creative environment where employers and employees work in accord to strive for improvements in productivity and efficiency for the betterment of both the employer and the employee. As the previous Federal Minister for Industrial Relations, Senator Cook, said in reference to progress with workplace bargaining in the Australian Public Service:

> What we are doing here is opening the door to the imagination of public servants and their departmental heads to come up with ways in which they can make their agency more efficient and get a reward out of doing so.

What happened in ACTEW? They did just that, and what happened? This Government failed to ratify the agreement. Enterprise bargaining should be seen as a tool which can be used by a company or a government to improve productivity, thereby providing a source of both wage increases and increased profits. Remember that ACTEW last year returned to this Government something like a $19m profit, which ultimately benefits the taxpayer. There may be some instances from time to time of employers ripping off their employees, but there is an overwhelming feeling out there among workers and their employers that if you can work together you can achieve great things.

Speaking from experience, I know what it is like to have motivated employees. It is great. It creates happiness, it is productive, it is satisfying and, most of all, it is reassuring. However, this does not happen of its own accord. It has to be worked at by both parties. It takes two to tango, and I believe that, in this case, as both parties had reached agreement, it should have been up to the Government to ratify it. If you try to tango and you are out of step, you see what happens. Once again, that is what it means to become involved in workplace bargaining - working together, achieving together, and sharing the rewards together.

It almost goes without saying that, if we have employers and employees working like this, we are going to turn this country around, and quickly. That brings great hope for our young and for our unemployed. There will be a future in that case, and an exciting one where everyone has a part to play - not just workers following a routine pattern, but workers who play an important part in the decision making process that determines the direction and outcomes of the organisation in which they are employed and the conditions and terms of their employment.

If a business wants to get the best out of its employees it has to involve them and treat them well. It follows that, motivated in this way, the business, or a government enterprise, will achieve the best results. Equally, it follows that if employees want job security and job satisfaction they will strike up an arrangement with their employer that can achieve that. They will not have the attitude of getting what they can for the sake of it. They will see that productivity gains will mean opportunity for a range of benefits.

The motivating force in enterprise bargaining is that it is between an employer and an employee. It is an individual bargaining arrangement. It identifies and recognises the desire in all of us to have some say in the conduct of our lives. The more control we each have in that regard, naturally, the happier we will all be and the more interested we will be in the things we do. It gives meaning to have a sense of independence. To dispose of their time and their property in whatever manner they see fit is the right of all employees, provided they do not infringe on the right of others. We believe that employers have the right to manage their own business. We also believe that government enterprises have the right to manage their own businesses and to negotiate and consult, leading to a mutually acceptable agreement rather than confrontation and arbitration, and that should be the normal practice in industrial relations. In government, we would encourage and facilitate the use of voluntary agreements between employees and employers and, where possible, remove any legislative barriers preventing the use of such agreements.

The failure of the Government to ratify the agreement that was arrived at in the way I have been speaking about signals a government way behind the times. It signals a government so steeped in the tradition of unionism that it cannot see beyond it, even when the unions have taken that step. Here we have a situation where the union involved - for Mr Berry's information, the correct title of the union involved in the ACTEW agreement is the Electrical, Electronic and Plumbing and Allied Workers Union, commonly known as the EPU - was very supportive of the agreement. It is now outraged.

It is interesting to note that, running up to the last election, the Labor Party's scaremongering machine had the audacity to tell the public that the Liberal Party's industrial relations policy would tear Australia apart. It could well be that the Labor Government's reluctance, particularly that of the ACT Labor Government, to ratify workplace agreements may cause the very thing they said the Liberals would do. The EPU, quite rightly, is furious about the action to overturn the decision made, also rightly, by Mr Connolly, and we expect that they will take action and that this will cost the ACT. It will also cost the ACT in lost opportunity for the productivity improvements so badly needed to bolster the Territory's finances.

None of this would have happened if the Government could simply be more adventurous and entrepreneurial. It has become dangerously interventionist and cripplingly conservative. Madam Speaker, this Government must get its act together and express to the community some vision and hope for this wonderful city before the opportunities pass us by.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.07): I have very little to add to the remarks Mr Berry made earlier in this debate. Listening to the Liberal Party, you get the impression that this is a situation that has reached total chaos point and that there has been an abandonment of productivity savings that were negotiated between ACTEW and the union. That is not the case at all. The situation is that the Government has made a decision that we need to have enterprise bargains in a framework that is consistent with a global approach but with the scope for individual variations at individual enterprises.

As Mr Berry has indicated, and as the Chief Minister indicated in her answer to a question today, we are continuing to negotiate with ACTEW and with the electrical and plumbing union with a view to hammering the basics of the productivity savings that were agreed upon into a format that is consistent with the overall ACT approach. That is capable of resolution. I am sure that it will be resolved. They were in the commission this afternoon; we have not yet got a report back from that.

I am confident that officials from the industrial relations area and ACTEW will sit down, hammer out the productivity savings that had been reached by the EPU and ACTEW some weeks ago, putting that in a manner consistent with the whole-of-government approach to enterprise bargaining, and thus delivering to the community the savings that had been negotiated upon and delivering to the workers appropriate advantages for themselves. We will achieve that, and I am sure that when this house next meets this issue, which was seen as the great controversy of the day, will have been settled and we will have, as Mr Westende indicated we should have, appropriate and sensible arrangements in place, and we will have achieved that within the framework of a whole-of-government approach.

MRS CARNELL (5.10): Madam Speaker, what we see here is a heavy-handed attempt by the Labor Left to turn one of the more efficient organisations in the ACT into another dull arm of government. ACTEW has consistently improved its efficiency and cost-effectiveness over recent years, to the extent that it was able to pay the ACT Government over $19m in the most recent financial year.

ACTEW is completely internally self-funding, providing water and electricity to the people of the ACT at one of the lowest rates in Australia, and at the same time paying substantial dividends to the ACT Government. But this has not been enough for the ACT Labor Government. It has continually required ACTEW to pay higher dividends to government - in fact, $21m this year, I understand.

Mr De Domenico: No, $20.5m, because of this agreement.

MRS CARNELL: Yes, that is right. Not content just to ask for more money, this Labor Government actually stipulated how this increased dividend will be found. They have said to ACTEW, "You will achieve these savings internally and not pass on any increased costs to the public". At first look, this might seem a reasonable request, and so it would be if this ideologically moribund Government had not taken away one of the tools ACTEW needed to achieve these internal savings, and that is the capacity to negotiate a better deal with staff.

The absolute lack of logic in this whole situation never ceases to amaze me. The ACT Government says to ACTEW, "You will achieve internal savings". So ACTEW goes to the EPU in an attempt to comply with the Government's direction and proceeds to negotiate an enterprise agreement.

Mr De Domenico: Quite sensible.

MRS CARNELL: Quite sensible, and it is an incredibly appropriate response. The purpose of these negotiations, of course, was to rid ACTEW of inefficient work practices, to achieve structural efficiencies, and to increase productivity - an amazingly sensible approach and exactly what enterprise bargaining is all about. In line with Federal Labor policy and the whole thrust of labour market reform, an industry based agreement was reached.

Mr Lamont: Federal Labor policy is something that you embrace warmly, is it?

MRS CARNELL: No; but it is Labor Party policy. The outcome of all this was an industry based agreement. What a positive outcome for everyone involved!

Mr De Domenico: Where is Mr Berry?

MRS CARNELL: I think he is going to solve the methadone problem. This agreement contained the requirements for ACTEW to achieve internal efficiencies - $500,000 worth of internal efficiencies. Let us remember that the imperative for ACTEW to find these internal efficiencies came from the Labor Government itself. It was the Labor Government that forced ACTEW, although I am sure ACTEW would have been happy to do it anyway, to go to the union to attempt to find these internal efficiencies. The agreement also suited the union, which got a better deal for its members - something that does not seem to be a problem.

Mr De Domenico: We have not thought about that. Perhaps Mr Connolly has been set up.

MRS CARNELL: Maybe he has been. This would seem to me to be a win-win-win outcome, as I think Mr De Domenico adequately said. The Government won because its increased dividend was more secure. ACTEW won because it would be able to fund the dividend without becoming a gross borrower, and if ACTEW becomes a gross borrower its capacity in the medium and long term both to service its debt and to pay increasing dividends to the ACT Government becomes almost non-existent. Importantly, the union won, with its members getting a better deal, which I would have thought the Labor Government would have been very pleased about. Certainly, the Liberal Party is very pleased about that.

One would have thought this would have been viewed as a triumph for labour market reform, something Mr Keating and Mr Kelty and all the people Mr De Domenico referred to speak about frequently; but no, not in the ACT, not with the Labor Left. This Left-dominated Labor Government are not interested in micro-economic reform. They are interested only in control and stamping out initiative.

Mr De Domenico: The pragmatic Left are interested, though.

MRS CARNELL: Yes, but the ones who actually have the numbers are the problem, Mr De Domenico. We have already seen this with Mr Berry's move to decorporatise the ACTTAB. The ACTTAB, similar to ACTEW, has embraced micro-economic reform, has become more efficient and innovative, and is returning a sizeable dividend to the ACT Government. It sounds very similar to ACTEW. The TAB has also improved its customer service and expanded its client base. Again, that is not dissimilar. Again, one would have thought the Government would have been congratulating the ACTTAB board for their very real contribution to the ACT economy. But no, Mr Berry is going to sack the board, decorporatise it, and make the TAB another arm of government.

Madam Speaker, I say again that Mr Berry and his left-wing comrades, and I use the word advisedly, seem to have one aim, and that is to control and to destroy initiative, even at the expense, in this case particularly, of efficiency and productivity. This has been shown again in Mr Berry's handling of this current ACTEW-EPU dispute. Mr Berry's left-wing ideology has once again let down the people of the ACT. If electricity supplies are interrupted, the blame must be sheeted home to where it is deserved, and that is to Mr Berry, Mr Berry's left-wing colleagues, and the ACT Labor Government, because Ms Follett does not have the guts to intervene.

MADAM SPEAKER: The discussion has concluded.

ADJOURNMENT

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

That the Assembly do now adjourn.

Methadone Program

MR MOORE (5.17): Madam Speaker, I am glad that Mr Connolly moved the adjournment motion because in question time today Mr Berry indicated to us that he would provide some further information before the end of the day. Granted that that could be interpreted to mean up until midnight, I would have thought it would be more likely to mean that he would explain to the Assembly before the end of the day what the situation was in terms of the methadone program and, in particular, the specific interests of his department and him, as Minister responsible for that department, in complying with the requirements of the Act that a response be made within 28 days to an application for a pharmacist to dispense methadone. So it is rather convenient that Mr Connolly has moved the adjournment motion and that therefore Mr Berry's response will not close the debate. I look forward to a response.

Tuggeranong Valley - Community Report

MS ELLIS (5.18): Madam Speaker, I would like to take this opportunity in the adjournment debate to bring to the attention of members of the Assembly a report recently issued under the auspices of Tuggeranong Link. The report, "The Rhythm of Life", is a community report by Amanda Chapman, who is a final year student at the University of Canberra. It is a needs analysis of older residents in the Tuggeranong Valley, and Tuggeranong Link committee members cooperated with Amanda in both the research work and the production work for this report.

As we are all probably aware, people have a habit of referring to Tuggeranong as Nappy Valley. Even though I do not find that term particularly derogatory, because we do have a lot of nappies hanging around the valley, by the same token the valley is now starting to get to a mature level and we have quite a number of older residents. The idea of even producing such a report is recognition of that, and I would like to commend both Amanda and Tuggeranong Link for the effort they have put into this report. I suggest that interested members of the Assembly consider getting hold of a copy and having a look at it.

National Folk Festival

MR LAMONT (5.20): Madam Speaker, I remind members of the Assembly that over the Easter period, which will shortly be upon us, the National Folk Festival will be held in Canberra. It is a festival of absolutely breathtaking breadth in the types of music it covers and is a real bonus to the activities of our tourist industry in the ACT. I encourage all members of the Assembly, those listening in the gallery and, hopefully, the reporters from the *Canberra Times* and the electronic media to give due publicity to that event.

Sly and Weigall

MR DE DOMENICO (5.20): Madam Speaker, last week I was fortunate enough to be invited to lunch in the Sly and Weigall boardroom. As we all know, Sly and Weigall is one of Canberra's bigger legal firms. The lunch was to do with once again meeting the insurance industry, and we talked about workers compensation rates and all sorts of things.

Mr Connolly: And what a good job Labor had done in bringing the rates down.

MR DE DOMENICO: Mr Connolly, I am glad that you said that, because that is not what they said, and they are the people actually on the floor who do all the work. Sly and Weigall is the only legal firm in Australia, I am told, that is now operating in Vietnam and many other Asian countries. I think it is a feather in the ACT's cap that Sly and Weigall, a Canberra firm, is leading the nation in operating in countries such as Vietnam, and they ought to be congratulated. It goes to show all those knockers of the ACT that we can do it just as well, if not better, in the ACT. We hope that many other companies, such as Mr Westende's company, which is now exporting to Dubai, will have the vision to say, "We can do it just as well here in the ACT and, in fact, better". I think companies like that need to be congratulated.

Methadone Program

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (5.22): Mr Moore, in the adjournment debate, raised an issue in relation to the methadone program, with which he has a passion. During question time I said that advice would be sought, and that has occurred. I have had discussions on the matter with my senior officers and I am still considering my response to that advice. More advice will be flowing in the next hour or so, and I will advise Mr Moore of the outcome as soon as I have made my decision on the matter.

Member's Wedding

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.22), in reply: Madam Speaker, government members spend a lot of time in this place attacking members of the Opposition for their lack of judgment and inability to make sound decisions. Our colleague Mr Humphries is getting married between this sitting of this house and the next sitting. I would like to say that on this one occasion he has made a sound decision and the correct judgment, and I wish him well.

Members: Hear, hear!

Question resolved in the affirmative.

Assembly adjourned at 5.23 pm until Tuesday, 11 May 1993, at 2.30 pm

ANSWERS TO QUESTIONS

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 456

Lottery

Mrs Carnell - asked the Minister for Health

Has the Government considered the possibility of establishing an A.C.T. based lottery (similar to those used successfully in Queensland) to help fund specific projects in Health, eg heart surgery, the Clinical School etc.

If not, why not.

Mr Berry - the answer to Mrs Carnells question is:

The suggestion that there be an A.C.T. based lottery might be worth considering and for the record it needs to be noted that I would not be opposed to such a scheme. However consideration of a lottery would need considerable investigation.

One issue for example would be to assess the impact such a lottery would have on

existing lotteries and other gambling services such as the TAB.

Further I understand that some years ago there was a specific A.C.T. lottery but I am advised that this lottery eventually folded because of the small population base upon which it relied for its profitability. This would also have to be taken into account.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

NOTICE NO. 504:

Dual Occupancy Development - Griffith

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

(1) Is it correct that the Minister believes in the principles of frank and open community consultation.

(2) Does the Minister believe that neighbours of a development should be accurately and fully consulted as to the nature of a proposed development.

(3) Is the Minister aware of a dual occupancy built on Block 5 Section 92 Griffith.

(4) Is the Minister aware that neighbours of this development were asked to comment on a plan substantially different to that approved and built to.

(5) Is this an example of the Ministers commitment to frank and open consultation.

(6) Is the Minister aware his officers approved this development without even conferring with neighbours.

(7) Is the Minister aware that side walls of dual occupancy buildings under the 1986 Planning and Design and Siting Policies are not to come closer than 1.8 metres to a neighbours side boundary.

(8) Is the Minister aware that special dispensation was granted in this case to enable dual occupancy to come to .89 metres of a neighbours boundary.

(9) Is the Minister aware that the survey certificate accepted by his officers for this proposal omitted to note the proximity to the boundary of this wall.

(10) Is the Minister aware that his officers had no conversation at all with neighbours before approving the incorporation of a previous error into the dual occupancy building.

(11) Is the Minister aware that the relevant Dual Occupancy Guidelines and Design and Siting Policies stipulate that the amenity of neighbours must be taken into account in granting approvals for development.

(12) Is the Minister aware that his officers have refused to release copies of their analysis of the effect on the amenity of the development on Block 5 Section 92.

(13) Is the Minister aware that there was an alternative site on Block 5 for the proposed development.

(14) Is the Minister aware that his officers failed even to inspect the alternative site or to discuss it with neighbours.

(15) Can the Minister assure the Assembly that incidents such as this are extraordinary exceptions and that he will not permit them to be repeated.

(16) Is the Minister aware of correspondence sent for the attention of the Territorys Chief Planner on this issue.

(17) Is the Minister aware that this correspondence has not been acknowledged let alone answered.

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

(1) Yes.

(2) The Governments current requirements are now set out in the Land (Planning and Environment) Act 1991, the related Consequential Provisions Act and the Buildings (Design and Siting) Act 1964 as amended in July 1992.

(3) Yes. This proposal was approved in April 1992 under the legislation as it then existed. It provided that the neighbour be given the opportunity to comment but did not afford appeal rights.

(4) I understand that the only departure from the plan shown to neighbours related to the enclosure of a proposed carport in front of the dual occupancy unit by walls and a door to form a garage. A later amendment to the approval concerned a change to the roofline of the carport/garage, which at the same time was moved further away from the side boundary.

(5) The consultation required under the then current legislation was carried out, ie the neighbours were advised of the proposal and given an opportunity to comment Under the new legislation any departure from a "quantitative standard" in the Territory Plan would require the proposal to be notified, with formal rights of objection and subsequent appeal.

(6) The neighbours were advised of the proposal and given an opportunity to comment. The lessees of Block 4 made a written submission. However, the Planning Authority considered that the issues raised were not substantive and not sufficient to justify refusal of the application.

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(7) The relevant "quantitative standard" of the Territory Plan is 1.8 metres. However, the performance standards of the plan allow some discretion to be exercised where the general requirements for these setback distances are met. The legislation at that time did not require public notification and did not provide rights of appeal in such cases whereas it does now.

(8) In this case, a corner of the building which already exists and was approved some years ago, is 0.89 metres from a side boundary. It formed a corner of the carport/garage which has not been incorporated into the dual occupancy.

(9) The survey certificate in question was not "accepted"; further information was requested and provided.

(10) the formal process for consultation was followed and did not involve any direct discussions.

(11) The Planning Policies for Dual Occupancy and the Design and Siting Policies 1973 contain general references to maintenance of residential amenity. The amenity of neighbours affected by proposals is, of course, a consideration in any development approval.

(12) Yes. The ACT Planning Authority is restricted under the provisions of the Commonwealth Privacy Act 1988 from releasing documents pertaining to an application from ether parties.

(13) I understand that the applicant had considered alternatives to the proposal but did not wish to pursue them.

(14) The proposal submitted was considered to comply with the relevant qualitative policies and it was not necessary to canvas alternatives. Last year the Authority dealt with over 12,000 applications or nearly 40 per day. There is neither the legal justification for the Authority to require applicants to consider alternatives nor the resourcing within the Planning Authority to consider alternatives for every application.

(15) The ACT Planning Authority has followed the processes required of it in this matter. The new legislation would now require formal public notification of an application such as this and would give neighbours appeal rights.

(16) Several pieces of correspondence have been received from the lessee of the adjacent block in regard to this matter, plus numerous telephone calls. Some of the correspondence received was in my view, unnecessarily offensive.

(17) The Authority has written to the adjacent lessee on three occasions concerning this issue, responding to points raised.

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 507

Teacher Transfers

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

(1) How many drama teachers have been compulsorily transferred from colleges since 1989 (a) from one college to another and (b) from a college to a high school.

(2) How many English teachers have been compulsorily transferred from colleges since 1989 (a) from one college to another and (b) from a college to a high school.

(31 How many drama teachers have been transferred voluntarily from college to college since 1989.

(4) According to the ACT Education Departments policy on transfers what are the definitions of (a) "substantive appointment"; (b) "date of appointment"; (c) voluntary transfer"; and (d) "compulsory transfer".

(5) What guidelines exist concerning application of tie Australian Teachers Union "first in - first out" policy for teachers.

(6) Are ACT teachers permitted access to all their personal files; if so, what are the administrative requirements to obtain such access.

MR WOOD - the answer to Mr Humphries question is:

It is not possible to provide definitive answers to questions (1), (2) and (3) because the relevant information is not kept :n a format which enables extraction of the detail requested. Departmental records are concerned with the staffing of each school and system totals, not moves between school F.

When placements to positions are made the information published is position number, name of the teacher transferred and whether the teacher was a compulsory or voluntary transferee. There is no information about a teachers previous location.

The information provided below is based on the Level 1 Transfer Round of each year. It should be noted that other placements are made after the main transfer round. Details of these transfers are recorded only on personal files. The system database (Staff List System) does not record data about subject areas of individual teachers or of individual teaching positions.

(1) Since 1989:

(a) One teacher was compulsorily transferred to a college to teach drama.

(b) One teacher was compulsorily transferred to a high school to teach drama.

(2) Since 1989:

(a) 14 teachers were compulsorily transferred to colleges to teach English.

(b) 31 teachers were compulsorily transferred to high schools to teach English.

(3) Since 1989 two teachers were voluntarily transferred to colleges to teach Drama/English.

(4) (a) In a school situation the expression "substantive appointment" refers to the placement of a teacher in a vacant position which is expected to be ongoing, subject to enrolment fluctuations and student subject choices, beyond the current school year.

(b) The "date of appointment" is the date on which an officer is appointed to the ACT Teaching Service; this is shown on the Appointment Certificate which the teacher receives following appointment. When a teacher is transferred to a position the commencement date for that position is shown on a Transfer Form, which is sent to the teacher (and others).

(c) A "voluntary transfer" refers to a transfer which has arisen due to a teachers voluntary application for transfer in the annual Level One Transfer Round. In this case a teacher holds a substantive position from which he/she is prepared to move.

(d) A "compulsory transfer" occurs when a teachers substantive or temporary position is no longer available due to enrolment fluctuations or changes in student subject choices. These circumstances cause the position to be either reclassified or abolished. When teachers become unattached or return from leave they also have compulsory transfer status.

(5) The Department has no guidelines concerning the Australian Teachers Union - ACT Branchs "first-in -first-out" policy.

(6) ACT Teaching Service teachers are permitted access to their personal files. To achieve access, a teacher should contact the Personnel Section at Manning Clark House. An appointment should be made, as a Personnel Officer must be in attendance whilst the teacher peruses the file.

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 512

Woden Valley Hospital - Emergency Department
Waiting Times

Mr Humphries - asked the Minister for Health:

In relation to the casualty section at Woden Valley Hospital on the evening of Saturday 23 January to Sunday 24 January 1993

(1) Can the Minister confirm that some people attending the casualty section were required to wait from 4 pm until 1 am for attention.

(2) On how many occasions in the last two months have waiting times at casualty exceeded 9 hours.

Mr Berry - the answer to Mr Humphries:

The name of the casualty section at Woden Valley Hospital was changed to Emergency Department some two years ago in line with the policy of the Australasian College of Emergency Medicine. The name change was undertaken to enable the public to more clearly understand the role of the department having responsibility for the treatment of the acutely and seriously ill whose management should at all times take priority.

(1) The computerised attendance record for the Woden Valley Hospital Emergency

Department has been examined and there is no patient identified who waited from 4 pm on 23 January 1993 until 1 am the following morning for attention.

16 patients were registered between 3 pm and 5 pm. From registering to completion of treatment and discharge home or admission, the average time for this group of patients was one hour and forty minutes; the longest time was five and a half hours for a client who had been involved in a pushbike accident.

(2) There is no record of waiting times exceeding nine hours in the last two months.

Standing orders require that the Emergency Specialist on call be notified if the wait for minor complaints exceeds four hours.

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0. 515

Pensioner Concessions

MRS CARNELL - Asked the Minister for Health upon Notice on 16 February 1993:

In relation to the announcement that all pensioners will be eligible to the full range of Commonwealth and State fringe benefits from April 1993 regardless of income:

1) How many pensioners in the ACT will be affected by the change.

2) How much will the extended concessions cost the ACT Government.

3) What level of compensation is being paid to the ACT Government by the Commonwealth.

4) Will the ACT be "out of pocket" as a result of the Commonwealth offer to pensioners.

5) What are the ACT Government funded concessions to pensioners.

6) How much will these concessions cost the ACT Government.

CHIEF MINISTER

The answer to the members question is as follow:-

1) Based on figures provided by the Commonwealth Department of Social Security in 1992, an additional 3,264 people will benefit from the changes. The Department of Social Security is in the process of compiling updated figures.

2) The cost of providing concessions to the extended group of beneficiaries is estimated at $1,000,000 per annum based on the 1992 figures provided by the Department of Social Security. This amount will be revised when the Department of Social Security provides an update of the number of people currently receiving the benefits.

3) The Commonwealths initial offer to the ACT was $700,000 per annum with a pro rata payment for the period April to June 1993. However, in a letter to me dated 4 February 1993, the Prime Minister stated that States and Territories would be eligible also for compensation for any additional verifiable costs of extension which are not reasonably covered by this amount. These arrangements will apply for the 1992/93 financial year only.

4) A working party of officials from the Commonwealth, States and Territories has been established to provide accurate costings of the extension of concessions and to address long term issues relating to concessions. Funding arrangements in future years will be negotiated following the report of the Senior Officials Committee to the first meeting of Heads of Government in 1993 and subsequent decisions on functional responsibilities in this area.

5) The following concessions are available to pensioners. Further details regarding ACT concessions are contained in the public discussion paper titled: A Review of ACT Government Concessions prepared by the ACT Government in 1 991 .

Bus Fare Concessions Free Quarterly School Bus Pass Therapy Centre Taxi Scheme ACT Taxi Subsidy Scheme Subsidised Meals at Daycare Centres ACT Equipment Scheme Free Spectacle Scheme Free Ambulance Service Podiatry Services Adult Dental Services TAFE Fee Concession for low income earners Motor Vehicle Registration Fee Concession Drivers Licence Concession General Rates Business Diesel Fuel Franchise Exemption Electricity Rebate Water and Sewerage Admission to Canberra Theatre, Lanyon Nolan Gallery and Calthorpes House

6) Many concessions offered by the ACT Government are provided to a number of groups including pensioners, beneficiaries, the aged, low income earners and students. Details of the groups eligible for each concession are given in the public discussion paper titled: A Review of ACT Government Concessions prepared by the ACT Government in 1991. Total expenditure on each major concession is set out below. It is not possible to extract the cost of concessions for individual sub-groups of concession recipients.

CONCESSION COST 91-92
$000S
Bus Fare Concession 7500.0
Free Quarterly School Bus Pass 369.7
Therapy Centre Taxi Scheme 19.0
ACT Taxi Subsidy Scheme 215.3
Subsidised Meals at not available
Daycare Centres
ACT Equipment Scheme 319.4
Free Spectacle Scheme 145.4
Free Ambulance Service 1115.0
Podiatry Services 65.0
Adult Dental Services 1150.8
TAFE Fee Concession
for low income earners 217.6
Motor Vehicle Registration
Fee Concession 789.2
Drivers Licence Concession 216.9
General Rates 1269.7
Business Diesel Fuel
Franchise Exemption not available
Electricity Rebate 1054.0
Water and Sewerage 956.0
Admission to Canberra Theatre,
Lanyon, Nolan Gallery and
Calthorpes House

not available

LEGISLATIVE ASSEMBLY QUESTION NO. 526

School Burglaries

Mr Cornwell: To ask the Attorney General -

(1) How many incidents of break-ins to ACT schools were recorded in the recent 1992-93 Christmas/New Year school holiday period.

(2) Has any assessment of damage been made and, if so, what is the approximate total value.

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

NOTE: To provide the number of incidents which occurred at ACT schools would require each incident recorded on the Computerised On-line Policing System (COPS) to be manually interrogated. This would be a costly, time consuming and labour intensive exercise.
Consequently, the Australian Federal Police (AFP) Information and Statistical Services Branch has provided figures, as at 19 February 1993, pertaining to property and burglary offences at ACT schools which were reported to police between 1 December 1992 and 31 January 1993. The AFP data base does not allow for the extraction of offence statistics for part months.
Offence statistics are drawn from criminal offence reports submitted by investigating members who nominate the offences that have, prima facie, been committed.
In addition, it needs to be recognised that the alleged offences may not necessarily have occurred during the period specified. It may not be readily apparent that an offence has been committed and consequently it may go undetected for some time before being reported.

(1) There is no offence of break-in under the Crimes Act 1900. However, section 102(1) of the Crimes Act 1900, which relates to the offence of burglary, states:

A person who enters or remains in any building as a trespasser with intent -
(a) to steal anything in the building; or
(b) to commit an offence involving an assault on a person in the building or involving any damage to the building or to property in the building, being an offence punishable by imprisonment for S years or more,

is guilty of an offence punishable, on conviction, by imprisonment for 14 years.

Reports received by police during the period 1 December 1992 to 31 January 1993 disclosed 46 alleged burglary offences at ACT schools.

(2) The value of property damaged as a result of offences committed at ACT schools, including the alleged burglaries, was estimated by police at $31,965.00. However, I would stress that this figure is based on police estimates, generally made at the commencement of inquiries. Consequently, the actual value of property damage, and figures maintained elsewhere, may differ from these police estimates.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION.

QUESTION NO 528

Gungahlin - Aboriginal Site

Mr Cornwell - asked the Minister for the Environment, Land and Planning:

In relation to the recent damage to an Aboriginal sacred site in Gungahlin:

(1). What action has been taken against the operator of the machine, as opposed to the company,. which drove through the fence.

(2) If no action has been taken, why not.

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

(1) & (2) No legal action will be taken against the machine operator who damaged Aboriginal site PH13, nor with the company MBA Land, which has the holding lease over the area of land concerned.

An archeological report, commissioned by the ACT Government to examine the impact of a developmental intrusion into the site, has found that there was little physical disturbance.

The local Ngunnawal community has also prepared a report on the damage to the site to reflect Aboriginal perspectives.

In addition, I understand that the Ngunnawal community is liaising with the developer to ensure the proper conservation of the site within open space.

In deciding not to initiate legal proceedings, it is acknowledged that in future all parties involved in land development must work more closely with the Aboriginal community to ensure significant heritage sites are protected.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 535

Housing Trust - Non-Resident Applicants

MR. CORNWELL - asked the Minister for Housing and Community Services - How does the statement (Canberra Times 26 December 1992 page 3) : " A Housing Trust spokesman said non-ACT residents were not able to register for public housing except on medical grounds", conform with your reply (part 2) to Question on Notice No 246 that: "There is no six month residency requirement for applicants to join the waiting list for public rental housing in the ACT "

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

There is no six months residency requirement to apply to register for government housing.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 539

Housing Trust Properties - Asbestos Roof Insulation.

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

(1) Do any Housing Trust properties contain asbestos roof insulation and if some do, how many.

(2) What action is being taken to remove the asbestos and how many houses have been treated to end 1992.

(3) What is the cost per house.

MR CONNOLLY: The answer to the Members question is as follows -
(1) Yes, seven.

(2) Asbestos removal has completed on three of the seven houses; and all houses are expected to be completed by June 1993.

(3) $62,200.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 541

Housing Trust - Tenancy Agreement Breaches

MR CORNWELL - Asked the Minister for Housing and Community Services - Further to your reply to Question on Notice No. 421 (3) that "legal action is taken against tenants who are proven to persistently breach their agreements"-

(1) What evidence is accepted to prove such breaches.

(2) How many tenants had legal action taken against them for breaching agreements not to be a nuisance or cause a disturbance in (a) 1991 and (b) 1992.

(3) What penalties were imposed.

(4) How many in each year at (2) above were (a) evicted and (b) moved to other Trust properties.

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

(1) The evidence depends on the nature of the breach.

(2) Information is not readily available.

(3) Not applicable.

(4) Information is not readily available.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 5 44

Housing Trust Properties - Damage by Tenants

MR CORNWELL: Asked the Minister for Housing and Community Services - Further to your reply to Question on Notice No. 420 concerning tenant damage to Housing Trust properties, in (a) 1991 and (b) 1992 -

(1) How many invoices were sent to Trust tenants seeking payments for the cost of repairs other than "wear and tear".

(2) What was the total value of the invoices for each year.

(3) How much money has been repaid to the Trust as a result of these invoices in each of these years.

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

	1990/91	1991/92
(1)	23	100
(2)	$17,941.40	$47,271.66
(3)	$0	$ 2,047.80

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 547

High Schools - Repairs and Maintenance

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

Further to your reply to Question on Notice No. 405 regarding repairs and maintenance in each ACT high school in (a) 1989-90 and (b) 1990-91

(1) Could you advise the repairs component of Lyneham and Melba High Schools respectively in 1989-90 and Alfred Deakin, Ginnindera, Kaleen, Lyneham and Wanniassa High Schools in 1990-91.

(2) Were any of the high schools at (1) subject to a major maintenance upgrade and if so, which schools.

MR WOOD - the answer to Mr Cornwells question is:

(1) major works undertaken were:

1989-90

Lyneham High - Replace floorcoverings in foyer and corridors
- Retubing of lights
- Replace section of roof
- Internal Painting
- Replacement of canteen doors
- Replace fire extinguishers, emergency lights

Melba High - Replace thermal fire detectors
- Replace ductwork to air conditioning
- External painting
- Internal painting
- Retubing of lights

1990-91

Alfred Deakin High - Replace fire detection system
- Replace heating pumps
- Replace fan coil units
- Repair tennis courts
- External painting

Ginnindera High - Electrical repairs
- Repairs to fire protection system
- Replace floor coverings
- Replace ceiling tiles
- Replace heating fan coil units

Kaleen High - Replace carpet
- Repairs to heating system
- Replace thermal fire detectors
- Replace emergency evacuation system

Lyneham High - Resurface playing courts
- Replace external doors
- Replace floorcovering to corridor
- Replace section of roof
- Internal painting

Wanniassa High - Replace fire protection system
- Replace carpet
- Replace laboratory bench type
- External painting

(2) Major upgrading works for schools at (1) were

1989-90

Nil works

1990-91

Alfred Deakin High - Supplementary funding for gymnasium climbing wall

Lyneham High - Gymnasium improvements, which included
provision of additional storage space,
staff office, upgrade of existing stores
and student change rooms.

Wanniassa High - Upgrade to technology area, including
woodwork, metalwork, design technology
and associated storage areas.

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 556

Government Schools - Excess Places

MR CORNWELL - asked the Minister for Education and Training on notice on 17 Februarv 1993:

As at 16 February 1993 how many excess places existed in ACT Government Schools, by name, at primary, high and college 7 levels.

MR WOOD - the answer to Mr Cornwells question is as per attached table Enrolment and Capacities, 1993. Note that school census day in 1993 was 18 February and figures quoted are given for that day.

ACT Government Primary and High Schools

Enrolment and Capacities, 1993

SCHOOL	ORIGINAL BUILT CAPAC (Refer Note 1)	SITE CAPACITY (Refer Note 2)	OPERATING CAPACITY (Refer Note 3)	ENROL FEB 1993 (Refer Note 4)	SURP SITE CAP (Refer Note 5)	SURP OPERAT CAP
COLLEGES						
COPLAND	870	874	874	776	98	98
DICKSON	1080	1045	1045	696	349	349
ERINDALE	930	931	931	750	181	181
HAWKER	912	912	912	929	0 *	0
LK GINNINDERRA	893	893	893	928	0 *	0
LK TUGGERANONG	893	893	893	904	0 *	0
NARRABUNDAH	780	779	779	896	0 *	0
PHILLIP	912	912	912	779	133	133
STIRLING	836	836	836	507	329	329
SWOW	50	57	57	49	8	8
HIGH SCHOOLS						
ALFRED DEAKIN	967	912	912	577	33-5	335
BELCONNEN	1064	912	893	683	229	210
CALWELL	800	760	760	813	0 *	0
CAMPBELL	855	836	836	719	117	117
CANBERRA	1045	931	931	832	99	99
CHARNWOOD	760	741	741	395	346	346
CAROLINE CHIJHO	770	760	760	616	144	144
GINNINDERRA	1000	950	950	597	353	353
KALEEN	800	760	760	703	57	57
KAMBAH	720	722	722	752	0 *	0
LYNEHAM	1064	969	069	814	155	155
MELBA	817	779	779	553	226	226
MELROSE	1100	1045	1045	688	357	357
TELOPEA PARK	627	589	589	671	0 *	0
WANNIASSA	836	836	836	752	84	84
STROMLO	1083	1007	1007	972	35 *	35
PRIMARY SCHOOLS						
AINSLIE	480	410	410	334	76	76
ARANDA	480	410	410	372	38	38
ARAWANG	450	410	410	409	1	1

SCHOOL	ORIGINAL BUILT CAPACIT	SITE CAPACITY	OPERATING CAPACITY	ENROL FEB 1993	SURP SITE	SURP OPERAT
BONYTHON	360	350	350	277	73	73
CALWELL	480	460	460	436	24	24
CAMPBELL	510	380	320	313	67	7
CHAPMAN	570	470	470	316	154	154
CHARNWOOD	570	525	525	312	213	213
CHISHOLM	360	310	310	443	0 *	0
COOK	180	145	145	128	17	17
CURTIN	660	415	415	360	55	55
DUFFY	570	440	440	285	155	155
EVATT	600	530	530	408	122	122
FADDEN	480	465	465	592	0 *	0
FLOREY	480	460	460	484	0 *	0
FARRER	450	380	380	391	0 *	0
FLYNN	570	410	410	371	39	39
FORREST	570	470	470	442	28	28
FRASER	360	320	320	347	0 *	0
GARRAN	480	440	440	421	19	19
GILMORE	480	460	460	591	0 *	0
GIRALANG	660	500	500	378	122	122
GOWRIE	480	470	470	431	39	39
GORDEN	480	465	465	381	84	84
GRIFFITH	450	290	290	51	239	239
HALL	120	-35	-35	155	0 *	0
HAWKER	420	415	415	252	163	163
HIGGINS	630	620	620	231	389	389
HOLT	600	525	525	316	209	209
HUGHES	630	565	445	268	297	177
ISABELLA PLAINS	480	460	460	481	0 *	0
KALEEN	660	555	555	458	97	97
LATHAM	450	380	380	295	85	85
LYNEHAM	570	525	525	477	48	48
LYONS	210	205	205	121	84	84
MACGREGOR	660	525	525	387	138	138
MACQUARIE	480	355	355	203	152	152
MAJURA	780	710	410	447	263 *	0
MARIBYRNONG	660	650	560	270	380	290
MAWSON	540	440	230	254	186	0
MELBA	660	560	410	214	346	196
MELROSE	48C	410	260	207	2.03	53
MILES FRANKLIN	360	320	320	391	0 *	0
MONASH	480	465	465	530	0	0
"IT NEIGHBOUR	660	470	470	313	157	157
NARRABUNDAH	300	290	290	153	137	137
NORTH AINSLIE	570	350	290	425	0 *	0
RED HILT, 8-10	710	500	342	368	158	
RICHARDSON	480	465	465	404	61	61
RIVETT	600	560	260	199	361	61
SOUTHERN CROSS	510	380	380	311	69	69
SPENCE	660	655	415	253	402	162

SCHOOL	ORIGINAL BUILT CAPACIT	SITE CAPACITY	OPERATING CAPACITY	ENROL FEB 1993	SURP SITE	SURP OPERAT
TAYLOR	660	500	500	289	211	211
TELOPEA PRIMARY	600	380	380	417	0 *	0
THEODORE	360	350	350	410	0 *	0
TORRENS	450	410	410	343	67	67
TURNER	420	320	260	349	0 *	0
URAMBI	660	585	585	408	177	177
VILLAGE CREEK	660	500	500	379	121	121
WANNIASSA	660	495	495	524	0 *	0
WANNIASSA HILLS	660	615	615	488	127	127
WEETANGERA	570	415	415	260	155	155
WESTON	510	475	475	299	176	176
YARRALUMLA	3 0 0	2 3 5	2 3 5	2 0 ,1	31	31
TOTALS	55704	49836	47867	40351	10860	9072

SUMMARY:
SURPLUS STUDENT CAPACITY 10860 9072
LESS ADDITIONAL SPACE REQUIRED FOR 1226 !226
SPECIAL CLASSES (REFER NOTE 6)
TOTAL SURPLUS 9634 7846
STUDENT SPACES

Note 1
Special schools and annexes, small rural schools are not included.

Note 2 ORIGINAL BUILT CAPACITY refers to the number of teaching spaces built at the time of construction.

Note 3
The SITE CAPACITY column excludes, where appropriate, concessions for A.V. Teaching Studies, E.S.L. and Reading Recovery programs, design deficiencies and special circumstances pertaining to some schools and includes spaces used by tenants.

Note 4
OPERATING CAPACITY refers to the Annual Capacity less
tenant Spaces

Note 5
The enrolment column includes mainstream students only.

Note 6 This is a space allowance for system wide programs such as Introd English Centre (IEC), Junior Assessment Centres (JAC), and Tearning Centres (LC).

Note
N11 negatives are counted as zero as students are accommodated within the existing buildings using transportable classroom units where necessary.

ACT Department of Education and Training 3/23/93

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 558

Chief Minister - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 18 February 1993.

In the period 1 July 1992 to 30 September 1992
How many interstate visits were made by you in your official capacity.
(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

I have made two interstate visits in my official capacity as Chief Minister in the period 1 July 1992 to 30 September 1992, the details of which are as follows:
(i) CITY VISITED:
DATE/S:
REASON FOR TRAVEL:
ACCOMPANIED BY

COST OF VISIT:
(ii) CITY VISITED:
DATE/S:
REASON FOR TRAVEL:
ACCOMPANIED BY: COST OF VISIT:
Sydney

1 September 1992
Hosted a tourism promotion for the announcement to inbound tour operators of the abolition of the surcharge applying to international tourists overnighting in Canberra.

David Wedgwood - Principal Adviser

Chief Minister $ 284.00
David Wedgwood
Lightning Ridge

25 - 27 September 1992
$ 284.00
Lead official party to the Opal and Charity Queen Ball and associated functions
$ 600.

00

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 559
Treasurer - Interstate Visits

MR KAINE - Asked the Chief minister upon notice on 23 February 1993.

In the period 1 July 1992 to 30 September 1992 -

(1) How many interstate visits were made by the Treasurer in her official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied her on each occasion.

(4) What was the cost of each visit by (a) the Treasurer and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

In my official capacity as Treasurer, I did not travel interstate during the period 1 July 1992 to 30 September 1992

.

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 560

Minister for the Environment, Land and Planning - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 23 February 1993:

In the period 1 July 1992 to 30 September 1992 -

(1) How many interstate visits were made by the Minister for Environment, Land and Planning in his official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied him on each occasion.

(4) What was the cost of each visit by (a) the minister; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

The Minister for Environment, Land and Planning, in his official capacity, did not travel interstate during the
period 1 July 1992 to 30 September1992

.

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 561

Minister for Education and Training - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 23 February 1993:

In the period 1 July 1992 to 30 September 1992
(1) How many interstate visits were made by the Minister for Education and Training in his official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied him on each occasion.

(4) What was the cost of each visit by (a) the Minister; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

The Minister for Education and Training, in his official capacity, made one interstate and one overseas visit in the period 1 July 1992 to 30 September 1992, the details of which are as follows:

(i) CITY VISITED: Sydney
DATE/S: 21 August 1992
REASON FOR TRAVEL: Ministers of Vocational Education Employment and Training Meeting
ACCOMPANIED BY: Nil
COST OF VISIT: $ 284.00
(ii) CITY VISITED: Auckland
DATE/S: 19 - 23 September 1992
REASON FOR TRAVEL: Australian Education Council Ministers Meeting
ACCOMPANIED BY: Nil
COST OF VISIT: $ 1440.

90

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 562

Attorney-General - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 23 February 1993:

In the period 1 July 1992 to 30 September 1992
(1) How many interstate visits were made the Attorney General in his official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied him on each occasion.

(4) What was the cost of each visit by (a) the Attorney General; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

The Attorney-General, in his official capacity, made three interstate visits in the period 1 July 1992 to 30 September 1992, the details of which are as follows:

(i) CITY VISITED: Perth
DATE/S: 1 - 4 July 1992
REASON FOR TRAVEL: Standing Committee of Attorneys General Meeting
ACCOMPANIED BY: Jo Baker - Senior Private Secretary
COST OF VISIT: Attorney General $ 1926.00

Jo Baker $ 1671.00
(ii) CITY VISITED: Melbourne
DATE/S: 15 July 1992
REASON FOR TRAVEL: Special Police Ministers Meeting
ACCOMPANIED BY: Terry Kempnich - Private Secretary
COST OF VISIT: Attorney General $ 378.00
Terry Kempnich $ 407.

00

(iii) CITY VISITED: Adelaide
DATE/S: 30 - 31 July 1992
REASON FOR TRAVEL: Standing Committee of Consumer Affairs Ministers Meeting
ACCOMPANIED BY: Jo Baker - Senior Private Secretary
COST OF VISIT: Attorney General S 868.00
Jo Baker S 798.

60

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 563

Minister for Housing and Community Services - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 23 February 1993:

In the period 1 July 1992 to 30 September 1992 -

(1) How many interstate visits were made by the Minister for Housing and Community Services in his official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied him on each occasion.

(4) What was the cost of each visit by (a) the Minister; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

The Minister for Housing and Community Services, in his official capacity, did not travel interstate during the period 1 July 1992 to 30 September 1992

.

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 564

Minister for Health - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 23 February 1993:

In the period 1 July 1992 to 30 September 1992 -

(1) How many interstate visits were made by the Minister for Health in his official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied him on each occasion.

(4) What was the cost of each visit by (a) the Minister; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

The Minister for Health, in his official capacity, did not travel interstate during the period 1 July 1992 to 30 September 1992.

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LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 565

Minister for Sport - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 23 February 1993:

In the period 1 July 1992 to 30 September 1992 -

(1) How many interstate visits were made by the Minister for Sport in his official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied him on each occasion.

(4) What was the cost of each visit by (a) the Minister; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

The Minister for Sport, in his official capacity, made one interstate visit in the period 1 July 1992 to 30 September 1992, the details of which are as follows:

(i) CITY VISITED: Hobart
DATE/S: 7 - 9 July 1992
REASON FOR TRAVEL: Sports Ministers Conference
ACCOMPANIED BY: Sue Robinson - Senior Private Secretary
COST OF VISIT: Minister $ 1272-00
Sue Robinson S 1020-65

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LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 566

Minister for Urban Services - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on 23 February 1993:

In the period 1 July 1992 to 30 September 1992
(1) How many interstate visits were made by the Minister for Urban Services in his official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied him on each occasion.

(4) What was the cost of each visit by (a) the Minister; and (b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

The Minister for Urban Services, in his official capacity, made three interstate visits in the period 1 July 1992 to 30 September 1992, the details of which are as follows:

(i) CITY VISITED: Melbourne
DATE/S: 28 July 1992
REASON FOR TRAVEL: Ministerial Council Meeting on National Road Transport
ACCOMPANIED BY: Nil
COST OF VISIT: $ 378.00

(ii) CITY VISITED: Adelaide
DATE/S: 27 - 28 August 1992
REASON FOR TRAVEL: Water Resources Ministers Conference
ACCOMPANIED BY: Nil
COST OF VISIT: S952.

00

(iii) CITY VISITED: Talbingo
DATE/S: 3 September 1992
REASON FOR TRAVEL: Visit to the Snowy Mountains Scheme
ACCOMPANIED BY: Jo Baker - Senior Private Secretary
Terry Kempnich - Private Secretary
COST OF VISIT:

Nil

TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 570

Ex-Gratia Payments

MR KAINE - Asked the Treasurer upon notice on 23 February 1993:

In relation to ex-gratia payments that have been made by the ACT Government between 1 July 1992 and 31 January 1993

(a) how many have been made;

(b) to whom were the payments made;

(c) for what purposes and

(d) what amount.

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

(a) There were six act of grace payments approved between 1 July 1992 and 31 January 1993 totalling $96,900.00.

(b)&(c) Section 43 of the Audit Act 1989 allows an authorised person (the Treasurer or his or her appointee) to approve an act of grace payment when satisfied that, by reason of special circumstances, it is reasonable to do so. Traditionally, act of grace payment provisions exist as a legal means of making a payment that cannot otherwise be made under any existing legislation.

Some of the act of grace payments are of a sensitive nature and the ACT Government has a responsibility to protect the recipients right to privacy. Consequently, it would not be appropriate to divulge publicly details of these cases. However, I am prepared to provide you with a confidential briefing.

Amount Description

(c)&(d) $700 Payment to individual due to special circumstances.
$2500 Payment to individual due to special circumstances.
$200 Payment to individual due to special circumstances.
$9600 Payment to an organisation when application of the law produced an unintended outcome.
$30000 Payment to an organisation after government advice contributed to the claimants acting to its financial detriment.
$53900 Payment to an organisation when application of the law produced an unintended outcome.
Summary details of act of grace payments are also disclosed in Departmental Annual Reports

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 575

Housing Trust Tenants - Excess Water Accounts

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

(1) Has the ACT Housing Trust reduced to 50% the contribution required from public housing tenants for excess water bills in conformity with ALP policy.

(2) If so, how much revenue has been forgone in each relevant financial year to date.

(3) If not, why not.

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

(1) No.

(2) Not Applicable.

(3) Individual ACT Housing Trust tenants are only required to meet the costs of excess water accounts for amounts over $25.00

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

Question No 576

Government Schools - Excess Places and Non-Salary Costs

MR CORNWELL - asked the Minister for Education and Training on notice of 24 February 1993:

As at 16 February 1993 -

(1) What is the enrolment and how many excess places existed in ACT Government Schools, by name, at primary, high and college levels.

(2) What are the discretionary funds for non-salary costs for each school b1• name.

MR WOOD - the answer to Mr Cornwells question is:

(1) See reply to Question No 556.

(2) Discretionary funds for non-salary costs for each school per student per annum were:

large primary schools $84
small primary schools $74
high schools $101
colleges $

112

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 581

Students Repeating Year 12

MR CORNWELL - asked the Minister for Education and Training on notice on 24 February 1993:

In relation to your reported statement (The Canberra Times 30 January 1993) that any 1992 school leaver wanting to repeat Year 12 "will be dealt with on a case by case basis
(1) How many Year 12 students have sought to repeat Year 12.

(2) How many of these students have been accepted for Year 13.

MR WOOD - the answer to Mr Cornwells question is:

(1) The exact number of students who enquired as to the possibility of repeating Year 12 is not known. There were 36 enquiries on the issue through the Careers Advisory Hotline/ Shopfront that operated in January 1993. In addition there would have been enquiries at individual Colleges. However, as at 22 March 1993, 344 students applied to repeat Year 12. This was after the second round of University placements and is approximately 70 fewer than at the same time last year.
(2) All 344 students have been accepted to repeat Year 12. Figures include 16 in non-government schools and 40 at the Canberra Institute of Technology.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 582

Housing Trust Properties - Burnie Court

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

(1) Is the ACT Housing Trust considering the sale of 132 units, ie two blocks of Burnie Court bedsitters, to the private sector.

(2) If so, where will the Trust accommodate the current tenants.

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

(1) No decision has been made.

(2) Not applicable

.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 584

Housing Trust Properties - Burnie court

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

(1) Is a survey being conducted at Burnie Court, Lyons.

(2) What is the purpose of the survey.

(3) When will it conclude and will the results be made available to interested parties.

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

(1) Yes.

(2) To seek from Burnie Court tenants, information about their needs to assist the ACT Housing Trust and community support groups deliver a better service to them.

(3) The results of the survey will be available for relevant interested parties by the end of April 1993

.

LEGISLATIVE ASSEMBLY QUESTION 585

Housing Trust Properties - Burnie Court

Mr Cornwell: To ask the Attorney General - In relation to Burnie Court, Lyons -

(1) Was a proposal put forward or a request received for a permanent police presence and, if so, why was the request not granted.

(2) What were the incidents of crime, by type, in (a) 1991 and (b) 1992.

(3) How do these crime rates compare with those of comparable ACT flat complexes.

(4) Is it a fact Neighbourhood Watch crime statistics for Lyons no longer include Burnie Court.

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

I do not believe it is in the public interest to provide the information sought by Mr Cornwell

.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 588

Traffic Surveys - Hughes

Mr Cornwell - asked the Minister for the Environment, Land and Planning
(1) Have any recent studies been undertaken into (a) noise levels and (b) lead levels from vehicles in Kitchener Street, Hughes.

(2) If so, when were these studies conducted and what were the results.

(3) If not, why not.

Mr Wood - the answer to the Members question i:=,, as follows:

(1) (a) No traffic noise surveys have been recently undertaken on Kitchener Street, Hughes.

(b) No recent surveys have been undertaken into lead levels from vehicles in Kitchener Street, Hughs.

(2) Not applicable since surveys were not conducted.

(3) (a) I am advised traffic noise surveys have not been conducted on Kitchener Street recently, as the Roads and Transport Branch (Department of Urban Services) has not been notified of any traffic noise problems in Kitchener Street.

The Roads and Transport Branch (Department of Urban services) is managing a project involving the investigation of local area traffic management issues in the Hughes/Garran area, including Kitchener Street. The principal issues raised via a residential survey were traffic volumes and traffic speeds on some of the local area streets, (specifically Kitchener and Kent Streets). Traffic noise was not cited as a specific issue, though concerns were expressed in terms of the noise generated by the principal problem of high traffic volumes.

Preliminary calculations using the Calculation of Road Traffic Noise (CORTN) model suggest that the noise level at lm in front of the nearest facade of residences in Kitchener Street may be in the vicinity of 66-6 % dB (A) L10, 18hr which is above the

NCDC design criterion of 65 dB(A) currently applying.

(b) It is unlikely that lead levels in air would exceed the National Health and Medical Research Councils guideline value of 1.5 micrograms per cubic metre (90-day average value). I understand the ACT Board of Health is proposing to measure airborne lead levels in Kitchener Street over a 3 month period commencing in April 1993.

Explanatory Notes on Terms Used:

(1) The term dB (A) means that the sound intercity is expressed in decibels on the A-weighted scale which is the most relevant to the human ear.

(2) The descriptor dB(A)L10 18hr is commonly used to describe. road traffic noise, and represents the arithmetic average of the 18 individual LA10, 1hr values between 6 am and midnight. The traffic floc. information used in calculating the descriptor value is normally the highest daily flow for the 18 hour period.

The descriptor is expressed in A-weighted decibels (dB(A)] and indicates the noise level which is exceeded for 10% of the time stated. The time interval used may be from 1 hour to 18 hours.

The measure is used to indicate the level of road traffic noise which should not be exceeded if specific maximum design noise values for the. interior of buildings are not to be exceeded.

The descriptor LA10, 18hr is used in planning to identify set-back and or attenuation requirements to minimise intrusion by traffic no.?se, particularly in residential areas.

(3; 90-day average value means the average value obtained .from a standard test carried out over period of 3 months, with readings taken over 24 hours on every 6th day.
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3

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 589

Housing Trust Properties - Burnie Court

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

Will the ACT Housing Trust allow tenants of Burnie Court, Lyons, to purchase their bedsitters; if not, why not.

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

No, there are no unit titled leases available for any ACT Housing Trust flats.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 590

Housing Trust Properties - Burnie Court

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

(1) Is security provided at Burnie Court, Lyons by a private security company for $20,000 per annum; if not, then for how much.
(2) What security is provided by the company.

(3) Have complaints been received by the ACT Housing Trust about security, or lack of it, at Burnie Court.
(4) Why is security necessary at. Burnie Court.

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

(1) A security patrol service is provided by the Australian Protective Service at a cost of $1,064.58 per month.
(2) The service comprises a nightly foot patrol of the whole of the flat complex..
(3) Yes.
(4) To protect public and private property and safety.

1145

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 592

Housing Trust Properties - Burnie Court

MR CORNWELL - Asked the Minister for Housing and Community Services - At 22 February 1993, how many children were resident at Burnie Court, Lyons.

MR CONNOLLY - The answer to the Members question is as follows:
. There is one child officially resident at Burnie Court as at 22 February 1993

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 593

Housing Trust Properties - Unauthorised Tenants

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

(1) How does the ACT Housing Trust police the occupation of Trust property by unauthorised tenants.

(2) What action is taken against such people.

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

(1) A condition of tenancy agreements is that a tenant notify the Housing Trust of any change in occupants.

Information concerning occupants of Housing Trust properties is obtained in the normal course of managing tenancies and maintaining the properties.

The Housing Trust acts upon any information it receives from third parties.

(2) Warrants are obtained through the Magistrates Court and are executed by the Australian Federal Police in the company of officers

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 595

Housing Trust Properties - Burnie Court

MR CORNWELL - Asked the Minister for Housing and Community Services - In relation to Burnie Court, Lyons -

(1) Does the ACT Housing Trust attempt to accommodate people who enjoy gardening in ground floor bedsitters; if not, why not.

(2) Does the Trust limit the number of occupants of a bedsitter to no more than two adults or one adult and one child; if not, why not.

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

(1) Yes.
(2) Bedsitter accommodation is allocated to single persons

.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION No 596

Housing Trust - Staff

Mr CORNWELL: Asked the Minister for Housing and Community Services the following questions in relation to the ACT Housing Trust -
1) How many staff are employed?
2) Where are staff employed and in what numbers in each location?
3) What duties, by classification, do Housing Trust staff perform at each location?

Mr CONNOLLY : The answers to the Members question is as follows -
1) At the end of February 1993 the Housing Trust employed 231 staff.
2) Staff are deployed over five (5) locations, namely
i) 32 staff ACT Government Shopfront, City
ii) 23 staff ACT Government Shopfront, Belconnen
iii) 21 staff Woden District Office, Cosmopolitan Building.
iv) 18 staff Tuggeranong District Office, Centerpoint Bldg
v) 137 staff at Head Office, Callum Street, Phillip.
3) The Housing Trust provides a number of community programs, the largest being the allocation and management of government rental housing for ACT residents.

Additionally, the Trust provides and administers Home Loans, mortgage relief, rent relief and several community assistance programs. All programs are supported by Administrative sections within Head Office. All are administered by Managers at Senior Officer grade B level

.

All District Offices are administered by a District Manager (AS06). Work is allocated and staff supervision is carried out by 1 x AS05 and 1 x AS04 in each. Client relations are maintained by AS03s and basic support staff involves AS02 and 1 levels.

Head Office staff (SOGB to AS02) are engaged in operational support, management and administration, policy, property maintenance and computer network systems

.

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 604

Cook Primary School - Multiple Intelligence Theory

MR CORNWELL - asked the Minister for Education and Training on notice on 23 March 1993:

(1) Is it a fact that Cook Primary School has a subject or course called "Multiple Intelligence" which covers such topics as (a) Summoning up inner guides or spirits; (b) Outer body experiences; (c) How to chant mantras; and (d) ESP, telepathy and clairvoyance.

(2) Has his course content been approved by your Department and if not, why not.

(3) If the course content has been approved, why has it been approved.

(4) What age group or primary school children would be taking the course.

(5) Has parental permission been obtained to permit children to participate in the course and if not; why not.

(6) Have any complaints been received about this subject and if so; how many.

(7) Who teaches this subject or course, and what are the qualifications of this person.

MR WOOD - the answer to Mr Cornwells question is:

(1) Cook Primary School acknowledges the value of tree Theory of Multiple Intelligence as proposed by Professor Howard Gardiner, Harvard University,, in his book "Frames of Mind" 1983. Multiple Intelligence is not a course or school subject but an approach which enables teachers to evaluate their teaching and childrens potential from a broad perspective which encourages children to benefit from their preferred mode of learning. Multiple Intelligence theory, as implemented at Cook Primary School does not cover such topics as (a) Summoning up inner guides or spirits, (b) Outer-body experiences; (c) How to chant. mantras; nor (d) ESP, telepathy and clairvoyance.

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(2) It is not a course. However, the theory is recognised as sound by the Curriculum Section of the Department of Education and Training and the Education Faculty of the University of Canberra. The curriculum of any school is approved by the Board of that school.

(3) It is not a course. School based curriculum development at primary level is overseen by District Directors, SPRAD, boards, and Curriculum Section. The Professional Development and Curriculum Sections have both sanctioned the development of understanding of the theory through financial grants.

(4) All children at Cook Primary benefit from teachers understanding of the theory.

(5) While a School Board does not need parental permission before it approves the schools curriculum, the theory of multiple intelligence was presented to a meeting of the parents. .those who were present were supportive of the implementation of the concept at the school.

(6) Two patents expressed concern at a misunderstandirg about the supposed spiritual nature of the teaching at Cook. After discussion, reading and observation, they were satisfied that NO anti-Christian activities are happening at Cook. Cook Primary staff and parent body consists of a significant number of committed practising Christians.

(7) There is no subject or course called Multiple: Intelligence. All teachers at Cook have studied and practised application of the Multiple Intelligence theory

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 607

Housing Trust Properties - Additional Occupants

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to ACT Housing Trust premises

(1) Are tenants permitted to take in other people to share the bedsitter, flat or house.

(2) If so, do they need prior permission of the Trust.

(3) If so, does the additional person need to be eligible for Trust accommodation.

(4) If so, and the original tenant is eligible for rent rebate, does the Trust re-assess the level of rebate after additional income is taken into account.

(5) How does the Trust ensure that premises are only occupied by people entitled to be there and that rent levels appropriate-to total income of the household are being paid.

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

(1) Yes.

(2) Yes.

(3) To become a joint tenant - yes.
To become a boarder - no.

(4) Yes.

(5) Refer to answer to Question 593 Part (1).

Refer to answer to Question 466 Part (1).

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 611

Housing Trust Properties - Subleasing

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to ACT Housing Trust properties

(1) During an absence by a tenant, is the tenant permitted to sublet the bedsitter, flat or house.

(2) If so, by what means does the tenant arrange such a sublease.

(3) If so, is the tenant required to have the sublease documented in writing and does the tenant need to have the prior permission of the Trust to make such an arrangement.

(4) If a premises is sublet, who is responsible to the Trust for the payment of rent and the upholding of the terms in the original lease, including the agreement that the tenant will not indulge in behaviour which is a nuisancees.

(5) If a premises is sublet, does the Trust have direct contact with the sublessee and, if so, under what circumstances.

(6) If a premises is sublet and there is a persistent problem with the sublessee, is the Trust entitled to evict that person and if so, does the Trust ever re-locate such a person into alternative Trust accommodation under any status (eg on the waiting list, priority waitlist or emergency allocation).

(7) Following circumstances in (6) of eviction of a sublessee, does the premises remain vacant until the return of the lessee and does that lessee retain such premises under the original agreement.

(8) If the original tenant is eligible for rent rebate, is the level of rebate re-assessed during the period of subletting, and does the sublessee need to fulfil the Trusts criteria of eligibility for housing.

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(9) If a Trust tenant is not permitted to sublease, is the Trust aware of any premises currently being sublet and what steps are being taken to rectify the situation.

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

(1) Yes.

(2) By applying in writing to the Housing Trust and meeting the stipulated sublet conditions.

(3) No, but the tenant is advised to arrange a sublease in writing. Yes.

(4) The tenant.

(5) No.

(6) Yes. The ACT Housing Trust has a right to evict any occupant of its premises when there has been a breach of the tenancy agreement. The Notice of Determination of Tenancy is directed to the legal tenant. Prior to any eviction proceeding the legal tenant can terminate the agreement with the sublessee. A new sub-tenancy can be arranged or the legal tenant can resume occupancy.

The sub-tenant can apply to register for Public Housing in the normal manner.

(7) Yes; it may for a short period. However, rent must continue to be paid. See also (6) above.

(8) Yes. Approval to sublet is granted on the condition that the tenant will be required to pay full rent.

As a sublessee - no. Refer to (6).

(9) Not applicable

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 612

Housing Trust Properties - Kambah

MR CORNWELL: Asked the Minister for Housing and Community Services
- In relation to the ACT Housing Trusts premises in Braund Place, Kambah
(1) How many houses have had exterior painting done so far this year.
(2) What was the cost of such painting.
(3) How long did it take.
(4) Has the painting been inspected by the Trust since completion.

(5) Do any houses need to be repainted or "touched up" following their recent painting; if so, how many.
(6) Was the painter assigned this contract a qualified tradesman.
(7) Were the people who applied the paint qualified, experienced painters.

MR CONNOLLY: The answer to the Members question is as follows -
(1) Eight.
(2) $948.36 (average).
(3) Two weeks.
(4) Inspected by ACT Public Works works supervisor.
(5) Yes, two.
(6) Yes.
(7) Yes.

1156

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION N0.613

Supported Accommodation Assistance Program -
Short Cuts Information and Advocacy Service

MR. CORNWELL - asked the Minister for Housing and Community Services - In relation to Short Cuts Information and Advocacy Service for Young People (Short Cuts)

(1) Prior to March 1993, what funding and resources were provided by the ACT Government and any other sources to support Short Cuts

(2) For what reasons was provision of such funding and resources lessened or ceased, and who made such a decision

(3) How was the effectiveness of the Short Cuts service to young Canberrans assessed and by whom

(4) How was the original need for a service such as Short Cuts ascertained, by whom and when

(5) Has such a need ceased to exist

(6) Is it intended to replace the services offered by Short Cuts if so by whom, when and where will such a service be based.

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

(1) $166 365 for 1992-93.

(2) The decision to cease the Supported Accommodation Assistance Program (SAAP) funding of the Youth Housing Outreach service was made by the Commissioner for Housing following advice from the SAAP/ Crisis Accommodation Program (CAP) Joint Officers Group. This followed a decision by the interim management committee of Short Cuts to withdraw from the SAAP funding agreement.

(3) All funded organisations are required to participate, at least once every three years, in a service review. The difficulties experienced by Short Cuts occurred prior to the scheduled service review of their organisation.

(4) Applications for SAAP funding in 1987/88 (when the Short Cuts service commenced) were assessed against nominated SAAP target groups. The applications were reviewed by the SAAP/CAP Joint Officers Group who then made recommendations to the then Commonwealth Minister for Territories.

(5) No. The current advice from the SAAP/CAP Ministerial Advisory Committee, reflects an ongoing need for Housing Outreach projects in the ACT.

(6) Yes. Applications are being assessed for the funds previously available to Short Cuts for provision of a similar service.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 617

Housing Trust - Waiting List

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to 5,305 households on the ACT Housing Trusts waiting list not receiving rent relief and further to your explanation (letter 19 February 1993) that;

"Those applicants on the waiting list who are not receiving rent relief are either managing on the private rent market without the assistance of rent relief, are not interested in applying for rent relief or are ineligible for such assistance."

(1) Is it a fact that a means test applies to being accommodated in Trust accommodation.

(2) If so, what are these people listed in your reply doing on the Trust waiting list.

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

(1) Yes.

(2) They meet the eligibility criteria to remain on the ACT Housing Trust waiting list but do not meet all of the eligibility criteria to receive rent relief or have not applied.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 620

Housing Trust - Rental Bond Payments

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to rental bonds for private housing -

(1) Does the ACT Housing Trust pay bonds for rent relief tenants.

(2) How much does the bond average and how much in total was paid in bonds in (a) 1991 and (b) 1992.

(3) Is the bond paid direct to the landlord/agent or to the prospective tenant.

(4) How many bonds and what total value of bonds were forfeited in (a) 1991 and (b) 1992.

(5) For what reasons were these bonds forfeited in each year, ie damage or vacated arrears.

(6) At the vacating of the premises is the value of the bond, less any deductions, repaid by the landlord/agent to the Trust or to the vacating tenant.

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

(1) Yes, the ACT Housing Trust lends up to $600 to clients to be used to pay bonds.

(2) $442 average year to date at the end of February 1992/93.
Information on bonds paid in calender years 1991 and 1992 is not readily available. However, the total amount paid in bonds in the 1991/92 financial year was $277,729 and year to date at the end of February 1992/93 is $293,214.

(3) To the prospective tenant.

(4) Information is not readily available.

(5) Information is not available.

(6) Tenant.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 621

Housing Trust - Private Rent Defaulters

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to rent relief assistance for tenants in private housing -

(1) If the tenant does not use the rent relief to pay the rent, what recourse does the landlord have to recover the money.

(2) Does the ACT Housing Trust reimburse the landlord for rent loss at (1) and if not; why not.

(3) What amount of money has been lost to private landlords in 1991-92 in circumstances as described at (1).

(4) Does the Trust have any arrangement to protect private landlords from persistent rent defaulters.

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

(1) Legal action against the tenant with whom he or she has signed a tenancy agreement.

(2) No. See answer at (1).

(3) This information is not known.

(4) No

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 622

Housing Trust Properties - Burnie Court

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to Burnie Court, Lyons -

(1) When was the complex purchased by the ACT Housing Trust.

(2) Were any of the bedsitters then privately owned and occupied outright and, if so, how many and what happened to the owner-occupiers.

(3) Were any of the bedsitters then being purchased by their occupants and; if so, how many and what happened to the intended occupier-purchasers.

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

(1) The units were built by the National Capital Development Commission and handed over to the then Housing Branch in 1973.

(2) Not applicable.

(3) Not applicable

.

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 623

Teacher Actions - Parent Confidence

MR CORNWELL - asked the Minister for Education and Training on notice on 23 March 1993:

In relation to the February 1993 issue of Feedback, the newsletter of the ACT Council of Parents and Citizens Associations Inc. and the comment (p. 1) that "...the actions of some teachers (not all) served to undermine parent confidence in the school.".
(1) What action is being taken to investigate the allegation.

(2) If proven, what action will be taken against the offender(s).

MR WOOD - the answer to Mr Cornwells question is:

(1) No official complaints concerning the report in Feedback have been received either by myself or the Department of Education and Training.
(2) Not applicable

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 626

Housing Trust - Waiting Times

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

(1) What is the average waiting time for allocation of a three bedroom ACT Housing Trust property after priority approval is given.

(2) Why is this period of time necessary.

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

(1) 1 to 3 months depending on location.

(2) This is due to high demand, stock availability and location of dwelling.

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TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 630
Stamp Duty

Mrs CARNELL - Asked the Treasurer upon notice on 24 March 1993 in relation to acquisition of business information pursuant to section 64C of the Stamp Duties and Taxes Act 1987 for the calendar year 1992 and year to date 1993:

(1) How much stamp duty has been collected under this Act.

(2) How many businesses have been requested to pay stamp duty under this Act.

(3) How many persons failed to lodge a return on the acquisition of a business within 60 days as required by this Act.

(4) How many persons were penalised for not lodging a return on time.

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

(1) The amount of duty collected for the calendar year 1992 was $858,326.80. Duty collected from 1 January 1993 to 26 March 1993 is $234,590.27.

(2) The number of businesses assessed for duty in 1992 was 414. 86 businesses have been assessed for the year to 26 March 1993.

(3) In 1992, 199 persons failed to lodge a return within 60 days as required by the Act. 29 have failed to do so for the year to 26 March 1993.

(4) In 1992, 150 persons were penalised for not lodging a return on time. To 26 March 1993 another 26 persons have been similarly penalised.

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 637

Belconnen Basketball Centre - Parking

Mr Westende - asked the Minister for Urban Services:

(1) Why was building approval given to the Basketball Centre in Oatley Court, Belconnen without car parking requirements on the land.

(2) Why is it proposed to install parking meters in Oatley Court when one of the main parking problems occurs in the evening when people attending the Basketball Centre are parking in front of the Thai Rama Restaurant and stifling business opportunity for that restaurant.

(3) Why is it proposed to install parking meters in Oatley Court when the solution is to construct a car park in front of the Basketball Centre.

(4) In his reply to my Question without Notice in the Assembly on 23 February 1993, the Minister for Urban Services, Mr Terry Connolly, MLA, said that he expected the first step in overcoming the problem of parking in Oatley Court , will be a parking survey of the traders to get a comprehensive view of what they want. Has this survey been undertaken and; if so, were the traders happy with the proposal to install parking meters.

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

(1) Building approval was given to the Basketball Centre in Oatley Court, Belconnen as the lease conditions for the Basketball Centre development did not include a requirement for off-street parking. The Government was intending to construct a new car park in the centre of Oatley Court. This car park was completed in September 1992.

(2) The parking changes proposed for Oatley Court do not involve parking meters but rather extend to the provision of signposted parking only. Officers of my Department are aware of the particular problems associated with the private car park in front of the Thai Rama Restaurant. A solution to the majority of these problems is being finalised through direct liaison with the management of the Thai Rama Restaurant and Jurkiewicz Adventure Sports. I understand that this solution will involve the erection of log barriers and signposting to reinforce the fact that the car park in front of the Thai Rama is a private car park.

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(3) Mr Westendes suggestion that the solution to the parking problem in Oatley Court is the construction of an additional car park is not appropriate. An investigation of the car parking situation by officers of my Department indicates that approximately 30% of the car park spaces are vacant during the busiest periods. The problem appears to be due to the fact that patrons of the Basketball Centre are not using the new car park at the top of Oatley Court.

As I indicated in my reply to Mr Westendes Question without Notice, the most appropriate solution is the introduction of a parking regime to ensure that users of the Basketball Centre park in the car park at the top of Oatley Court, rather than in front of the shops at the lower end.

(4) A survey of car parking in the area was undertaken. An information sheet outlining the proposed parking restrictions was distributed to all traders of Oatley Court on 25 February 1993 seeking comments on the proposed parking restrictions.

A number of comments on the proposed treatment were received and the design of the parking regime is being finalised taking account.of these comments. The majority of traders indicated support. for parking restrictions but suggested that TWO HOUR parking restrictions would be more appropriate than ONE HOUR parking in the vicinity of their premises. In addition it was suggested that a PICK UP and SET DOWN zone should be provided directly in front of the Basketball Centre. These suggestions are being included in the final design

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NUMBER 643

Housing Trust - Stock Management Policy

Mr Cornwell - asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts Stock Management Policy of replacing old stock through sales, redevelopment and upgrading -

(1) How many houses in each category were there in (a) 1990-91 and (b) 1991-92.

(2) What was the (a) revenue from sales, (b) expenditure on redevelopment and upgrading, in each of these years.

(3) How many houses were (a) sold to tenants and (b) sold to other purchasers, in each of these years.

(4) Of those houses not sold to tenants, what happened to existing tenants.

MR CONNOLLY- The answer to the above question is:

(1) 1990-91 1991-92
Sales 9 78
Redevelopment 20 43
Upgrading 117 50

(2) 1990-91 1991-92
(a) Revenue
Sales $0.676m $8.761m
(b) Expenditure
Redevelopment not available $8.356m
Upgrading $5.786m $3.145m

(3) 1990-91 1991-92
(a) Sales to tenants 0 61
(b) Sales to other purchasers 9 17

(4) Information is not available

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 644.

Housing Trust - Technical Audit

MR CORNWELL: Asked the Minister for Housing and Community Services

- In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the statement (p20) on Asset Management that "The Trust has commenced a technical audit which will assess the condition of all its dwellings. This will take three years to complete." -

(1) When did this audit commence and what will it cost.

(2) What action is being taken to repairs and maintenance requirements discovered during this audit.

(3) Does the audit make a distinction between fair wear and tear and wilful damage in Trust properties and what action is being taken in respect of repairs from wilful damage.

(4) If the tenant is obliged to pay for repairs resulting from wilful damage, how much has been collected to date as a result of this asset management audit.

(5) If the audit will take three year to complete, what guarantee is there that properties inspected early in the audit subsequently have deteriorated in condition due to tenant damage or neglect thus rendering the audit unreliable

.

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

(1) September, 1992. $85,000 is the estimated cost of the program over three years.

(2) Repairs and maintenance requirements will be prioritised and included in future Repairs and Maintenance Programs.

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

(4) This information cannot be readily identified.

(5) The Housing Trust has decided that the process will continue as a rolling program after 1994/95.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 646

Housing Trust - Flat Complexes

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the statement (p 17) that "The few big flat complexes that are owned by the Government will be gradually altered through an integrated program of upgrading, sales, and redevelopment"

(1) To what big flat complexes, by name, are being referred.

(2) Which of these complexes, by name, are being (a) upgraded (b) sold and (c) redeveloped.

(3) When will this integrated program occur.

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

(1) Lachlan Court, Northbourne Flats, Allawah Flats, Bega Flats, Dickson Flats, Fraser Court, Owen Flats, Lyneham Flats, Burnie Court, Currong Flats, McPherson Court, Red Hill Flats, Kanangra Court, Condamine Court.

(2) (a) Northbourne Flats, Fraser Court, and Currong Flats, have been upgraded.

(b) None sold.

(c) The Melba Flats site has been demolished and the land sold for redevelopment.

(3) The process commenced S years ago, and will take many years to complete.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 648

Housing Trust - Residency Requirement

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the statement on page 3 (Attachment One) that listed eligibility for public rental housing -

(1) Why was the six months residency requirement to be allocated a house (as advised in response to question on notice No 246) not listed as part of the eligibility criteria.

(2) Why, at page 20 (Attachment One) was the six month residency criteria mentioned in respect of priority assistance.

(3) Has the Trust therefore changed its policy so that only applicants for priority housing are required to fulfil the six month residency criteria and applicants on the normal waiting list are not.

(4) If this does represent a policy change, (a) when did it occur
and (b) when was it publicly announced.

(5) If the policy has not changed and a six month residency requirement still exists to be allocated Trust accommodation whether through priority or not, why is the Trust misleading the Industry Commission.

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

(1) There is no six month residency requirement for applicants to join the waiting list for public rental housing in the ACT.

(2) Persons registered for public housing who are seeking a priority allocation must have worked or lived in the ACT for at least six months in order to apply. Exceptions are made only in extreme circumstances.

(3) No. Refer to (1) and (2).

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(4) Not applicable.

(5) Refer to answers at (1) and (2). A person can register to apply for Public Housing immediately they are resident or employed in the ACT.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 650

Housing Trust - Household Structures

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trust submission to the Industry Commission Inquiry into Public Housing and the statements in Attachment One at page 10:

" We do not keep up to date information on the structure of households paying full rents (approximately 20% of households)."

And at page 18:

"at 31 December 1992 84.4% of the Housing Trusts tenants were receiving rebates..." -

(1) How many households were paying full rents at 31 December 1992.

(2) If the reply to (1) is only 15.6% what now is the percentage of rental rebate households on which reliable data on household structure exists.

(3) What was the reason for the inaccurate percentages in the submission to the Inquiry and will the mistake be corrected.

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

(1) 1869.

(2) The Housing Trust is part way through a comprehensive review of its data base on the new computer. Reliable data on the structure of households now exists for 40% of households.

(3) The attachments to the Industry Commission report contained indicative information only as denoted by the use of the word "approximately". A more detailed response will be provided during formal consultation with the Commission

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 651

Housing Trust Properties - Sale Restrictions

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the criteria limiting the sale of Trust properties (page 12, Attachment One) -

(1) When was the restriction introduced that (a) the property would not be sold if "it has potential for increased utilisation for special purpose housing or dual occupancy" and (b) it "forms part of an amalgamated site suitable for medium density".

(2) Is it a fact that these two restrictions were not listed in the April 1992 edition of Buying your ACT Government Home nor the October 1992 edition of your Tenants Newsletter.

MR CONNOLLY: The answer to the Members question is as follows -
(1) (a) and (b) In April 1991.

(2) No. The statement that The Housing Trust will not sell properties which have been identified for future redevelopment" was stated in both the April 1992 editon of "Buying your ACT Government Home" and the October 1992 edition of the "Tenants Newsletter

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 654

Housing Trust - Rent Levels

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the statement at page 16 (Attachment One) regarding Rental Policies that:

"Rents are based on the market rent for comparable privately owned accommodation in the ACT " -

(1) How does this statement equate with the Chief Ministers statement (Hansard 17 June 1992, page 955)" I continue to assert that Housing Trust rents are set at market levels for those properties, not for other properties. Mr Cornwell himself has quoted a median price. So he is not comparing Housing Trust properties with other replicated Housing Trust properties; he is comparing Housing Trust properties with a median of the whole market, I presume . . "

(2) Further, how does the statement equate with the reply to question on notice No 26 that at August 1991 unencumbered Trust rent on a three bedroom property was $137.50 per week and in February 1992 was $143.50 per week, when Market Facts, a Real Estate Institute of Australia publication, advised median weekly rents for the private sector three bedroom properties for the same month were $170 and $185 respectively.

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

(1) Housing Trust rents were set at market related rentals in 1990 following a valuation completed by a private valuation firm.

Annual rent variations since 1990 are based on movements in the private rental market using statistics published by the Australian Bureau of Statistics

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(2) Rents for private and government houses of similar size, in same location and similar condition, attract comparable rents. It is not appropriate to use median rents when considering specific properties

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 656

Housing Trust - Refusals of Assistance

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to the ACT Housing Trusts submission to the Industry Commission Inquiry into Public Housing and the statement (Attachment One, p 19) that the Trust has a discretion to refuse to grant assistance to an applicant who either owes a debt or has breached tenancy terms or agreements - How many such applicants have been refused assistance by the Trust for (a) Trust or (b) Commonwealth, breaches or debts in (i) 1990-91 and (ii) 1991-92.

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

This information is not readily available

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 658

Housing Trust - Tenant Self-Help Program

MR CORNWELL: Asked the Minister for Housing and Community Services

- In relation to the self-help program whereby Housing Trust tenants can contribute to the maintenance and improvement of their dwellings.

(1) How much scope is allowed to tenants.

(2) Do tenants advise that they wish to carry out maintenance or does the Trust offer them the opportunity.

(3) How does the system work, ie. are materials supplied to the tenant or do they purchase and seek reimbursement.

(4) Are rents reduced in return for maintenance being carried out by the tenant.

(5) Are inspections carried out before and after maintenance by a tenant.

(6) If the reply to (5) is affirmative, has a cost benefit analysis been conducted to establish if financial savings are achieved.

(7) If a cost benefit analysis has bees carried out, what were the results and if it has not been carried out, why not.

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

(1) The Housing Trust has one "Tenant Self Help" Program. Tenants have choices in selection of paint colours and the number of rooms they wish to paint.

(2) Tenants whose homes have not been repainted internally for over six years may apply to repaint their homes themselves.

(3) A kit comprising paint and materials is supplied to the tenant. .

(4) No.

(5) Only after the painting is completed.

(6) Yes.

(7) Savings of up to $1,500 per house, $750 per flat may be achieved, depending on when routine painting would occur. This program is not budget driven, rather it offers an opportunity for tenants to become more involved in their tenancy

APPENDIX 1:

(Incorporated in Hansard on 1 April 1993 at page 1039)

TIMELINE OF SIGNIFICANT EVENTS

1928 Housing Ordinance 1928 was introduced and empowered the Federal Capital Commission to provide and assist in the provision of housing for the ACT.

1945 Commonwealth State Housing Agreement (CSHA) was introduced. The ACT was not a signatory.

1947 Rental rebates were introduced in accordance with the CSHA.

1966 Pensioners were able to register for Government accommodation.

1973 Compulsory transfer program ceased by Government.

Means testing was introduced, based on a formula used in all States under 1973 Housing Assistance Agreement.

Introduction of construction program for special units for aged persons at Garran, Waramanga and Riven.

1976 Restrictions placed on Income & Assets Test for Commissioner for Housing Loan Schemes.

1982 Mortgage and rental relief scheme was introduced for those having difficulty meeting rental or loan commitments in the private sector.

1983 New standards were adopted for construction of new houses, houses purchased under the the spot purchase program and in the upgrading of existing houses.

1987 The housing Assistance Act was introduced in the ACT.

The Housing Branch became the ACT Housing Trust. The Trust now had responsibility far its own program, including the land and housing delivery process.

The Trust was aligned with CSHA, but was not yet a signatory.

1989 The ACT became a signatory of the CSHA.

Housing Review Committee established to provide an independent committee to review appeals.

1990 New standards were introduced for the construction, spot purchase and upgrading of public housing.

1991 The first stage of a new management information system was introduced.

New home ownership assistance initiatives were implemented including HomeBuyer, HomeEntry and HomeSafe.

The sales to tenants program was re-introduced.

House and land packages were adopted as an additional delivery process.

A program to employ specially trained counter staff was introduced.

1992 The Housing Advisory Committee was appointed to provide strategic advice and direction to the ACT Housing Trust.

Off-budget borrowing was introduced to finance loans to home buyers.

A new arrangement was introduced for tenants to ring ACT Housing Trust for maintenance requests.

A technical audit of all existing properties commenced.

The tenant participation program was introduced.

The proportion of income for new recipients or rent relief for those renting in the market increased from 25% to 30%.

A policy was introduced to adjust rental rebate scales to more accurately reflect a tenants capacity to pay.

Three energy efficient houses were built and a trial to assess their effectiveness commenced.

Medium density housing in Ainslie completed as a demonstration redevelopment project under the Housing Development Program.

1993 Establishment of three separate trust accounts: home loan, housing rental and home purchase assistance. This replaced the ACT Housing Assistance Fund.

Joint venture redevelopment with private sector approved by Minister.