DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

13 May 1993

Thursday, 13 May 1993

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

LEAVE OF ABSENCE TO MEMBER

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

> That leave of absence from 15 to 31 May 1993 inclusive be given to Mr Connolly.

DRUGS OF DEPENDENCE (AMENDMENT) BILL (NO. 3) 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.32): I present the Drugs of Dependence (Amendment) Bill (No. 3) 1993.

Title read by Clerk.

MR BERRY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

In 1992 two Bills were passed by this Assembly amending the Drugs of Dependence Act to provide for the expansion of the methadone program. The amendments permitted the provision of methadone in facilities other than the central methadone clinic based at Woden Valley Hospital. With the implementation of the expanded program, it has become obvious that some further minor amendments to the Drugs of Dependence Act are required to facilitate the effective and efficient operation of the program. Mrs Carnell will remember that in the estimates process I said, "I will look at that and if there is something wrong I will fix it", and I am fixing it.

The use of methadone in treating opioid addiction has been well accepted over a number of years. The program provides a real alternative to heroin addiction and the lifestyle which such addiction imposes on users, their families and friends, and the community in general. Drug related crime is a major concern to the community and to this Government. An accessible methadone program can be an important motivation for people to move out of the cycle of crime and addiction to illicit drugs. The real risk of the spread of HIV infection and AIDS among heroin addicts is a powerful motivation for both the community and the Government to ensure an accessible methadone program.

The amendments passed by this Assembly in 1992 laid the groundwork for the expansion of the program. Client places have expanded to 241 from 86 places in August 1991. This expansion will continue to a projected target of 350 places by the middle of this year. However, the supply and administration of methadone is subject to a number of restrictions under the current provisions of the Drugs of Dependence Act. As we gain practical knowledge about how a methadone

program would operate in various community settings we are able to reassess these restrictions. The Government is seeking to expand the methadone program in a cost-efficient and user-friendly manner. In doing so, we have had to review the current restrictions on the supply and administration of methadone. This review has taken into account that many methadone users move into stable lifestyles, and some have moved into employment. In order to support this lifestyle stability we need to make sure that methadone is provided safely, yet efficiently, to these people.

The expansion of the program is not without cost. In part, the present Bill seeks to make the expansion more cost efficient. The Bill before the Assembly seeks to remove some of the more restrictive barriers to the operation of the expanded program in terms of how methadone is provided and who can provide it. It also seeks to set up administration protocols and recording requirements which reflect the responsibility of the professional groups participating in the program.

In detail, this Bill gives effect to the supply and administration of methadone from community health centres and pharmacies. The definition of "methadone program treatment centre" is to be revised. The new definition takes into account that treatment other than the administration of methadone may be provided by a treatment centre. I support the concept that the provision of methadone is but one aspect of a person's treatment. The definition of a treatment centre should reflect that. At present in government treatment centres a qualified nurse may supply methadone on prescription to clients only under the direct supervision of a medical practitioner or a pharmacist. The Bill will enable nurses at such government facilities to perform this function unsupervised. The Bill also allows for more efficient recording of the administration of methadone in government facilities.

The expansion of the program into community pharmacies has also required a reconsideration of supply and administration procedures for these settings. People receiving methadone from pharmacies will have undergone a stabilisation program through public methadone clinics. With the assistance of the Pharmaceutical Society in the Territory, training has also been provided for approved pharmacists. In recognition of pharmacists' wide experience on drug issues and specialised training undergone about methadone issues, the Bill will exempt approved pharmacies from requirements relating to the witnessing and countersigning of the administration of methadone.

Madam Speaker, in relation to the provision of methadone from the private sector, there were a few machinery matters that had to be tidied up there as well. I believe that the expansion of the methadone program through a network of public clinics to provide intensive support and a blend of community public clinics and pharmacies will reduce the grave economic, social and human consequences of illicit drug use. Madam Speaker, I present the explanatory memorandum for the Bill.

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

COMMISSIONER FOR THE ENVIRONMENT BILL 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.38): Madam Speaker, I present the Commissioner for the Environment Bill 1993.

Title read by Clerk.

MR WOOD: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The establishment of the Commissioner for the Environment is in accordance with the Government's election policy commitment of 1992 and it demonstrates the Government's commitment to improved and accountable management of the Territory's environment. The commissioner's office will promote greater accountability for environmental outcomes by ensuring that government departments and instrumentalities are meeting their environmental responsibilities through two key mechanisms. The first is accountability in relation to individual environment management decisions, and the second is overall accountability through annual state of the environment reporting.

The Bill provides for the appointment of a commissioner on such terms and conditions as are approved by the Minister. It is my intention that the commissioner be appointed on a part-time basis and be supported by two full-time staff. The appointee to the position of commissioner will be independent of the Government and the bureaucracy. The Government intends the appointee to have a high level of professional standing and a demonstrated ability to comprehend complex environmental issues. To ensure the commissioner's independence, he or she will be required to make a declaration of interest to me and will be disqualified from undertaking consultancies that have the potential to conflict with or prejudice the commissioner's role. This disqualification will encompass consultancies undertaken on behalf of the ACT, the Commonwealth, and New South Wales, particularly where cross-border issues are involved.

The first of the commissioner's two key roles involves acting as an environmental ombudsman on complaints about government environmental management. In this role as the ACT's environmental ombudsman the commissioner will be required to investigate complaints from members of the public regarding the management of the ACT environment and to conduct investigations into ACT government agency actions which could have substantial impact on the environment. The legislation will provide the commissioner with the necessary powers and direction in relation to the handling and investigation of these complaints. Unlike the Ombudsman Act, a claimant will not be required to demonstrate sufficient interest in the subject matter of a complaint. This recognises the fact that the responsible and effective management of the environment is of legitimate concern to the whole community.

The commissioner will also have the capacity to investigate the adequacy of legislation or administration which deals with significant environmental impacts of actions by both the private and the public sectors. The commissioner's office will focus primarily on achieving optimum environmental outcomes, but the commissioner's powers to investigate complaints will not be unrestrained.

The commissioner will be unable to investigate actions taken by the Ombudsman, a royal commission, a board of inquiry, a panel conducting an inquiry under the Land (Planning and Environment) Act 1991, a magistrate or coroner for the Territory, or a judge or master of the Supreme Court. In some circumstances a person making a complaint to the commissioner may be able to have their grievance reviewed by a court or other tribunal. In these situations the commissioner may decide not to investigate if it would be reasonable in all the circumstances for the complainant to seek review elsewhere.

While the commissioner will not be required to investigate all complaints, particularly where suitable alternative mechanisms exist, he or she will be required to explain decisions not to investigate in the commissioner's annual report. The discretion to investigate will be limited to the actions of government agencies and not extended to the actions of private individuals where existing legislation has been breached. Complaints regarding activities of private individuals would be referred to the relevant government agency for appropriate investigation and enforcement activities. However, such a referral would not preclude the possibility of subsequent investigation by the commissioner of the effectiveness of that agency's response or the adequacy of existing legislation to address significant environmental issues.

Where the commissioner conducts an investigation on an issue of environmental significance, he or she will be required to produce a report for me to table in the Assembly. In cases where the commissioner implicitly or explicitly criticises any agency or person, the commissioner will be required to provide an opportunity for that party to make an oral or written submission before the report is finalised. While an agency will not be bound to accept any recommendation made by the commissioner, failure to do so will be brought to the attention of the responsible Minister and the Assembly in the commissioner's annual report. In addition, the agency will be required, in its next annual report, to state whether or not it has implemented any of the commissioner's recommendations about its practices.

The other key function of the Commissioner for the Environment will be the production of an annual state of the environment report. This report is to be prepared each financial year and will be tabled in the Assembly. It will improve both the Government and the community's capacity to evaluate the adequacy and appropriateness of environmental management in the ACT. The report will consolidate data measuring levels of environmental quality. It is envisaged that the first state of the environment report will provide an overall account of existing information on water quality, air quality, noise issues and biodiversity.

Once the first report has been presented I will use my powers under clause 19(2)(e) of the Bill to specify that future reports must include an assessment on trends of these environmental parameters. Analysis of these trends will assist in ensuring comprehensive and balanced evaluation of environmental management priorities. It will ensure that the community and the Assembly are made aware, at an early stage, of any potential long-term changes in overall environmental quality.

The production of this report should also provide a good basis for the ACT in meeting future reporting obligations under the intergovernmental agreement on the environment, to which the ACT is a signatory. Under Schedule 4 of the intergovernmental agreement, the National Environment Protection Agency is to be established. The Commonwealth, States and Territories will be required to provide an annual report to the Commonwealth covering any agreed national

measures adopted to attain and maintain any agreed national environmental protection standards, guidelines and goals. While the primary focus of the ACT state of the environment report obviously will be on our local environment, it is intended that the information contained in that report can be expanded easily to ensure that we meet our national reporting obligations.

The commissioner's annual state of the environment report will be produced by the commissioner independently of agencies responsible for environmental management. This will give greater credibility to the process of monitoring the effectiveness of the Government's long-term environmental management. The Bill provides for the state of the environment report in respect of each financial year to be prepared by the following 31 August. As this will be a significant task I intend to allow the incoming commissioner a longer period in which to prepare the first state of the environment report by delaying commencement of clause 19(1) until six months after enactment of the legislation. This should ensure that the first state of the environment report is sufficiently comprehensive and robust to provide a firm basis for future development and assessment of trends. It will also allow the commissioner to consider the considerable amount of work being done on state of the environment reporting by the Commonwealth, State and Territory governments in Australia.

The commissioner will also be required to produce a separate annual report which will essentially be an environmental ombudsman's report. This will cover the outcome of complaints and investigations dealt with by the commissioner for that year. The report will also include information on decisions not to investigate and on agency responses to recommendations and matters raised by the commissioner following investigations of complaints.

The legislation also allows for the commissioner to prepare special reports on significant environmental issues affecting the ACT. This can be at the direction of the Minister responsible for the environment or at the commissioner's discretion. The legislation will allow the commissioner to require agencies to provide information for the purposes of preparing the state of the environment report. When the information is not provided by an agency the commissioner will have the power to require the agency to provide staffing assistance. Without this provision it would be difficult for the commissioner to complete a state of the environment report. However, the commissioner will not be entitled to request information that is considered by the Minister concerned to be contrary to the public interests. This includes communication between an ACT Minister and a State or Commonwealth Minister that could prejudice intergovernmental relations, and deliberations on decisions of the ACT Executive or of a committee of the Executive. These provisions are consistent with those contained in the Freedom of Information Act 1989.

Consultation with environment and conservation groups on the legislation has met with favourable responses. Establishing a Commissioner for the Environment is a further example of this Government's commitment to accountability, both in its individual environment management decisions and in continuing to monitor overall environmental quality in the ACT. It will provide the Government with critical data which will help identify changes in particular components of the ACT environment. This will assist the Government in more informed decisions about present and future directions for environmental

management in the ACT. While we have a relatively high-quality environment, we still have problems which need to be addressed. The Government will not be complacent in considering a long-term strategy for environmental management. The commissioner will play a major role in assisting the Government to meet our responsibilities in this area.

Madam Speaker, this is a significant Bill in that the ACT will be playing a leading role in Australia by passing legislation to establish a Commissioner for the Environment. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

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

OMBUDSMAN (AMENDMENT) BILL 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.52): Madam Speaker, I present the Ombudsman (Amendment) Bill 1993.

Title read by Clerk.

MR WOOD: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The establishment of the Commissioner for the Environment necessitates some consequential amendments to the Ombudsman Act 1989. The Bill provides these amendments. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

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

LAW REFORM (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.53): Madam Speaker, I present the Law Reform (Miscellaneous Provisions) (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The purpose of this Bill is to remove a restriction that presently limits the civil jurisdiction of the Magistrates Court. In its civil jurisdiction the Magistrates Court is able to hear and determine personal actions at law where the amount claimed does not exceed $50,000. Where a greater amount is claimed the action must be brought in the Supreme Court. However, one type of civil action is specifically excluded from the Magistrates Court's civil jurisdiction even where the amount claimed is less than $50,000, and that is an action for damages for injury resulting from mental or nervous shock.

The basis of a nervous shock action is a claim by a person that he or she suffers from a psychiatric illness caused by emotional shock resulting from a negligent act of another person. The term "nervous shock" was defined by His Honour Mr Justice Brennan of the High Court in the case of Jaensch v. Coffey as:

> ... the sudden sensory perception - that is, by seeing, hearing or touching - of a person, thing or event, which is so distressing that the perception of the phenomenon affronts or insults the plaintiff's mind and causes a recognisable psychiatric illness.

Mr Humphries: That is very workable.

Mr De Domenico: Snakes and spiders.

MR CONNOLLY: Having to confront the Opposition on a regular basis. An example would be where a child is severely injured in a motor vehicle accident and a parent of the child acquires a psychiatric illness triggered by observing the accident or the resulting injuries to the child. The present common law of negligence was first formulated by the English law lords in 1932 in a famous case concerning a consumer's encounter with a bottle of ginger beer containing the remains of a decomposed snail. The essence of the law of negligence was expressed in these words:

> You must take reasonable care to avoid acts and omissions which you can reasonably foresee would be likely to injure ... persons who are so closely and directly affected by your act that you ought reasonably to have them in contemplation when you are directing your mind to the acts or omissions which are called in question.

In the early years after the common law was developed to this point the courts were reluctant to award damages in nervous shock actions. For example, the Australian High Court in Chester's case in 1939 decided that a local council:

> ... was not liable in negligence for nervous shock suffered by a mother as a result of seeing the body of her seven-year-old son being recovered from a water-filled trench which the council had excavated in a public street and negligently failed to fence or otherwise render safe.

Following that decision several Australian jurisdictions enacted legislation to ensure that damages could be obtained by a person who suffered from psychiatric illness caused by nervous shock in such circumstances. In the Australian Capital Territory this was done in 1955 when the Commonwealth included such provisions in the Law Reform (Miscellaneous Provisions) Ordinance. At the time of self-government that ordinance became a Territory Act. The Act provides that such actions for damages caused by nervous shock can be brought only in the Supreme Court.

The Law Society of the Australian Capital Territory has recently written to me proposing that the Act be amended to enable actions for nervous shock to be brought in the Magistrates Court where the amount of damages claimed falls within the $50,000 monetary limit of that court. I appreciate the advice of the Law Society in this matter and I am pleased to take up its suggestion which, will result in improved access to justice and reduced costs. Whatever may have been

the justification for restricting nervous shock actions to the Supreme Court when the Law Reform (Miscellaneous Provisions) Act was drafted in 1955, I am satisfied that there are now no logical reasons for treating this class of action differently from any others. On the contrary, and as the Law Society has said, there are significant advantages in amending the law as proposed. The amendments contained in this Bill will improve access to justice and reduce the cost of litigation in this area of the law because bringing an action in the Magistrates Court is more straightforward and less costly than if the same action was brought in the Supreme Court. Madam Speaker, I present the explanatory memorandum for the Bill.

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

JURISDICTION OF COURTS (CROSS-VESTING) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.57): Madam Speaker, I present the Jurisdiction of Courts (Cross-Vesting) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The purpose of this Bill is to provide for Australian Capital Territory participation in the national cross-vesting scheme on the same basis as the States and the Northern Territory. The national cross-vesting scheme came into operation on 1 July 1988. The scheme is embodied in the Commonwealth Jurisdiction of Courts (Cross-Vesting) Act 1987 and parallel legislation in all the States and the Northern Territory. Currently the Australian Capital Territory participates in the cross-vesting scheme through the operation of the Commonwealth Act. Since the Australian Capital Territory acquired self-governing status, and particularly since responsibility for the Supreme Court has been transferred to the Australian Capital Territory, this is no longer appropriate.

The Bill now before the Assembly is the result of the agreement of the Standing Committee of Attorneys-General to the Australian Capital Territory participating in the cross-vesting scheme in its own right. The Australian Capital Territory Act will commence on the same day as the complementary amendments to the Commonwealth Act commence. It is anticipated that the amendments to the Commonwealth Act will be introduced into the Commonwealth Parliament no later than the budget sittings this year and that they will commence by proclamation shortly thereafter. In addition, there will be complementary amendments made to the cross-vesting legislation of the States and the Northern Territory to recognise participation of the Australian Capital Territory in its own right.

Originally the national cross-vesting scheme was developed by the Special Committee of Solicitors-General and approved by the Standing Committee of Attorneys-General as the most realisable and effective means of removing jurisdictional disputes across Australia. The national scheme has been important because it has removed uncertainties as to the jurisdictional limits of State, Territory and Federal courts, particularly in the area of trade practices and family law.

The essence of the cross-vesting scheme is that the State and Territory Supreme Courts are vested with the civil jurisdiction, except certain industrial and trade practices jurisdictions, of the Federal courts, these being the Federal Court and the Family Court, and the Federal courts are vested with the full jurisdictions of the State and Territory Supreme Courts. Another feature of the scheme is that if proceedings are commenced in an inappropriate court, or if related proceedings are begun in separate courts, the courts have the power to transfer proceedings to the most appropriate court, having regard to the nature of the dispute, the laws to be applied and the interests of justice. The Australian Institute of Judicial Administration recently reviewed the scheme and reported that it has worked effectively and efficiently in the course of its short life.

Madam Speaker, I now turn to the principal provisions of the Bill. Clause 4 confers on the Federal Court, the Family Court, Supreme Courts of the States and the Northern Territory, and the State Family Courts all the civil jurisdiction of the Supreme Court of the Australian Capital Territory. Equivalent provisions in the legislation of the other participants in the scheme result in full cross-vesting between Federal courts and the State and Territory Supreme Courts in civil proceedings. Clause 5 operates to ensure that proceedings are always dealt with by the most appropriate court. Detailed provisions are made for the purposes of indicating to the courts the circumstances in which proceedings must be transferred to another court. Further provision is made for the transfer of related proceedings so that all matters can be heard and determined in the one court.

Special mention should be made of the provisions relating to what are called "special Federal matters". These are matters of special Commonwealth concern, generally within the exclusive jurisdiction of the Federal Court. Clause 6 provides that the Supreme Court is required to transfer proceedings involving special Federal matters unless satisfied that there are particular reasons, other than the convenience of the parties in the particular circumstances of the case, that justify the Supreme Court determining those proceedings. They are normally admiralty matters, so they will not be very relevant to the ACT.

Clause 8 is particularly important because it allows the Supreme Court to remove proceedings from another Australian Capital Territory court or tribunal into the Supreme Court. This will enable the proceedings to be transferred or to be heard by the Supreme Court in conjunction with proceedings transferred from a State, Northern Territory or Federal court. One other provision that should be mentioned is clause 13, which specifically excludes any appeals from a decision under the cross-vesting legislation as to whether a matter should be transferred to or removed from a court. Any such appeal rights would delay the hearing of the substantive issue in dispute, and it was considered sufficient for the courts themselves to resolve what is the most appropriate jurisdiction in which a matter should be heard, bearing in mind the criteria set out in clause 5.

The scheme to which this Bill relates is a sensible and practical response to the problems created by the federal nature of Australia, with distinct jurisdictional limits of Commonwealth, State and Territory courts. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

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

LEGAL AFFAIRS - STANDING COMMITTEE
Alteration to Reporting Date

MR HUMPHRIES (11.03): Madam Speaker, I seek leave to move a motion to alter the reporting date of the Standing Committee on Legal Affairs inquiry into the Crimes (Amendment) Bill 1993.

Leave granted.

MR HUMPHRIES: I thank members. I move:

> That the resolution of the Assembly of 25 March 1993, concerning the reference of the Crimes (Amendment) Bill 1993 to the Standing Committee on Legal Affairs, be amended by omitting "by 13 May 1993" and substituting "by 18 May 1993".

Madam Speaker, the Assembly, as its members will recall, referred the Crimes (Amendment) Bill introduced by Mr Moore earlier this year to the Standing Committee on Legal Affairs to give advice as to the nature of the effect of this Bill, the implications for the administration of the criminal justice system, the resource implications of the legislation and other things, in order for it to make an informed decision about passage of the Bill.

The committee has had deliberations on the matter. It has called for and received public submissions, it has had public hearings to examine witnesses in respect of the Bill, and it has prepared a draft report. Regrettably, because of a number of commitments by a number of members of the committee, it has not been possible to conclude the matter by today. I seek the leave of the Assembly to provide for the report to be handed down on Tuesday of next week rather than today. The committee hopes to meet in the course of tomorrow or Monday to finalise deliberations. Members would be aware that two members of the committee are sitting on the Planning, Development and Infrastructure Committee, which is currently considering the Territory Plan. That is, I am advised, an extremely time consuming matter. That is one of the reasons that the report is not available today.

Question resolved in the affirmative.

LAPSE OF NOTICES

The Clerk: Assembly Business, Notice No. 1.

MR HUMPHRIES: Madam Speaker, I seek leave to make a short statement in respect of notice No. 1 on the notice paper.

Leave granted.

MR HUMPHRIES: Madam Speaker, I do not propose to proceed with this notice or with the subsequent three notices on today's notice paper. Members may be aware that there has been some discussion between members of the Opposition, the Government, those on the cross benches and members of the Law Society of

the ACT about the impact of the fees which were introduced on 1 April this year for certain proceedings in the Supreme Court. I am pleased to say that those discussions have been fruitful, and the Government is of the view, as a result of those discussions, that the present fees should be withdrawn and other fees discussed and agreed to between the Government and those parties affected by them, particularly members of the Law Society.

Madam Speaker, on our side, we are very happy to see that dialogue occur and we are satisfied that as a result of that dialogue better fees will be introduced. I have received an assurance from the Attorney that the present fees will be withdrawn at a suitable juncture, and their withdrawal will be made retrospective to 1 April this year, that is, from the point at which they were introduced. I believe that that is a satisfactory outcome and I think it obviates the need for me to proceed with these motions on the notice paper.

MADAM SPEAKER: Do you want to withdraw them entirely from the notice paper?

MR HUMPHRIES: Madam Speaker, I am happy to do that.

MADAM SPEAKER: Notice No. 1 has been called on. If you just sit down, that will be fine.

The Clerk: Assembly Business, Notice No. 2.

MADAM SPEAKER: Mr Humphries has indicated that he does not wish to proceed. That is fine.

The Clerk: Assembly Business, Notice No. 3.

MADAM SPEAKER: As indicated earlier, Mr Humphries does not wish to proceed.

The Clerk: Assembly Business, Notice No. 4.

MADAM SPEAKER: Mr Humphries is not proceeding with his notice.

AUTHORITY TO RECORD PROCEEDINGS

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

> That the Assembly authorises the recording on video tape without sound by Lake Tuggeranong College of question time today, Thursday, 13 May 1993, for use in the video tape to be produced in relation to the Youth Parliament 1993.

PUBLICATIONS CONTROL (AMENDMENT) BILL 1993

[COGNATE BILL:

FILM CLASSIFICATION (AMENDMENT) BILL 1993]

Debate resumed from 31 March 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Film Classification (Amendment) Bill 1993? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR HUMPHRIES (11.08): Madam Speaker, the two Bills we are currently considering are Bills relating to a similar matter. They are to do with the creation of a new MA classification and they are in line with a decision made at the national level, in the Federal Parliament in particular, for a new national scheme to be introduced which would tighten access to certain films by young people. Particularly in mind, I think, are films which might presently enjoy, in some cases, an M classification, films which exhibit violence or offensive language or in other ways are considered to be of some unsuitability for people in younger age groups.

The Assembly decided to adjourn these matters when they were brought forward for debate on the sitting days late in March and the beginning of April. It did so on the basis, I believe, that it felt that there was a strong need for us to consider the implications of these new rules on those in the Territory who would be responsible for administering them. In particular, the Film Classification (Amendment) Bill imposes a quite heavy onus on cinema operators in the Territory to ensure that they do not admit people between the ages of two and 14 to films unless they are accompanied by a parent or guardian. It is, Madam Speaker, a fairly heavy onus to place on a cinema operator, and we in the Opposition have used the intervening four or five weeks to talk to those people in the Territory to see what implications the Bill might have for them and how they might be affected by its passage.

Having done so, Madam Speaker, I must say that questions have arisen in my mind as to whether the Bill will operate effectively and without confusion or difficulty on the part of those upon whom it impacts, and also whether, in fact, it will be effectively enforced. I do not recall the last occasion I saw a cinema operator prosecuted for admitting a child under 18 to an R-rated movie, for example. It may be that those things do not happen in the ACT; that children do not try to get into R-rated movies. It may be that there are very few resources placed in the path of preventing this kind of thing happening and that, although cinema operators in the Territory are quite diligent about these things, there is not a great deal done to enforce the application of the present law.

There does appear to be some confusion among this section of the community about the way in which these new provisions will operate. I have spoken to operators or managers of all cinemas in the ACT except for the drive-in, which, I think, is still in operation, although I am not sure. I have not been there for a long time. The implication of what was said to me was that many operators do

not know, or did not know until I spoke to them, anything about the new provisions, the new Bill, or did not know really very well how the new scheme would work, or were in some state of misunderstanding as to what the provisions actually did. I think that that situation is somewhat undesirable and is certainly unacceptable. I am a bit surprised that the Bill was not discussed, in the course of either the period before its introduction or the period subsequent to its adjournment in March or April, with those operators that are going to be affected. I would have thought it was fairly important. We are not talking about a vast class of people. We are talking about only a small handful of people upon whom this Bill impacts very heavily but against whom criminal penalties will apply in the event that they do not comply with the provisions.

The concerns are these, Madam Speaker. It is incumbent on a person who operates a cinema to ascertain whether a person falls in the MA classification or does not, and the break-in age for that, at this point, is 15 years - whether a person has attained the age of 15. The Attorney has pointed out, in the course of earlier debate or in the media in debate on this matter, that cinema operators already take steps to ascertain the age of people who come to their cinema seeking discounts because they are under the age of 18. In that sense, of course, they also need to ascertain whether a person is capable of being admitted to an R-rated movie and also need to know whether the person is 18. Although it is fairly common for a person of the age of 18 to carry identification with them, it is, I understand, extremely rare for a person of the age of 15 or 14, for that matter, to carry identification of his or her age. I am not sure what identification a person would carry that would be conclusive of a person's age. Obviously a birth certificate is conclusive, but I doubt whether many people leave home with birth certificates. Where they are accompanied by an adult you might expect that the adult might take some steps to ensure that there are provisions for that person to be suitably identified for getting into a cinema.

But there has been very little publicity about this legislation in the ACT, and I would hazard a guess that, if an MA film were shown tomorrow in the Territory and any parents arrived with their children in tow to see the movie, there would be very few indeed who would have on them a birth certificate for their child. There is also the problem that a birth certificate, as the Attorney has told us, is an inadequate method of proving a person's age, since I could obtain anybody's birth certificate, within reason, and front up to a cinema and say, "I am Michael Moore. I have a beard. I am Michael Moore". I am sure that people who would not be able to tell the difference between Michael Moore and me would admit me to the cinema. So a certificate is of somewhat unsatisfactory status to be resolving this matter.

I have asked some cinema operators what they intend to do to resolve this question. Those who understood what was entailed in the Bill - and there were not many - pointed out that they will have a parent or guardian there who can presumably speak for the child and who can satisfy the operator of the cinema that the person is entitled to be admitted to the movie. Madam Speaker, that assumes that the sorts of films we are talking about will not be the sorts of films that children between those ages of two and 14 will be very interested in getting into, and taking advantage of any loopholes that exist in the law to do just that.

I understand that the operation of this Bill is such that we will not see any films presently classified by the Commonwealth censorship bodies being classified as MA, but from this point on any new films that come forward for classification will receive an MA classification if that is what the appropriate authorities consider to be necessary. I understand that the films we might expect to be in that category, for example, are movies like *The Silence of the Lambs*, *Fatal Attraction* and *Terminator 2*.

Ms Follett: Was it any good?

MR HUMPHRIES: It is a very good movie, Chief Minister. I can say to you that if it attracted me it certainly will attract young people between the ages of 10 or so and 14. In fact, we can guarantee that that will be the case, particularly if the accompanying Bill here, the Publications Control (Amendment) Bill, is carried and there will be restrictions on the capacity of children to get those movies out of the local video shop when two or three or four months, or whatever the period is these days, has elapsed after it has been released in the cinema. There will be very much pressure on cinema operators in this town to be stopping a flood of young people wanting to come and see these very popular movies. My fear is that there is not really the mechanism there to allow cinema operators to make sure that they do not admit those young people. What is to stop, under the present arrangement proposed in this Bill, 14-year-old Johnny getting his older brother, who looks 19 - maybe he is not 19, but he looks 19 - to walk into the cinema with him and say, "I am acting as guardian for this young boy"?

That raises another matter of some concern in this legislation. The Bill refers to a parent or guardian accompanying a person in that prescribed age group being necessary to admit that child to the film. Madam Speaker, there is some confusion out in the cinema-owning community about what "guardian" actually means. "Guardian", it has been assumed by some, would mean the person who is in charge of that child for the purposes of the particular outing whereby they are going to the cinema. I must say that my view would be that a guardian under this legislation would be interpreted to mean the guardian who is legally appointed in place of a parent for the long-term welfare of the child. I invite the Minister to clear this matter up and to indicate that it does in fact mean a person who, as it were, stands responsible for the child in the course of that particular afternoon or evening when they are going to the cinema, but I would be very surprised if in fact that is what it means. I suspect that it means a legal guardian.

It then throws again onto the operator of the cinema the responsibility of ensuring that they can distinguish between the 19-year-old older brother or the friend who is taking the child to the cinema, because he cannot get in otherwise, and a real parent or legally appointed guardian, a guardian appointed by a court, presumably the Supreme Court, to stand in place of a parent. That is a matter of some confusion. I understand that the Greater Union cinema chain is proposing that in cases of doubt they have legal documents available in the cinema for a person to sign to say that they are indeed a particular age, whether it is 18 for an R-rated film or 15 for an MA film. But, Madam Temporary Deputy Speaker, I think that the question needs to be asked whether that is a very appropriate way of dealing with this problem, and whether it is not incumbent on us who are making these laws to give a clearer indication to those who are going to be affected by them as to how they should deal with them. I certainly would not like

to be a cinema operator in the present environment. So, Madam Temporary Deputy Speaker, those are the concerns. They are replicated to some extent with the Publications Control (Amendment) Bill, although there is an absolute bar there on a person under the age of 18 obtaining these sorts of films, and I think that we do need to assess how they will impact.

The position of the Liberal Party on these Bills is that we will support their passage through the Assembly today, but we give notice of the fact that we have some concern about the way they will operate in the ACT. We will be monitoring their operation. By that I mean that we will be seeing not only whether any prosecutions are launched under this Act but also what sorts of prosecutions will be launched. We will be entitled, I think, to say to ourselves that if there are no prosecutions the evidence of that is somewhat ambiguous; that either everyone is complying comfortably with the laws and knows how they work, or there are no resources being put into making sure that these laws make a difference. I do not need to advise members of the Assembly about the concern that has been expressed in recent months by the Prime Minister and others about access by young people to certain films and audio visual presentations.

The Opposition does propose to make one amendment to the Film Classification (Amendment) Bill. Proposed new subsection 9(3) refers to the defences that a person may mount when they are prosecuted for admitting a child unaccompanied or a child under-age to an MA film. It indicates that it is a defence if it is proved that:

(a) the person charged with the offence took reasonable precautions to ensure that young persons were not admitted to the exhibition unaccompanied by their parents or guardians; and

(b) the young person named in the charge appeared to be younger than 2 years of age, or 15 years of age or older, at the time the offence is alleged to have been committed.

Members may recall, but if they do not they can certainly read it, that when the Attorney presented this Bill he clearly indicated that, rather than being a cumulative defence, that is, both arms having to be proved, in fact either arm could be proved to satisfy that there was a defence. I quote from his presentation speech:

> ... if you look at subsection 9(3) on page 2 of the Film Classification (Amendment) Bill you will see that they -

that is, cinema owners -

> can avoid prosecution by showing either that reasonable precautions were taken ... or that an under-age person appeared to be 15 years or older.

Now we have what the Attorney said when presenting the Bill and what it is that the Bill actually says. I think that the confusion should be cleared up in favour of what the Attorney said. I would be proposing to change that word "and" to "or". I think that either of those matters would constitute a suitable defence to a prosecution, particularly given the somewhat unanswered questions that I have raised and the dubious elements of the operation of this Bill which would cause anybody administering this Bill as a cinema operator some concern.

Apart from that, Madam Temporary Deputy Speaker, I must say that the Opposition does support the principle that there ought to be some controls over access to these sorts of films, whether in cinemas or in video outlets. I do believe that some resources should be devoted to ensuring that this is more than just tokenism; "Oh, we have some concern out in the community. We had better do something about this, so we are going to do something about it by passing a law - not enforcing it, but passing a law". That would not be a good position to be in. I hope that this Bill is administered; that it is resourced to the extent necessary to actually make cinema owners aware that there is a duty on them; that their duty and how they can best discharge it is explained clearly to them; and that we do protect young people in this community from exposure to some films which could in fact affect them on a long-term basis in a way we would not wish to see as members of this community.

MS SZUTY (11.25): Madam Temporary Deputy Speaker, the Government has expressed its support for the Prime Minister's initiative to introduce a new classification which denotes the more violent and explicit film and video releases. This classification is to be called MA, for mature audiences, and the two Bills before us today give effect to that support.

I have supported in past debates in this chamber, and I do now, the need for better classification of video and film material which allows both parents and young adults to choose appropriate entertainment for themselves. From now on parents will know that they are expected to accompany their children to movies with an MA rating, that PG-rated movies indicate that parental guidance is needed, that M-rated movies contain material which is considered likely to disturb, harm or offend and are recommended for mature audiences over 15, and that G-rated movies are considered as being suitable for all age groups, with minimal reference to violence, sexual behaviour or coarse language. These ratings, along with the existing adults only R and X ratings, clarify the situation, particularly after the wide coverage given to the issue by the media.

There is also a proposal to extend this revamped classification system to television broadcasts. TV currently uses a system which uses a special C classification for material suitable for children, PG which indicates the need for parental guidance and judgment as to the suitability of the material for children, and AO which denotes adults only. As the films which are shown on television can be from any category of the film and video classification, I feel that there is a lot of merit in using the same system for theatre and video outlets and television broadcasting. I feel that the system does strike some difficulties when it comes to classification of the news, which is not currently classified, while talk shows and other live entertainment are classified. With the common complaint that the news is often more violent than any movie or drama, perhaps it is time we started tackling this difficult problem of classification.

While on the subject of television program ratings, I would also like to lend my support to the retention of the C rating for children. It serves an exceptionally useful role in allowing parents to see at a glance what television programming is appropriate for their younger children. For example, if the C classification were removed, cartoon programs, *Play School*, reruns of *Hogan's Heroes*, *Toxic Crusaders* and *Home and Away* would all, I presume, receive a G rating. The content of each is quite different, and without the C classification I am not sure that many parents would recognise new programs as being particularly suitable for primary

school children. I am aware of and support the argument that parents of younger children should watch television with their children so that they are available to discuss issues as they arise, but this is often impossible to do. Adults need some reliable indication of the content of the programs they enable children to view. The retention of the C classification is, of course, a Commonwealth responsibility, and I will be making my support for keeping this particular rating known to the Minister responsible and the Chief Censor.

The MA classification in fact became Commonwealth law on 1 May, and most States and the Northern Territory, I understand, have already passed their complementary legislation. We in the ACT are only now debating the issue because of the short lead time given to MLAs to read, discuss and consult on this legislation. Other debates in the past have shown that, in general, MLAs are not prepared to pass Bills at short notice, and there are very real, tangible and irrefutable reasons for this. I would have thought that, after the experience of the past, Ministers would be more proactive in getting legislation into the Assembly with sufficient time available to MLAs to fully consider its ramifications. This in most cases cannot be adequately done overnight, and I am not going to succumb to any call by the Government to trust it; that its Bills as presented are always correct and appropriate for the ACT.

I have, of course, agreed in a few cases that a Bill should be considered quickly, but in the case of these two Bills before us today I could not agree that pushing them through the Assembly during the last sitting was warranted just because the Minister did not get them to this place in time for full consideration by MLAs. The Federal Government's timetable is not the ACT Legislative Assembly's timetable, and if the Minister wants to make a good impression by always being one of the first States or Territories to get Federal agreements through in legislation I suggest that he work harder at getting the legislation tabled much earlier. As an elected representative of the ACT I have the mandate to check and review government initiatives, including legislation. I was not elected to follow a Labor government schedule, even though I do cooperate to pass legislation in minimum time when I feel that there is a real and urgent need to do so.

Madam Temporary Deputy Speaker, one immediate consequence of the passage of these two pieces of legislation will be the need for video outlets to restrict display, sale and hire of MA-rated video material to people over the age of 15 years. This means that the same rules apply to this category as for R-rated material. The delayed passage of this Bill, the fact that it has come about as a result of a Federal government initiative and the passage of similar legislation interstate should have ensured sufficient time for video outlets to prepare for the new requirements. I am sure that, despite the claimed difficulties of ascertaining age, there are sufficient defences in the legislation for outlets who have made a real effort to determine the age of younger consumers.

Film theatre staff are also going to face the task of determining, within reason, the age of patrons and ensuring that young people under the age of 15 do not attend MA-rated films without a parent or guardian accompanying them. While attempts will be made by young people to gain admission to MA films, simply because prohibition always makes the banned item more attractive to some people, the community has called for more guidance on the content of film and video material, and for the vast majority of people I would expect that the new classifications will mean that they can better regulate their viewing and be more aware of the content of future film and video releases.

The Minister, in his introductory speech, went so far as to forecast the objections of video outlets and film theatre management to these new arrangements. The first difficulty would be, according to the Minister's forecast, that under-15-year-olds do not usually have any form of reliable identification or proof of age. The Minister also forecasts that there may be claims that it is difficult to ascertain whether adults accompanying young people are in fact their parents or guardians. As I have stated, I expect that there will be many and varied attempts to circumvent the requirements of the law by young people who see an MA rating as somehow denoting something more exciting than the G, PG or M ratings. However, I reiterate that cinema staff and video outlet staff already make similar decisions about 18-year-olds, particularly with regard to charging admission prices and admission to or hire of R-rated material. I do not see any insurmountable difficulties with enforcement, as long as sufficient effort is made to ascertain patrons' ages. After all, the Bill contains the defence that, as long as "reasonable precautions" were taken to comply with the law, a prosecution will not succeed.

I have discussed these arguments with representatives of the Attorney-General's Department and I wish to thank the Minister for making those officers available to give me a briefing on the Bills. I raised a number of additional issues with the Attorney-General's Department officers, including the issue of penalties in other jurisdictions. In the ACT the penalty for allowing an unaccompanied person under 15 to view MA-rated film or video material is $500. I am interested to know where the ACT falls with regard to penalties - whether interstate penalties are harsher, more lenient, or have alternatives to fines.

Another issue which I felt would make the legislation more user friendly would be to use consistent nomenclature. For example, the title of the new section 9 to be inserted in the Film Classification Act 1971 refers to the "Admission of persons to 'MA' films". While acknowledging that the title has no status in law, making this consistent with other sections of the principal Act by using the term "young people" would, I feel, benefit people who are not familiar with legislation and who wish to find out what the law says. While legal practitioners and those who are conversant with legislation may not see the change as significant, ordinary people in the street who need to read legislation from time to time can gain the wrong impression when inconsistencies exist. The change required is small, but I feel that it is important. With my suggested amendment, that title would read "Admission of young persons to 'MA' films". That makes the title consistent with a further provision in the Act which talks about admission of young persons to R-rated films.

The third issue which I took up with the officers of the Attorney-General's Department is the issue of retrospectivity. For example, during our discussions the films *The Silence of the Lambs* and *Cape Fear* were used as illustrations of the type of movie and video releases which would attract the MA rating. However, nationwide the new rating will apply only to new releases. This, to me, appears to be an unsatisfactory situation. Young people can get the full-length version of either of the two above-mentioned movies because they are both rated M but would have been denied access to these movies if they had been released in the past two weeks. If nothing is done to address this issue the situation will be the same in future years; that is, an old film which would not meet the M rating guidelines will be available to young people but newer releases will be restricted.

I am sure that there will be many more examples of such anomalies and I would hope that there may be some way of bringing a more rational approach to the classification of videos and films. Perhaps after the task of classifying new releases has been made standard a review of older releases can be undertaken. This task need not be onerous and could concentrate on those films which are known to have caused concern in the past, but I feel that it is a task that is necessary if we are to be consistent in our approach to guidance through film classification. I will also be raising this issue with the Federal Minister and the Chief Censor when I write to them.

I would like to finish on a personal note, as the mother of a young person who is just approaching his fifteenth birthday. As a parent of a 14-year-old it is sometimes difficult for me to know whether an M-rated film is appropriate for my son to see. I see this move of introducing the MA classification as a very useful tool for parents who are in my position.

MR STEVENSON (11.36): The principle that parents are responsible for their children and the upbringing of their children is certainly one to be encouraged, and the proposed MA classification for films and videos does that. Ms Szuty brought up the point about the Labor Party's initial intention to move the Bill through rapidly. There is an ongoing concern about people in Canberra not being given sufficient time to look at Bills, to find out about what is happening, to lobby members, to discuss them with other people in Canberra, organisations, legal advisers and so on. Once again I want it noted that I will soon introduce an amendment to our standing orders that will require that all Bills stay on the table for a minimum of 60 days unless debated in this Assembly and agreed upon as being either urgent or of a minor administrative nature. I agree in principle with the Bill.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.37), in reply: I thought that on a subject like this Mr Stevenson might have waxed a little longer as it is touching on censorship - one of his favourite subjects.

Mr De Domenico: You should have asked him to.

MR CONNOLLY: I should never ask Mr Stevenson to go longer in a debate than he wishes to; he usually takes his full time.

I thank members for their support in principle for this legislation. I think it is an important Bill. Mr Humphries comments that the Bill is not going to provide a foolproof system; that it may be evaded; and that we cannot guarantee that it will stop every person under the age of 15 seeing an MA film. That is true. I do not think anyone would pretend that this will be a perfect system. It will not be enforced by stationing a police officer at every cinema and every video outlet in the ACT. That would be absurd. The penalties, as I understand them, at $500, are broadly consistent across Australia. A $500 penalty for a major corporation like Greater Union or Hoyts is basically a pretty trivial penalty. This is a law where, really, we are not focusing on punitive penalties and harsh enforcement. It is really a law where we are hoping to change behaviour and change attitudes.

Possibly one of the most important consequences of the law, which Ms Szuty referred to in her remarks, is that it will allow parents to make a more informed decision about the movies that their sons or daughters are going off with a group of mates to the cinema to see or want to hire from the local video store. The problem with the previous regime was that the category of M covered everything from *Crocodile Dundee*, which is a film that I think we would all agree is more than suitable for young persons to see - indeed they should see it; it is a fine film - to *The Silence of the Lambs* which - - -

Mr Kaine: It is a bit violent with that big knife.

MR CONNOLLY: There is a little element in there, Mr Kaine. I will not make comments about knives and sensitivity within the Liberal Party; it would be inappropriate.

The Silence of the Lambs, on the other hand, was a film that had really quite disturbing aspects of violence, an undercurrent of really quite disturbing violence. A parent making a judgment as to what movie their 14- or 13-year-old son or daughter should see really would obtain no guidance from the old M classification. While nearly everyone would agree that *Crocodile Dundee* is an appropriate film for a 13-year-old to see, I think most of us would take the view that *The Silence of the Lambs* is an inappropriate film. This is essentially legislation being passed around Australia to give that guidance to parents.

It is intended that the Commonwealth censorship authorities who will have responsibility for the classification of films and videos under this new regime will be preparing some educational and promotional material which we will start to see in the coming months as every parliament comes into line and passes this legislation. When we have this scheme operating nationally we will start to see advertisements. Mr Humphries was concerned that some cinema owners and operators were not fully across the scheme. They soon will be across it as this material starts to flow to them from the censorship authorities, much as they are currently being given advice on the M, PGR and R ratings. So there will be a promotional campaign that will follow this legislation in order to ensure that everyone understands it.

Mr Humphries's criticism is that it is not a watertight piece of legislation; that it could be evaded; that he could masquerade as Mr Moore, or Mr Moore could masquerade as him, to obtain entry. That sort of thing certainly can happen. Indeed, we almost would have to say that kids will be sneaking into these movies. As Ms Szuty said, perhaps for a 14-year-old there would be no way of making a film more attractive than to say, "You cannot legally see it until you are 15". It would encourage them to try to see it in a covert manner. But at least we are sending an important signal to parents and families. It does mean that parents can have that little bit more control over what their young people are watching, because by seeing the MA classification they will understand that it is a film that contains an unacceptable level of violence or references of a sexual nature; but essentially this is directed at the violent films. That allows a little bit more control in the family as to what materials young people are being exposed to. Nobody pretends that this will change the behaviour of young people overnight; but it is a step in the right direction, it is a step back from the increasing glorification of violence within our community and it is a scheme which, when it begins to operate at a national level, will bring some benefits to us.

I would expect that there would be few prosecutions under this legislation. We would expect that cinema owners would be cooperative and effectively self-regulate. If, however, it becomes apparent that video outlets are willy-nilly hiring out the MA films, we may well need to have a few trial prosecutions. I expect and understand that our policy in relation to the way this will be enforced will differ in no respect from the policies of other governments around Australia, whether they be Liberal or Labor. We are expecting the industry essentially to monitor itself in relation to these provisions. It is one of the reasons why we have penalties which really are quite low when you consider that they are directed against major corporations. They are quite trivial when you compare them to the penalties that we have, say, for inappropriate use of X-rated materials, or the penalties, which are very steep penalties, for unclassified, beyond X, pornographic or child pornographic materials. A $500 penalty for major corporations really is more a warning than a punitive penalty.

I thank members for their contributions in support. Mr Humphries's proposed amendment is in relation to removing an "and" and substituting "or". This is probably one of those cases, Mr Humphries, where the "and" would be read to be an "or"; but, given that, I have no difficulty in accepting your specific change from "and" to "or". As you would be aware, we all go through law school and it is explained that in some cases "and" can mean "or", or it can mean "and" and vice versa. The explanatory memorandum did make it clear that it was intended that either arm of that defence would be available. I am quite happy to accept that amendment that you propose.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

FILM CLASSIFICATION (AMENDMENT) BILL 1993

Debate resumed from 31 March 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (11.45): Madam Speaker, I move:

> Page 2, clause 4, line 30, proposed new paragraph 9(3)(a), omit "and", substitute "or".

I do so in order to make it perfectly clear that either arm of this defence is available rather than both arms having to be available to satisfy a court that an offence has not been committed.

Amendment agreed to.

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

Bill, as amended, agreed to.

LIQUOR (AMENDMENT) BILL 1993

Debate resumed from 1 April 1993, on motion by **Mr Connolly**:

> That this Bill be agreed to in principle.

MR HUMPHRIES (11.46): Madam Speaker, the Opposition will be supporting this Bill. This Bill is, I think, in two parts. It is essentially a pre-emptive measure designed to head off before they occur some problems that have been experienced in other places. It is also designed to deal with a recently important problem - I think, in the last few years - of noise pollution generated by licensed premises.

Madam Speaker, in respect of licensed premises, we have seen in the last few years, or the last few months at least, some concern about the safety of some such places. There have been some occasions in respect of, I think, places in New South Wales, not necessarily licensed premises, where there have been some serious accidents. I am aware of balconies collapsing and causing people, including children, serious injury or even, I think on some occasions, death. I think it would be desirable for us to make sure that, if there is any threat of a problem of this kind arising in the ACT, it be dealt with quite soon. This provision does not deal with all premises. It deals specifically with licensed premises. Given that they are places where large numbers of people gather together for entertainment - sometimes they can be extremely crowded, as anybody here who might have been in such a place in recent years would know - and where, historically, disasters of various kinds relating to structural collapse, fire, crushes and so on do sometimes result in certain disasters, we want to avoid that in the ACT by taking pre-emptive measures.

This Bill does that by requiring that occupancy loadings for those premises be set by the Fire Commissioner, that the loading for public places like those in licensed premises be displayed clearly so that people know the acceptable limit in a particular place, and then following that up with a clear capacity for inspectors to come forward and assess that a particular public place might be overcrowded and require that some people have to move out. That capacity to direct the licensees to move people out is a very important one. Although I would expect

most licensees of premises in the ACT to be fairly responsible about these things, there is still a need for inspectors to be able to determine that some danger is present and for them to make a decision to direct the licensee that those premises should be, if not emptied, at least thinned out so that there is no threat of any problem.

The provisions in this Bill are not especially onerous, in our view, and they do head off problems which I do not think have ever occurred in the ACT. We hope that they never will occur. They will make sure that the ACT's standard of safety, our very good record on standard of safety, is maintained. It is, perhaps, a matter of slight concern that some of the incidents that have occurred, of which I am aware, at least, in recent months have not occurred in licensed premises but in other places. I think that some of the balconies that have collapsed have been in private homes and other places. Our Building Code is the best device to ensure that those places do not present a hazard to people. It may be - I pose the question to the Minister for Urban Services - that there again has been some look at the question of building standards in that respect, to see whether there is any need for us to improve our standard of domestic loads or load levels. I take it that that matter is in hand if there is any doubt or question about our own capacity to deal with that.

Madam Speaker, the other thing about this Bill is that it puts in place some important mechanisms for dealing with the problem of noise. It refers to the loss of amenity in the vicinity of licensed premises. That is directed particularly at the question of noise. Members may be aware of a number of cases where neighbours of licensed premises in the ACT - I am thinking of one in particular in Weston Creek - have complained about noise levels and where there has been some antagonism in the community about whether noise levels are too high. I believe that a mechanism other than a very formal one where courts are involved, at least at first instance, should be explored, and I think that this Bill, in fact, does that. It provides for a reasonable process to be pursued where a person may officially make a complaint to the registrar and that registrar may then proceed to convene, in effect, a sort of arbitration meeting where an attempt is made to sort out the question between the licensed premises and the neighbour or other person affected by loss of amenity. That mechanism is there to resolve that problem. I think it is a desirable objective. I think it is achievable. I believe that that and the other mechanisms in place should ensure that the sorts of problems that have plagued us to some extent in the past will be overcome. Madam Speaker, it is, I think, a desirable objective to see the things in this Bill in place and, as I have indicated, the Opposition supports the Bill.

MS SZUTY (11.52): Madam Speaker, I wish to indicate to the Assembly that I will be supporting this Bill also. I would like to raise the issue of occupancy loadings. I ask the Minister to address the question of preventative measures which, perhaps, could be taken by licensees to ensure that the occupancy levels in licensed premises do not get to the point where licensees are put in a position where they are asking people to leave. I understand that the benefit of this legislation is to prevent such dangerous overcrowding and overloading situations occurring. I would be interested to hear the Minister's comments on any strategies that he has in place or has in mind that he will be taking through with licensees, to ensure that the provisions in this Bill are approached from a preventative perspective and do not result in overcrowding situations where people are actually asked to leave licensed premises.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.54), in reply: I thank members for their support for this Bill as well as for the previous two Bills. Although they are on unrelated subjects, they all relate to better protection for young people in Canberra. It is appropriate that we have general support for each of these measures. Ms Szuty has raised the important point that we really should be taking a preventative rather than a punitive approach in this, as in the MA debate. There are provisions in this Bill which say that the police have power to direct that patrons be removed and that the licensees can remove and, if they fail to, the police can go in and remove. I would very much doubt that we would ever see police physically ejecting patrons from premises in Canberra.

This legislation has been prepared in close consultation with the Australian Hotels Association and persons involved in the catering and hospitality industry, and police and fire authorities. The people in the industry acknowledge that there is a real issue here and that it is very much in their interests to keep in front of the game. I would expect that we will start to see a slight tightening up of entrance to some of these places. Most of the places where you have a problem of overcrowding are premises where there is some form of control on entry. There is a bouncer on the door, which raises another issue which the Government is also addressing. I would expect that one of the duties of those people on the door henceforth, as well as checking that a person is not under age and, hopefully, checking that a person is not overly intoxicated, would be to keep an eye on the occupancy level to ensure that it is not too full. Young persons may start to find at some of the more popular venues around the town on Friday and Saturday nights that they will be told, "Sorry, we are full". That may mean that they will have to go down the street and find another club or bar to attend. I expect that there will be that level of cooperation and that it will not be a particularly punitive approach, although, again, you do need to have that power at the end of the day if you have a recalcitrant publican who is not prepared to cooperate.

Mr Humphries also addressed the important issue of noise control. That is something that is being focused on. The important point which he made is that we are approaching this first with a conciliation strategy before we go to a formal hearing. Again one would hope that responsible individuals in the hospitality industry would prefer to go down that path of conciliation and resolve noise complaints with their neighbours, rather than going to a formal hearing of the licensing authorities which could result in the cancellation of the licence.

Again we have a system which, at the end of the day, has fairly draconian penalties if a recalcitrant licensee continues to have loud rock music blaring out at 3 o'clock in the morning and upsetting the neighbours, but we have a system which encourages conciliation before we get to the punitive stage. It is legislation which will not only help the sleep of people near licensed premises but, more importantly, look after the safety of Canberra people out and about on Friday or Saturday nights at these crowded venues. It is fortunate that we have never had such a problem in the ACT, but it is sensible that the Assembly move to stop a problem developing before it happens.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

DISTINGUISHED VISITOR

MADAM SPEAKER: Members, I wish to acknowledge the presence in the gallery of Mr Pat Donahoe, the Secretary-General of the Commonwealth Parliamentary Association. On behalf of the Assembly, I welcome Mr Donahoe.

Sitting suspended from 11.57 am to 2.30 pm

QUESTIONS WITHOUT NOTICE

Enterprise Bargaining - United Firefighters Union

MRS CARNELL: My question without notice is addressed to the Minister for Industrial Relations. On 1 April 1993 you told the Assembly:

> 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.

Minister, would your views be consistent if some other union were involved in a dispute centring on the mirror agreement? Is it not the case that the United Firefighters Union has notified the Industrial Relations Commission of a dispute with the ACT Government? What is the basis of that dispute and what areas of the mirror agreement are being disputed by the union?

MR BERRY: Madam Speaker, on my recollection of it, the United Firefighters Union is not part of the framework agreement at this point; but my understanding is that it will be. I have had a brief consultation with the Minister for Urban Services. There has been a national claim by the union.

Mr Connolly: They do that. In every State the same dispute is registered.

MR BERRY: The notification of a dispute is a simple process and it is a procedural matter. It is something that is done in relation to not every claim but an overwhelming number of claims that are put before employers. The process is that you write a letter of demand to the employer and give him a number of days to write back. You then notify the commission of the existence of an industrial dispute on the basis that the employer has not written back to you and agreed. The commission may then find, if the matter comes on, that there is an industrial dispute. That is the simplicity of the process.

The national union will proceed with the matter over a period of time, I expect, because, given the wage arrangements that are now in place, it is a little difficult and complicated to pursue the national arrangement and at the same time look at being part of a framework agreement which talks about enterprise bargaining in a particular place. My understanding is that the United Firefighters Union is contemplating signing the ACT framework agreement, and we would be happy for it to do so.

MRS CARNELL: I ask a supplementary question. The log of claims that has been put forward by the United Firefighters Union includes pay rises to $260,000 per annum for all officers and firefighters, employer contributions to superannuation of 50 per cent of wages, payments upon termination of $1m, two years' notification of termination, no disciplinary action whatsoever to be undertaken against employees, meal allowances of $100, a return first-class air fare for employees and their families to any capital city in Australia at least once - - -

Mr De Domenico: Once a week?

MRS CARNELL: And 12 weeks' annual leave. Minister, is this claim consistent with the ACT Government's mirror agreement and, if not, what is the Government doing to rectify the situation? Finally, is this not your former union?

MR BERRY: I hope that you run your chemist shop with a better understanding of pharmacy than you have of industrial relations; otherwise you will go broke. But if you did go broke you would have more time to study industrial relations and you would be better at the subject. This, Madam Speaker, is a typical ambit claim.

Members: Typical?

MR BERRY: Yes, it is a typical ambit claim - "ambit" meaning that there is lots of room to move. It would have been served on a range of employers, I suspect, around Australia.

Mr De Domenico: What a waste of time!

MR BERRY: The spokesperson on industrial relations interjects, "What a waste of time!".

Mr Cornwell: How can we take the union movement seriously with that nonsense going on?

MR BERRY: I am afraid that you do not know anything about it either, Mr Cornwell. The procedural arrangements in industrial cases have led to ambit claims of this sort being made right across the country. All you have to do is sit down and read a little bit about it. You will understand it better and you will never make a fool of yourself like this again.

Land Development

MR LAMONT: Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning. Minister, what steps will the Government take to control land development in major urban renewal sites such as those that I have discussed with you and as reported in the *Canberra Times* on Tuesday?

MR WOOD: Madam Speaker, this has been a matter of continuing concern and of progress in the Labor Party. Indeed, it has been a commitment of ours for some time that the Government will return to control of land development. With that in mind, we have been investigating the best means of implementing our policy. This has involved the examination of a range of factors, including cost to government, the likely impact on land prices and other broad economic considerations.

Included in this review is an acknowledgment that any change to public sector land servicing would be phased in over a period of time. The Government has decided that we now should look to the development of urban renewal sites by the Government itself using contractors. For example, subject to planning variation processes, the ACT Government believes that sites such as North Watson should be developed by the Government, bearing in mind that that site is undergoing a process. I am not anticipating any development there ahead of the processes, but that is the sort of site that I am talking about.

Development in this way would ensure that the community interest in these areas was dealt with sensitively, due to government control at all stages. This would involve the Government in planning and servicing of the land and the release of individual blocks for sale. The Government is aware that there is a significant demand for the sale of individual blocks by the Government and the ability of ordinary ACT citizens to go, as they used to, to the Albert Hall and put their hand up and acquire a site. This is a matter that the Government is looking at, and I will report back after the Government has considered this proposal.

Rescue Services

MR HUMPHRIES: My question is addressed to the Minister for police. Madam Speaker, yesterday the Minister told the Assembly that a saving of $400,000 was expected from the assumption by the ACT Fire Brigade of responsibility for all road rescue in the Territory. Has the Minister seen a document from the controller of the ACT Emergency Service, North Canberra region, to the director of the ACT Emergency Service Territory-wide of 27 April, and is he also aware that in that document the controller of the North Canberra region says, in attaching a document called "ACT Emergency Service, North Canberra Region - Equipment bid for 1993-94" - - -

Mr De Domenico: Another ambit claim.

MR HUMPHRIES: Another ambit claim. The document states:

> In preparing these bids, the recent public announcements concerning reductions in the role of the Police Search & Rescue Squad have been taken into account, in that it is assumed that the ACTES will, within the next 12 months, become responsible for all searches in the ACT, including forests, bushland, and waterways, and all cliff rescue roles.

Is the Minister further aware that the bid seeks, for example, $5,600 for sleeping-bags, $400 for water-bottles, a chest freezer, a dishwasher and a chip maker - a total in bids of $215,657? I ask the Minister: Did he mislead the Assembly when he told it that a reduced police rescue service would be retained for off-road rescue in the Territory? Secondly, how much of this bid of $215,000-odd has been taken into account in his assertion that the scaling down of the police rescue service would save $400,000?

MR CONNOLLY: Madam Speaker, members opposite have got themselves all agitated today over ambit claims. Mrs Carnell got agitated over an ambit claim and Mr Humphries also seems to have come across an ambit claim circulating from one internal officer to another internal officer within an agency. If Mr Humphries recalled the days when he was a Minister of a department he would recall that agencies under his command were regularly going up the line saying, "Next in command, I need lots more money in the next financial year". I have not seen that minute, but I can tell Mr Humphries and indeed the officer who wrote that minute that it is based on a fundamentally wrong premise. There is no proposal - no proposal that I am aware of from my detailed discussions of this matter with both the assistant commissioner of the Australian Federal Police, Mr Dawson, and the director of Fire and Emergency Services, Mr Gaskill; no proposal that I am aware of from discussions with those two senior officers - that the police's role in bush rescue be diminished.

I turn to the Emergency Service, Madam Speaker. There were chuckles opposite. It was said that members of the Emergency Service are going to get sleeping-bags; they are going to get chip heaters; they are going to get this and that. "Ha, ha, ha", say the Liberals, "Isn't that outrageous". The Emergency Service, Madam Speaker, comprises a large number of men and women in Canberra who give up their time to provide a support for this community. When you have a storm in Canberra, when you have a flood, when you have a major accident such as the plane crash at Narrabundah, those men and women give up their time, usually in the middle of the night and usually in appalling weather conditions, to go out and serve the community. We resource them with sleeping-bags - - -

Mr Humphries: We do pay them to work, you know.

MR CONNOLLY: No, we do not. We have a small number of paid staff, but the Emergency Service workers are volunteers. They give up their time, usually to go into dangerous and unpleasant situations at appalling times of the morning, and they do it for nothing because they want to serve their community. We do resource them. We do actually provide them with sleeping-bags when they are in the bush. The Liberals go, "Chuckle, chuckle, chuckle. Isn't that a waste of resources". Perhaps they would prefer these volunteers not to have sleeping-bags, not to have facilities.

Madam Speaker, this again shows the inanity of this Opposition. No doubt, we will be providing some additional resources to our volunteers in the Emergency Service next year as funds permit. We try to do what we can for that very dedicated group of volunteers. They provide an essential backup to the police in bush rescue. At the moment, when there is a major bush rescue the police rescue squad have command. That squad - we will probably call it the emergency squad - will continue to have command and will continue to do the bulk of

the work, but will be supported in the future, as they are now, by the Emergency Service. There is no proposal that the Emergency Service take over the bush rescue role of the police - at least, none that I am aware of, that the assistant commissioner is aware of or that the director of Fire and Emergency Services is aware of.

No doubt, Madam Speaker, in an organisation as enthusiastic as the ACT Emergency Service is, there are officers who would like to be given that role. I can understand their enthusiasm and their pride in that job that would cause them to bid to take over that role, but I must disappoint them - if that is their view - by saying that the police will continue to have that prime role and responsibility, but they will be supported, as always, by those fine volunteers. Members opposite in the Liberal Party who were chortling when Mr Humphries was reading out a request for resources should think about that, because those people give up their time and they should be resourced.

Mr Humphries: Madam Speaker, I seek leave to table the document I read from.

Leave granted.

Housing Development - Braddon

MR MOORE: Madam Speaker, my question is directed to Mr Wood as Minister for Planning. Mr Wood, you may recall that I wrote to you on 11 March suggesting possible terms of reference for an inquiry into the process followed over approval of flats on section 22, Braddon, about which you have done nothing. I now notice in an advertising supplement in the *Valley View* that you have appointed Cannons' Mr Efkarpidis to the Floriade board of management. This is the same Mr Efkarpidis who is so clearly operating in breach of his lease in Hume. I also note that the Watson community is meeting tonight about the inappropriateness of the process and is questioning figures on the development in North Watson. When will you begin to get control of planning, and are you really sure that you and your department are competent to take over land development?

MR WOOD: Madam Speaker, I will deal first with section 22. The inquiry that Mr Moore sought was one that initially I had no objection to. I had a conversation with him about it in his room. We discussed in reasonable terms what an inquiry might do, and I invited Mr Moore to be a little more precise and to put something on paper. The next day, I think it was - he did it very quickly - I got his letter of about three pages which opened the matter up completely. The letter was about something quite different to the sort of inquiry which I thought he and I had discussed the day before. It was not, in my view, simply an inquiry into what happened with section 22. It was an inquiry into about a dozen related aspects of planning and lease management in the ACT. On that basis I have taken no action at this stage.

I might indicate that the matter is still not necessarily concluded, because I am aware that some people in the community have sought, through freedom of information, to look at the paper on the proposal. If they were to come to me and make some specific points about it, then I would obviously listen to them.

But I have to say at this stage that I have had nothing that would really induce me to make an inquiry on what happened there - a process that was carefully taken through the Assembly's relevant committee and that ran into no trouble in that committee.

I have had one continuing interest in the development of section 22, and that is the quality of design of the proposed building. On one of the very rare occasions that I actually spoke to the proponents I said very strongly to them that we required that the building be of the best possible design. Members also know that the way the street runs is not the best way if you want very good solar orientation. I believe that the subsequent plan that came through was as good a solution to the problems of that street as we could expect. Indeed, I believe that the energy efficiency - and I have not compared it in detail with buildings at Kingston - would be superior to that of most other buildings in Canberra.

I believe that the streetscape is also more than acceptable; I think it is quite good. I have had a continuing interest in that development, and I have been expressing my view on it as well as the views of many in the community. I understand - and I have had nothing official on this - that maybe there will be further proposals, maybe the matter will go back to the drawing board, and perhaps I can say something about that shortly.

Mr Moore asked me a question about a recent appointee to the Floriade board and whether the person was also involved in a breach of lease at Hume. Let me tell you that I was not aware of that particular connection, although I knew that there was a general connection with Cannons. But it is my understanding that that lease at Hume was one of the cases where the leasehold people in my department have taken action to prevent illegal trading.

Mr Moore: Except that the lease is still being breached at the moment in spite of that.

MR WOOD: Yes, but I will check further on that and make sure that I am quite accurate in what I say to you, Mr Moore. Finally, Mr Moore asked about our competence to return to land development, and the answer is - - -

Mr Moore: It is just that your previous questioner did not ask you that part of the question.

MR WOOD: He did not need to, because it goes without saying, I think. It certainly is the case that we are competent to return to that situation in the very carefully planned way that I have been indicating today and have indicated earlier. I am sure that Mr Moore supports us in that approach and is simply having a bit of a dig in his question. We are competent to do so. Obviously we are going to do it very carefully, because it is a project or a whole undertaking that requires very careful organisation and no small amount of money to fund. Obviously we need to be careful. We have the people to do it. As I indicated, we can take on board by way of contract the people who can do that. The outcome, Mr Moore, you can be sure, will be excellent.

MR MOORE: I have a supplementary question, Madam Speaker. Mr Wood, in his answer, said that there was nothing to induce him to take that inquiry further. I point out that the Planning Institute, the Institute of Architects, the Residents Association and the Conservation Council all commented that an inquiry was the appropriate way to go. Madam Speaker, with the permission of the Assembly I would like to table the letter I wrote to Mr Wood, which is only a little more than a page long. Mr Wood, I think you will recall that it was not so broad - - -

Mrs Grassby: That is not a question.

MR MOORE: I am getting to the question. It was not really as broad as you have suggested, but dealt simply with the impact of design and siting and the procedure by which the development has progressed.

MADAM SPEAKER: I am being extremely indulgent here, Mr Moore. Is leave granted for Mr Moore to table his letter?

Leave granted.

MR MOORE: Thank you, Madam Speaker. That is appreciated.

Mr Wood: I think there was a question in that supplementary.

MADAM SPEAKER: Is there a question?

MR MOORE: The question was: What would induce you to come up with an inquiry, considering all those issues?

MR WOOD: Let us be precise. Going back to the first part of what purported to be a supplementary question - - -

Mr Moore: I had to give you the background.

MR WOOD: Mr Moore, let me make it quite clear. I said that at this stage I have not heard anything that would induce me. I did not say that there is nothing there, but I have not heard anything that would convince me that I need an inquiry. I received five letters, and I think the process behind those letters was straight out of one of the lobbyist manuals that are available from our shops.

Mr Moore: Yes, but these are pretty prominent groups.

MR WOOD: Very prominent groups, and I listened to them carefully. But it was simply a repetition of what I have heard before. Let me emphasise that I respect each of those groups and I have not ignored them, but in addition to the request for an inquiry that was raised with me I would want something specific about the processes at that time - processes that were readily accepted by the Assembly committee.

Mr Moore: Yes, I agree with that.

MR WOOD: Yes, they were readily accepted by the Assembly committee. I have not heard anything since then to make me say that I should go further.

Twin Cities Arrangements

MR KAINE: I address a question to the Chief Minister. I draw the Chief Minister's attention to the May issue of *Business Journal*, which is issued by the ACT Chamber of Commerce and Industry. On the front page is a photograph of a couple of ACT businessmen and some Japanese businessmen signing an agreement which twins Nara in Japan and Canberra, and alongside it is the note:

> This formal relationship should promote Canberra as another destination for Japanese business to Australia and further cultural and commercial relationships to the benefit of Canberra and the Region.

Chief Minister, there is a notable omission from that photograph. There is not a single ACT government official there. Does that indicate the interest of the ACT Government in this agreement, given its potential benefits? Secondly, if that does indicate the level of interest, how is it that the Government has little or no interest in this kind of twinning arrangement, given the benefits that can flow from it?

MS FOLLETT: Madam Speaker, I thank Mr Kaine for the question. I do not believe that I have that particular journal on my desk, but I am quite happy to accept Mr Kaine's word about its front cover at least. Madam Speaker, it has been my view - and it is well known to the Chamber of Commerce, I believe - that twinning arrangements should be instituted by the community and percolate up to the Government to then take action upon. I do not believe that it is appropriate for a government to set out unilaterally to negotiate a twinning arrangement between any two cities. I think that is quite the wrong way to go. To impose a view upon the community is likely to be counterproductive when it comes to the real exchanges and the real benefits that ought to follow under a twinning arrangement.

Madam Speaker, I have been aware that the chambers of commerce of Nara and Canberra have been engaged in negotiations on forming twin chambers of commerce, and those negotiations have been successfully completed. I still have on my own agenda the future of a twinning arrangement between Canberra and Nara. Madam Speaker, there are attractions in such an arrangement, not the least of which is the economic benefit to the ACT of a closer relationship with an appropriate Japanese city. I will be pursuing this matter through the normal channels; that is, through discussions and negotiations with interested community groups - and there are several in addition to the Chamber of Commerce.

I think it is important before any such twinning arrangements are entered into by a government that the community expresses an interest in those arrangements and that it will not simply be a case of the Government imposing its view on the community. That is the way that I will be pursuing the matter. I have requests for quite a number of twinning arrangements under consideration at the moment. Nara is the most advanced of those arrangements. It is appropriate that we draw up some guidelines, some working rules, for twinning arrangements, given that I have received quite a number of proposals. But in whatever guidelines, whatever working arrangements, are made I would require that there be a community-up consultation process rather than the Government issuing an edict.

MR KAINE: I ask a supplementary question, Madam Speaker. Given that there have been many community contacts between the people of Nara and Canberra, to my certain knowledge, for at least three years - and this Chamber of Commerce arrangement has emerged out of that - just how much longer does the Chief Minister expect this trickle-up effect to take before the Government actually does something?

MS FOLLETT: As I have said, Madam Speaker, I have the issue specifically about Nara and more generally about twinning arrangements under consideration and - - -

Mr Kaine: Active consideration?

MS FOLLETT: Very active consideration indeed, Madam Speaker. In fact I met with the deputy mayor of Nara whilst he was on a visit to the ACT. There is now a new mayor of Nara, and to some extent the diplomatic relations were recommenced upon the change of mayor. But the proposal is something which I am pursuing.

Influenza Vaccine

MS ELLIS: My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Can the Minister advise the Assembly of what arrangements have been put in place by the Commonwealth for reimbursement of the cost of vaccine for haemophilus influenza type B?

MR BERRY: The announcement that special interim arrangements would be made to ensure access to HIB immunisation for eligible children was made by Senator Richardson on 21 April 1993. Parents of babies born on or after 1 February 1993 and who purchase vaccine on or after 1 April 1993 will be eligible for reimbursement of up to $35.50 per dose of HIB vaccine provided by a pharmacist or a medical practitioner. Proof of purchase, including the name of the vaccine and the date it was bought, and a declaration of out-of-pocket expense will be required to obtain a refund. Parents can make a claim through their local Medicare office, and special HIB claim forms were available from Medicare offices from 10 May 1993; they are already available. Families who paid for vaccine between 1 April 1993 and the announcement on 5 May 1993 will be reimbursed up to a maximum of $50 per dose of vaccine. This is because, although the Pharmacy Guild of Australia's recommended price is $35 per dose, we are aware that some families have already been charged up to $50.

The national HIB immunisation program was agreed as a cooperative program between the Commonwealth and the States and Territories in 1992. Under the agreement the Commonwealth will supply vaccine to the States following a national tender which closes in May. The full program will still commence on 1 July 1993. The Commonwealth will provide funds to the ACT so that vaccine can be made available to medical practitioners and immunisation clinics at no cost to parents of eligible children from this date. The national program aims to vaccinate all children at two months and several times

thereafter, as this is the most effective time for vaccination. Older children will not be eligible for the funded program but will still be able to buy the vaccine. The Federal Minister for Health has agreed to seek advice on whether a catch-up program to vaccinate all children under five years of age is warranted.

Madam Speaker, that is a clear demonstration of Labor's commitment to the national health of Australia, and I am happy to be able to join Senator Richardson in spreading the good word about Labor's approach on health.

Business Strategy

MR WESTENDE: Madam Speaker, my question is directed to the Chief Minister. Does the Government have a strategy plan for enticing business to Canberra? If so, what are the main aspects of that strategy? Are these aimed at specific industries or businesses? If not, would the Government consider such a strategy and invite suggestions accordingly?

MS FOLLETT: Madam Speaker, could I preface my remarks by saying that one of the tasks which I have asked the Economic Priorities Advisory Committee, EPACT, to undertake for me is to develop just such a strategy, and that work is very well advanced. I hope to be able to report to the Assembly on it next week. There has indeed been ongoing work over the past few months aimed at developing a business strategy for the ACT.

However, even whilst that work has been going on - as we did prior to it - we have indeed conducted a number of campaign-type activities aimed at attracting particular types of business to the ACT. The one that springs most readily to my mind is the campaign for the ACT to be the telecommunications and computing capital of Australia. We have in fact put out a brochure drawing attention to the benefits of such industries locating in Canberra and, of course, drawing attention also to the state of excellence of that industry already in the ACT. Madam Speaker, I have also put out a broader prospectus for business generally in the ACT. The aim is to provide a package of information to local businesses and ask them to act as ambassadors for the ACT in pointing out to their business colleagues interstate and indeed overseas the attractions of the ACT as a place in which to do business. Members may be aware of that package.

Also, at a less formal level we conduct fairly constant discussions and negotiations with particular businesses. My Economic Development Division does a great deal of that kind of work. They keep in touch very closely with existing businesses and existing institutions in the ACT. We have, as well, an ongoing tourism promotion program, and I hope that a new tourism marketing strategy which is in preparation will be finalised very soon. The tourism industry, the tourism market, is a means by which the ACT could very actively promote itself and could expect to achieve some good results by way of expansion in business and by way of new industries in the ACT. In brief, there are a range of activities going on. I have asked for further work to be done on a strategy. That work is very near to completion, and I will be reporting further to the Assembly on it.

Gungahlin Community Facilities

MRS GRASSBY: My question is addressed to the Minister for the Environment, Land and Planning. Can the Minister inform the Assembly what action is being taken to provide community facilities in Palmerston for the growing population of the Gungahlin area, and can the Minister advise the Assembly whether the Government can provide a temporary multipurpose community hall there?

MR WOOD: Madam Speaker, over quite some time there has been a deal of activity on future community facilities at Gungahlin. Obviously the Education Department is very heavily involved, but pertinent to the question is the fact that the social planning unit in the Planning Authority has looked at this. They have contacted such people as they can locate in the rapidly expanding Gungahlin area. They have certainly been in touch with churches, and a strong view has been expressed. We have been trying to find out exactly what is needed in that area.

It has become clear that a hall is needed. Mrs Grassby has been talking to me about that in recent days, and I can announce to her and the community that during the calendar year we will provide a temporary multipurpose hall in Palmerston for community use. I have been talking to my colleague Mr Connolly on this matter. The plan is to organise some of this, but it is Mr Connolly who has to pay for it. It is a very good system. The hall will provide space for community activities such as playgroups, churches, women's groups, Gungahlin Community Council meetings, arts groups, aerobics and whatever use the community can make of it. The hall will be in place until the opening of the primary school in Palmerston. Then the school will be able, through its usual facilities, to provide permanent premises.

Department of Health - Staff Appointments

MR STEVENSON: Madam Speaker, my question is addressed to the Health Minister, Mr Berry. Since the start of 1992 have there been any occasions when staff appointments have been made within the Health Department without prerequisite selection procedures taking place? If so, why were normal procedures not followed, and what are the names and positions of the individuals so appointed?

MR BERRY: This question is classic Mr Stevenson. He sent the question to my office some time in March. Of course, he is prone not to be here very often these days - the same as he does not participate in the committee process. Mr Stevenson, had you been here on 23 March 1993 you would have known - look at page 644 of *Hansard* - that whilst you were upstairs in your office bludging on the community, instead of doing your work down here, I tabled the answer.

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

TREASURER'S QUARTERLY FINANCIAL STATEMENT
Paper

MS FOLLETT (Chief Minister and Treasurer) (3.09): Madam Speaker, for the information of members, I present the Treasurer's quarterly financial statement for the period 1 January to 31 March 1993, and I move:

That the Assembly takes note of the paper.

Madam Speaker, the Audit Act 1989 requires the Treasurer to publish a statement of the financial transactions of the Territory public account as soon as practicable after each quarter. The statement is published in a *Special Gazette*, and I have agreed that it also be tabled in the Assembly.

Madam Speaker, the format of the statement has been expanded to provide details of financial transactions incurred in respect of the cash management and investment activities undertaken within the ACT Treasury within the ACT borrowing and investment trust account. Assembly members should note that the quarterly financial statement represents a statement of financial transactions for the public account as required by the Audit Act 1989. It includes transactions between the public account and separate bank accounts such as health and education; but final expenditures for these bank accounts are not included, as they operate outside of the public account.

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

HOUSING DEVELOPMENT - BRADDON
Paper

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, I seek leave to expand on an answer I gave at question time.

Leave granted.

MR WOOD: Mr Moore asked me about an inquiry into section 22. I have more information concerning that. I would point out that the design and siting application for the proposed redevelopment was submitted on 15 January 1993. However, no design and siting approval was granted, as a variation to the existing leases over the site to amalgamate them into one lease has not been completed. This is necessary, of course, before the design and siting process can be finalised. The current design and siting application has now been withdrawn.

This proposal should be viewed, however, as a one-off situation, and it should be noted that under the draft Territory Plan a different mechanism will apply whereby both lease variations and design and siting applications will be subject to notification and third party appeal. An additional requirement is being imposed, to ensure that the applications are combined. This will ensure that interested residents are able clearly to understand the specific implications of the proposal and view the design before commenting. That was a point of some concern. The proponent has advised the ACT Planning Authority that a revised proposal is being investigated which will seek to achieve a further improved relationship between solar orientation and an integrated streetscape. Such a revised proposal will substantially address the solar orientation and design and siting issues that we have all been interested in.

It is also relevant to point out that the Government is considering the establishment of a cheap, efficient and informal appellate body to deal with such matters. Under such arrangements, affected persons would be in a position to represent themselves without costly legal representation, and appeals would be able to be dealt with more expeditiously.

Mr Cornwell: Is the Minister prepared to table the statement, Madam Speaker?

MR WOOD: Yes. I varied it a bit as I read it. You will understand that. You will have to read it against *Hansard*.

Mr Cornwell: Yes, I understand that, but you are happy to table it?

MR WOOD: Yes.

RULES OF COURT
Community Law Reform Committee Discussion Paper

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.14): Madam Speaker, for the information of members, I present discussion paper No. 3 of the Community Law Reform Committee of the Australian Capital Territory entitled *The Rules of Court*, and I move:

> That the Assembly takes note of the paper.

Madam Speaker, this paper has been prepared for the ACT Community Law Reform Committee in connection with its reference on the rules of court. The committee will be considering the rules of both the Magistrates Court and the Supreme Court. These rules prescribe the procedural aspects of litigation, such as the format and content of documents to be used, and set time limits for taking procedural steps. Currently these rules are extremely long and complex, making it virtually impossible for the layperson to understand or apply them. The rules of the Supreme Court comprise nearly a quarter of a million words. This makes them the largest piece of legislation in this Territory - more than twice as long as the next largest Act.

Many of our court procedures are very old indeed, some dating back centuries and having questionable contemporary relevance. Also, the language and terms used in the rules are often out of date. The length, complexity and technical details of these rules firmly fix accessibility to court procedures in the hands of lawyers. While litigation itself is not a simple affair, clearly there is room for some simplification of these rules. Possibly more than in any other area of the law, court procedures determine the cost and speed of justice. The current complexity of the rules contributes to the cost of litigation and the rules are open to abuse for tactical advantage. By reviewing these rules, the law can become cheaper, more accessible and more efficient than is currently the case.

The discussion paper flags some issues which warrant consideration in this reform process. One of these issues is case flow management. At the moment, the responsibility for advancing court matters is left largely in the hands of solicitors. This arrangement leaves room for abusing the system and provides very little incentive to progress matters quickly. Case flow management seeks to control more strictly those procedural areas which are prone to abuse and delay. The court, rather than the solicitor, enforces deadlines. The ACT Magistrates Court has recently implemented various case flow management procedures. The committee has indicated that it is very interested in these innovations and may consider recommending that a similar system be adopted by the Supreme Court.

The paper also considers the role of computer technology in court procedures. In the course of adopting case flow management, the Magistrates Court is in the process of installing a new computerised case flow management system. This will allow the court to monitor the progress of cases quickly and easily. Computers could also play a vital role in increasing accessibility to courts by providing up-to-date legal information. Expert computer systems could provide laypeople with an easy to follow guide to the rules of court. The forms and documents prescribed by the rules could also be put on computer. The committee will also be considering an increased role for alternative decision making processes. This would place more emphasis, where appropriate, on mediation, conciliation and arbitration and would reduce the costs and delays in legal disputes in some cases.

The discussion paper explains the need for reform of these rules and options for change in everyday language, making these issues more accessible to ordinary people. I must stress that this paper represents only the preliminary stages of the reform process. Experience in other jurisdictions has shown that reform of court processes is difficult and time consuming. However, commitment to access to justice principles demands that the causes of delay, excess cost and limited access to justice must be addressed.

Question resolved in the affirmative.

COMMONWEALTH GRANTS COMMISSION REPORT ON GENERAL RELATIVITIES
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the response to, and implications of, the Commonwealth Grants Commission's report on general relativities 1993.

Leave granted.

MS FOLLETT: Madam Speaker, this statement outlines the implications of, and the Government's response to, the Commonwealth Grants Commission's report on general revenue grant relativities 1993. The commission presented its report to the Commonwealth Minister for the Arts and Administrative Services on 31 March 1993.

The terms of reference requested the commission to assess per capita relativity factors which the commission would regard as appropriate to apply after 1992-93. The reference also requested the commission to make alternative assessments, with the ACT both included in, and excluded from, the combined pool of general revenue and hospital funding grants distributed among the States and the Northern Territory. Decision on this issue to be taken at the 1993 Premiers Conference will represent another important step in the full incorporation of the ACT in Commonwealth-State financial arrangements.

The report represents a major review of the methodology and scope of the Commonwealth Grants Commission's assessments. It represents the first major review of methodology since 1988, with intervening reports providing annual updates of those previous findings. The implications of the commission's report for funding to the States and Territories will be a matter for discussion at the 1993 Premiers Conference. The ACT, like the States, is heavily dependent on Commonwealth funding. However, the relatively recent transition of the ACT to self-government makes the findings of the report and the Premiers Conference response especially significant for the ACT. I would like to take this opportunity, therefore, to advise the Assembly of the report's major findings and its implications.

Since self-government, the Labor Government has adopted a policy of meeting, and exceeding, the progressive phasing out of transitional allowances embodied in the commission's fourth report 1991 on financing the ACT and reflected in the update of that report in 1992. The most recent report needs to be placed in the context of what has actually been achieved in ACT finances by the three budgets of my Government since self-government. Comparison of government finance estimates by the ABS and credit rating agency reports have all confirmed that outlays in the ACT have been contained to a greater extent than in the States and that substantial progress has been made in bringing the ACT's financial position into line with the States.

In 1992, the ACT achieved a credit rating of AA+ in difficult financial circumstances. This rating was reaffirmed in the agency's annual update released in March this year. This result is second only to that achieved by New South Wales and Queensland, neither of which faces future reductions in Commonwealth funding of the magnitude faced by the ACT. ABS statistics show that ACT final consumption expenditure, the most broadly based economic measure of public sector recurrent expenditure, was reduced in 1991-92 by 1.85 per cent in real terms compared to an increase of 6.2 per cent for all States and Territories. The 1992-93 estimates examined by the ABS show a similar picture, with ACT recurrent outlays being forecast to increase by 1.3 per cent in real terms compared to 3.7 per cent for all States and Territories.

The 1993 Grants Commission's report includes comparative information with the States which also demonstrates the underlying effectiveness of the budget strategies that have been adopted by the ACT Labor Government. Between 1988-89, the year prior to self-government, and 1991-92, the last year of review in the commission's most recent report, ACT above standard expenditure has been reduced by half, from 12 per cent above standard in 1988-89 to 4.5 per cent above standard in 1991-92. The worth and value of these budget strategies place the ACT in a stronger position than would otherwise have been the case to manage the massive pressures likely to be placed on the ACT in future years.

Madam Speaker, the ACT's forward estimates included in the 1992-93 budget papers had anticipated an historically large reduction in Commonwealth funding in future years, including a 9.3 per cent real reduction in 1993-94. If the Commonwealth were to apply the Grants Commission report's assessed relativities, the real reduction in 1993-94 would be 21 per cent in real per capita terms, with significantly smaller reductions in the following years. This larger than anticipated impact of the commission's report in 1993-94 is a result of a number of factors which impact particularly harshly on the ACT. A major factor is the much greater reduction in transitional allowances in 1993-94 than would have applied had the commission's previous methodology been continued. The previous task of $18.3m has now increased to $42.8m.

This greater reduction is explained by the impact of the new methodology on 1989-90, the starting point of the transitional allowances previously assessed by the commission. This additional $24.5m transitional task could not have been anticipated or planned for and is the result of the retrospective impact of methodological changes. The ACT could not have made the adjustments required in the initial four-year transitional period now completed. The ACT will be seeking recognition of this anomaly by the Commonwealth, including transitional assistance to cover the phasing out of this adjustment over the next few years.

There are other aspects of the new approach adopted by the commission which have a particularly adverse impact on the ACT. They result in a further reduction in general revenue assistance of $25m in addition to the impact on the transitional allowances. The Government intends to pursue these matters in negotiation with the Commonwealth. The first among these is the commission's changed treatment of retention rates in the post-compulsory years of secondary education, years 11 and 12. This is a significant factor in the large reduction in the ACT's assessed relativity factor. This change alone is estimated in the report to reduce funding to the ACT by $18m.

Previously the commission had assessed relative needs for post-compulsory secondary education based on actual enrolments. Differences between actual and national average enrolments were discounted by 20 per cent to have regard to the influence of State policies. The changed treatment in this inquiry has an exceptionally adverse impact on the ACT, given the high actual retention rates in the ACT. These high retention rates are attributable to structural elements of the ACT's social and economic environment. Furthermore, over the last two decades movements in retention rates have reflected national changes such as moves to expand Australia's education and training base and changing employment demands.

Secondary education is a demand driven program with an obligation on all governments to find places for students wishing to complete secondary education. The different treatment afforded by the commission between compulsory and non-compulsory years of secondary education is an anachronism. This is especially the case at a time when national policies are specifically directed towards ensuring that all students are able to have a choice of fully completing secondary education and when employment opportunities for school leavers who leave once completing year 10 are restricted. This is particularly the case in the ACT, with its unique employment and industry structure compared to the States.

The ACT will be pursuing this matter with the Commonwealth to ensure recognition of the cost impact of high retention rates and the undesirability of attempting to impose policies to reduce retention rates in our schools even if such policies were possible. As I have previously noted, experience in the States indicates that retention rates respond to national economic conditions more than to individual State education policies. All States have in fact adopted policies to encourage students to enhance their educational skills and employment prospects by fully participating in education and training beyond year 10. This changed treatment of retention rates is a significant departure from the commission's previous interpretation of the fiscal equalisation principle, which in the past has attempted to take into account factors outside the direct policy influence of individual State and Territory governments.

Mr Deputy Speaker, several other aspects of the commission's changed assessment methods have resulted in the ACT being assessed as having needs for its population significantly less than those for any other State or Territory. I am concerned that these issues - which affect the way the commission has assessed revenue raising capacity, needs for superannuation and some business undertakings - have resulted in an unrealistic and unacceptable assessment of the ACT's long-term share of Commonwealth funding.

This outcome is masked to some extent by the inclusion of cross-border factors in the relativity assessed for the ACT. If these factors, which do not relate to the range of quality of services provided to the ACT's population, are excluded, the commission has assessed the ACT as being entitled to a per capita share of Commonwealth general revenue funding 26 per cent below the national average. This is significantly less than the share assessed as appropriate for New South Wales and Victoria and presents an unrealistic and unsustainable outcome. The Government will be negotiating with the Commonwealth on each of these aspects.

Mr Deputy Speaker, the record of achievement of the Government in adopting sound financial management strategies will be of great significance in these negotiations. The Government has adopted and will continue budget strategies framed around principles of sustaining real reductions in outlays over the forward estimates period, limiting borrowings to income producing or savings generating purposes, containing the growth of unfunded liabilities compared with outlays and improving revenue performance.

Unlike the States, the ACT faces an adjustment task that is not attributable to past policies made at the State level. The magnitude of the adjustment continues to reflect the legacy of levels and patterns of expenditure transferred to the ACT at the time of self-government. Since self-government the ACT has made much greater efforts to contain outlays than has been the case for the other States. The Government has adopted budget policies which are sustainable over the longer term and will be seeking continued recognition of the need for a sustainable and achievable adjustment process. The level of reduction implied by immediate implementation of the commission's findings - about a 21 per cent real per capita reduction in 1993-94 - would be unreasonable, given the significant steps the ACT has made since self-government towards containing its expenditures and improving revenue performance.

On each of the previous occasions when the commission has assessed relativities based on new methodology - such as in 1981, 1985 and 1988 - the Commonwealth has provided special revenue assistance to smooth the process of adjustment for the smaller States adversely affected by the new relativities. This has traditionally taken the form of a guarantee of at least the same money levels of general revenue assistance. The Commonwealth has rejected such a "same money" guarantee for the ACT since self-government.

The ACT will, however, be pursuing with the Commonwealth an undertaking on a process to smooth the transition in order to enable cost-effective change to be achieved. The strategy I will be taking to the Commonwealth calls for the provision of special revenue assistance consistent with the ACT being required to bear no more than a 5 per cent real drop in Commonwealth general revenue funding in any one year. Under this strategy, the ACT would reach the position implied by the Grants Commission relativities by the year 2000 - in a period of about seven years. Within this strategy, the ACT is prepared to accept that the cessation of the asbestos removal program funding in 1993-94 represents a base adjustment to both revenue and expenditure and would therefore be in addition to the 5 per cent ceiling for 1993-94.

Mr Deputy Speaker, Commonwealth support for this strategy will ensure that the ACT's financial future remains viable. An obvious first step in achieving this outcome is to gain the support of the ACT's Federal members. I will be continuing my discussions with all three Federal government members over the next few weeks. Assuming our negotiations with the Commonwealth are successful and the Commonwealth adopts this measured approach, the outlook for the ACT will nevertheless continue to be one of ongoing real reductions in Commonwealth funding over the next several years. The period since self-government has shown that such adjustments are achievable but necessarily involve very difficult decisions.

The Government is committed to continuing that process of adjustment in a way that does not compromise our commitment to social justice and that ensures that all sections of the community are consulted and can have their views on the adjustment process taken into account. The record achieved so far, compared with the States, indicates that long-term structural changes can be achieved by such an approach. It indicates that financial responsibility can be compatible with attainment of social justice objectives in the community. An approach to the extremely difficult budgetary environment we will continue to confront which combines sound financial management with concern for those in the community most in need is the most appropriate one for the ACT.

Mr Deputy Speaker, the potential impact of the commission's report was an important factor in the ACT's budget planning - indeed, much of what is now in the report was anticipated in the published forward estimates. The much larger single-year reduction in 1993-94 implied if the report's findings were immediately implemented is due to a number of methodological changes, some of which can be questioned as being inconsistent with the principle of fiscal equalisation. Certainly they are not consistent with that principle as previously applied by the commission.

Furthermore, the retrospective impact of the new methodology on transitional allowances previously assessed has greatly increased the size of the transitional adjustment the ACT is now expected to achieve. These aspects, and the significant steps the ACT has already made since self-government towards containing expenditure and improving revenue performance, provide a strong basis for negotiation with the Commonwealth.

Mr Deputy Speaker, the ACT's call for a ceiling of no more than 5 per cent real reduction in our grant in any one year is a realistic and sustainable strategy. In this way, we are seeking a fair and equitable transition, a transition which recognises that budget adjustments must be cost effective and sustainable over the medium to long term, a transition which recognises the exceptionally high degree of fiscal responsibility exercised and achieved in the three Labor budgets of the ACT since self-government. I present the following paper:

> Commonwealth Grants Commission Report on General Relativities - Ministerial statement, 13 May 1993.

I move:

> That the Assembly takes note of the paper.

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

EMERGENCY SERVICES

MR HUMPHRIES (3.34): Mr Deputy Speaker, I seek leave to move a motion concerning the conduct of an inquiry into emergency services in the ACT.

Leave granted.

MR HUMPHRIES: I move:

That:

(1) This Assembly calls on the Government to conduct an inquiry into the provision of emergency services in the Territory, including police, fire, ambulance and road rescue services.

(2) The terms of reference should have regard to past reviews and, in particular, the review of Fire and Emergency Services Group, Counter Disaster Planning, Disaster Planning and Disaster Recovery, currently being conducted by the Director of Fire and Emergency Services, and should include:

(a) determination of the most appropriate structure for the provision of services, including whether services should be collocated, consolidated or otherwise rationalised;

(b) the most appropriate level of service; and

(c) the most appropriate means of training and maintaining training levels of emergency service workers.

(3) The inquiry be conducted by an independent inquirer, be appropriately resourced, and report to the Government before the end of 1993.

Mr Deputy Speaker, large changes have occurred in the ACT and its services - not just emergency services, but all sorts of social and other services - in the years since the ACT obtained self-government. This has been going on with particular vigour since self-government began because of the changed financial circumstances to which the Chief Minister just made some reference, but also for a longer period than that to take into account the reality that the ACT is, by comparison with other jurisdictions, somewhat generously funded. Those changes - changes very often targeted at efficiency and reduction in cost - are driven primarily by money, but they are also on some occasions driven by other factors. Before we in this Assembly go down the path of endorsing, or at least failing to question, any particular series of changes that might be begun in this community, we need to know what those factors are and how they make up the decision making process in respect of the future of, in this case, emergency services.

The key question we need to ask ourselves is whether the changes being proposed by the Government in respect in particular of the decision to phase out or reduce the capacity of the police rescue service to conduct road rescues in the ACT are capable of reducing cost without an unacceptable loss of quality in the services offered to the people of the Territory. Every change we make in this Territory, every change government makes in an administrative sense, which downsizes or streamlines services carries a risk that at the same time one actually reduces the quality of services. Sometimes you can achieve a reduction in cost and an increase in quality, but that situation is probably rare. For the most part, there is a trade-off between quality and cost, and my party fears that the trade-off between the cost and the quality of emergency services in this case is not being properly assessed or made. That is our fear, and it is the fear of many workers in emergency services in the ACT, particularly those who currently carry out police rescue services.

We also fear, and we have had much evidence of this in recent weeks, that trade union politics are a prominent factor in the decision the Government has made in this area. It is okay for governments to be involved in trade union politics, particularly when they are of the political flavour of this Government, but it is not okay for political factors to override commonsense and good management decisions, and that is a very real danger in this case.

When I talk about the political elements of this debate, I cannot fail to observe that the Firefighters Union enjoys easy access at the highest levels of this Government. On the other hand, the Minister for police, at least at one stage recently, refused even to meet and to speak with officers of the ACT executive of the Australian Federal Police Association. He said at the time that this was because there was a threat hanging over his head. I note that, despite other threats and an actual attack on the integrity of this Assembly - I am referring to lights going out - the Government did proceed to talk with the Electrical Trades Union over a period, notwithstanding threats hanging over its head. I have to ask myself why it is that access to the Government is barred by threat in the case of the Police Association but not in the case of the Electrical Trades Union. It is hard to resist the conclusion that there is some considerable degree of empire building going on in the restructuring of emergency services in the ACT.

Mr Cornwell: Really?

MR HUMPHRIES: Really. It is, however, pertinent to ask: Are we basing this new consolidated, streamlined emergency services empire on the wrong service? Which service in the Territory is the most efficient? Which has the best work practices? Which has the best skills base amongst its members? Frankly, I am not convinced, and I have not seen any evidence at all from this Government to suggest that it has proof that this is the case, that the answer to those questions should be the ACT Fire Service.

Consider, for example, that the most recently available figures from the Commonwealth Grants Commission make comparisons of the discrete services of the ACT as they now stand in terms of operation of particular functions. They use a cost of service provision ratio and a level of service provision ratio. Those are complex calculations and they are not easy to use. They are hardly user friendly, but they certainly indicate something about the nature of our respective services. The Minister does not think so, but I do.

Mr Connolly: No; I think you are about to fall into a big trap here, Gary. Keep going, son.

MR HUMPHRIES: We will see. That report indicated that there was a considerable difference between the cost of service ratios of the police and the Fire Service and the level of service ratios. We assume here that 100 per cent represents the Australia-wide standard. Those figures indicate that the police are operating on a 116 per cent cost of service ratio in the ACT and that they were achieving a level of service ratio of 127.5 per cent. I think it is fair to assume that that means that for 116 per cent of the national expenditure we are getting something like 127 per cent of the level of service. The same figures were done in respect of the Fire Service in the Territory. The cost of service ratio for the ACT Fire Service was 216 per cent and the level of service ratio was 107.2 per cent.

Mr Connolly: But what did it include?

MR HUMPHRIES: I am sure that the Minister will give us some reason why those figures do not apply, but I wonder whether the Minister really can satisfy this Assembly. The onus does fall on him in this case to show that our Fire Service is now the more efficient service on which to base this new emergency services empire, which is clearly the direction this Government is taking. Can he demonstrate that to this Assembly? Can he satisfy himself and us and the people of the ACT that the Fire Service is the efficient service he obviously thinks it is on which to base this new decision about structuring our services?

Other questions about the outlay of services raise themselves. I think the figures I have quoted from the Grants Commission make a lot of sense, particularly when you compare a city such as Newcastle with Canberra. These two cities are comparable in size, but they have a glaring disparity in the outlay of services in the area of fire. Canberra has modern building codes and employs some 287 firemen - they are mostly firemen - in eight stations. Newcastle, on the other hand, is an old city with old fire codes, nowhere near those of the ACT, for the most part. It has heavy industry, which would suggest a higher fire risk, to my mind; but it has only 135 firemen spread over three stations.

That must raise a question in all reasonable people's minds. Is the ACT's service essential? Is it what is expected as a national standard - if it is, it clearly is not being following by places such as Newcastle and, I suspect, many other communities - or is the ACT the beneficiary of a legacy of overprovision which we simply cannot afford to continue to provide? I am obviously very grateful for the fact that if my house caught on fire there would be a fire truck somewhere in the vicinity. But I have to ask who pays for that and whether we can afford to sustain that level of service. My leader has made the observation that we are making those sorts of decisions already in respect of other services - services such as ambulance, police and the provision of hospitals. We cannot avoid them there, and I submit respectfully that we cannot avoid them here either.

There are many inefficiencies in the arrangement the Government is proposing and many questions that have not been answered. I think the Government, in this debate, needs to make some attempt to answer them. For example, it has been asserted in the proposal to take over road rescue services in the ACT that the ACT Fire Service is an efficient service, with all of its 287 members trained in road accident rescue, and I am quite certain that they are. All of us would have been, at various times, to demonstrations or graduation classes, and they show us their capacity to do some work in that respect. It is true that they are trained to what I understand is called rescue 3 status and that they are all engaged actively in retraining from time to time. But the question has to be asked not only what level of training they are receiving but also what level of experience they are achieving on our roads.

Members of the road rescue service of the police rescue service are rotated throughout different arms of the ACT Fire Service. This means, I am informed, that the actual hands-on experience they will get in road rescue is very limited. With 287 members, perhaps on average once every two years will a fireman be engaged in a road rescue. With 13 members of the police rescue service dedicated, at least on the south side at the present time, to road rescue, we can expect a much more frequent encounter with people lying seriously injured on roads or in car wrecks.

Madam Speaker, if you were lying in a car wreck and you were seriously injured, perhaps with spinal injuries or something of that kind, would you rather have rescue you someone whose last rescue had been done 18 months before, and that had been his or her only encounter with such a situation, or who had never before done a road rescue? Or would you rather have a person who had done this for a living for some time, who was familiar with it and had done it many times before? That is what I am talking about when I say that in these economy measures of the Government there is a trade-off between quality and cost, and we have to ask ourselves whether that is an acceptable trade-off. Experience adds up to expertise, and I have to say that I have grave doubts about whether an expertise can develop in a service as large as the ACT Fire Service.

We have heard also today about a bid, and it is obviously characterised by this Government as an ambit claim, by the ACT Emergency Service for control over not just road rescue in the ACT but off-road rescue as well. The person that wrote the letter I earlier tabled in the Assembly is the controller of the ACT Emergency Service, North Canberra region - arguably, the person principally directly responsible for road rescue which is not conducted by the Fire Service.

Mr Connolly: No, no role in road rescue. This is the emergency service - the orange-overall guys, the volunteers who put the roofs on in a storm.

MR HUMPHRIES: The fact of life is that this person is a fairly senior person in the administration of the Territory. This person obviously believes, on the basis of what he has heard, either officially or unofficially, in his job - I assume that it is a he - that road rescue service is only the first step in the ACT Emergency Service acquiring control over other aspects of emergency services. I am referring here to off-road rescue, cliff rescue, forest, bushland and waterway rescue in the Territory.

The Minister says that that is wrong, that this person is misinformed. How does this person come to be misinformed? This is a very senior officer in your administration, Minister. How is it that he does not know that you know of no proposal to amalgamate police rescue services together with the fire rescue service? How does he not know about that? Or is it the case that you do not know about any decision to make that transition but others do, that your assurance that there is no proposal of which you are aware does not apply to your colleague Mr Berry, who does know of such a proposal or is aware that such a proposal is being developed? I would like this Minister to satisfy the concerns we have raised by saying, "It will not be the policy of this Government to provide for a closing down of the police rescue service and the transfer of off-road rescue to the Fire Service or anybody else in the ACT".

Mr Connolly: It will not be the policy of this Government to transfer rural off-road rescue to anybody else.

MR HUMPHRIES: Can you guarantee that that will not happen in the life of this Government?

Mr Connolly: Yes, I can guarantee that.

MR HUMPHRIES: I am reassured, but I wonder whether you speak for Mr Berry when you say that. Madam Speaker, the argument has been posed that the Fire Service should have control over other emergency services because it has surplus capacity, and there is no doubt that it does. I wonder why it is that we provide for police to work during unsociable hours and to actually work that time, whereas we allow firemen to work that time and to spend the time sleeping. There is a real question about the work practices of our Fire Service. *(Extension of time granted)* I have to ask myself whether that really is in the best interests of this community.

Mr Connolly: That is right. They should be doing something useful, like road rescue, and that is what we are going to make them do.

MR HUMPHRIES: This is the stupidity of the argument. They have surplus capacity. Other services are tightly stretched. It would seem to me that we should make some step towards reducing that surplus capacity rather than filling it up with things for which those people are not appropriately trained. You might discover that we have a shortage of cleaners in our schools. Let us send the firemen out to clean the schools at night; they have nothing else to do. That is an extension of the illogicality of this argument.

The question has to be asked equally, with the solution you have just proposed, Minister: Why should we not think about reallocating and restructuring our fire services to ensure that we have a standard something akin to what other Australians are enjoying? Is that not the question we should be posing to ourselves? Has it ever been posed to this Minister and to the colleague who sits in front of him? I have my doubts.

Mr Berry: This is the biggest stunt.

MR HUMPHRIES: Everything we do is a stunt as far as you are concerned, Mr Berry, so what is different, I ask you? You will have your turn later on. Mr Connolly implied yesterday that if we did not have eight stations we would not be complying with the Australian standard. Apparently Newcastle does not comply with the Australian standard; nor do many other communities in this country. I find that hard to believe. I asked the Minister yesterday what the extent of the saving would be when the police rescue service was phased out or surrendered its role in southside rescue. He asserted that there would be a saving of $400,000. Yet he appeared to think there was no basis at all for the claim made here for over $200,000 by the emergency services in the ACT; he indicates that there is no basis at all for that claim. I wonder where that claim will end up.

It seems to me that, if there is a serious accident with, say, injury or major damage, the first service that ought to be involved is an ambulance service. It would clearly need to be there to attend to sick people. There would almost certainly be a requirement for the presence of a policeman because those scenes will almost invariably be crime scenes. As a third priority, in my humble observation, there is a requirement for the presence of a fire appliance. In fewer than one per cent of cases, I am advised, do motor vehicles involved in a road accident actually catch fire. Obviously in other cases they will spill petrol, or whatever, and require some care and attention, but that again involves a minority of accidents.

The question again has to be asked: Is it necessary to transfer all operations to do with rescue to the one of those three services which is demonstrably less important than the other two? I do not need to point out that an accident scene is also often a crime scene. You will have to have policemen present or, under the new multiskilling rules of this Government, we can start to train firemen to be police investigators and work out whether a crime scene needs to be taken care of in a particularly sensitive way. I am advised, for example, that there was an incident in the last 12 months where there was a serious accident and firemen arrived first on the scene, which is not unlikely, given the arrangements I have been talking about. A person had been killed as a result of the accident; but, because the firemen were not trained in making sure that they knew who was behind the wheel of the car that was probably at fault in the accident, it was not possible subsequently to lay any charges against a person for dangerous or culpable driving. There was simply no training to back that up.

Mr Berry: Would it have been possible anyway? Who knows? It is all guesswork, Gary. It is trumped up.

MR HUMPHRIES: I would submit that there is a clear need for the presence of policemen in those circumstances. If that is the case, ought there not be the capacity for police rescue to attend on those occasions as well? You are going to

have to have police there anyway, so you are not going to diminish the need for all three services to appear on those occasions. The question has to be asked: Is that the most efficient arrangement of services?

I have concentrated principally on police rescue services. It is the matter about which I am most concerned. But I do not think that is the only area in which there is a series of questions to be asked about the best arrangements for future provision of these services. Road rescue is not the only area in which the police rescue service is engaged, as we have already heard today. There is cliff rescue, building rescue, river rescue, snow search and rescue, bush search and rescue, animal rescues, aircraft emergencies, natural disasters, including storm damage and flooding, police operational support, for example where a person attempts to commit suicide, gaining access to buildings or cliff tops or bridges or building roofs, inside locked premises and so on, recovery of bodies after a disaster or an accident of some kind from waterways, cliffs, bushland, railways, buildings, et cetera. Sometimes there will be suspicious circumstances where a special police role is necessary. There will need to be searches for offenders in bushland, scientific or forensic evidence, drugs, et cetera. There will need to be lighting for crime scenes, protracted accident investigations, demonstrations and searches, emergency power, supplying generators for police stations and command posts during emergency incidents, disaster planning, crowd control, police welfare, specialist equipment, and all sorts of training in techniques. Those, I understand, constitute the bulk of the work done by the police rescue service.

The savings have not been demonstrated, and I do not think the questions I have posed today have been satisfactorily answered. I believe that it calls into question the direction the Government is taking and provides us with the opportunity of calling for an independent and full inquiry into emergency services in the Territory. I have included in the motion police, fire, ambulance and road rescue services. Clearly there is an agenda. It might not be the Government's agenda, it might not be the Minister's agenda; but there is clearly an agenda, and it is at least partly concealed from the public of the ACT. We need to establish the clear basis on which we proceed, whether down the path of that agenda or otherwise. I think that cannot be done without a full, independent inquiry.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.57): Mr Humphries argues the case for an independent inquiry into police and emergency services in the ACT. We will be voting on this in due course, and I must say that I am rather disappointed that Independent members who may be voting are not present. If they were going to vote in favour of Mr Humphries's motion premised on the arguments Mr Humphries has made, they would be very misinformed. Mr Humphries's whole argument is based on a false premise, a fundamental error in reading a Grants Commission document that a more seasoned campaigner like Mr Kaine would not have fallen into.

Mr Humphries says that when we look at the Grants Commission report it shows that our expenditure on fire is 216 per cent, therefore we have an inefficient fire service and we should be doing something about it, and why are we giving additional jobs to this inefficient service? I grant you that, if we were spending twice as much as we should be on fire and only 116 per cent as much as we should be on police, that would indicate an inefficient fire service and something should be done. Mr Humphries, read the small print. It is a very good idea before one opens one's mouth. That reference in the Grants Commission report is

not to fire services; it is to fire and public safety, other. If you look at last year's Grants Commission report, not this year's, in the fine print it points out that in the ACT the fine white powder is included in "other public safety" - asbestos. The cost of the asbestos program, Mr Humphries, is included in that category.

I table an analysis of that Grants Commission finding, prepared by Dr Gregory of the Treasury, which demonstrates that, when you subtract the substantial contribution we make for asbestos and the allowance they give us for asbestos, the ACT's standardised expenditure on fire is $14.4m. Our actual expenditure is less than that. So Mr Humphries's allegation that we spend twice as much as we should on fire, and therefore it is inefficient - - -

Mr Humphries: I did not say that.

MR CONNOLLY: You said that the Grants Commission finds that our expenditure is 216 per cent and that indicates an inefficient fire service. It would; it would indicate a woefully inefficient fire service. But that expenditure is on the category of fire and other public safety, and that is grossly inflated by the asbestos program. I table the analysis by Dr Gregory, which demonstrates that, when you take out of account the asbestos expenditure, our actual expenditure on fire is slightly below what the Commonwealth says would be a standardised average.

If members were minded to support Mr Humphries's motion on the basis that there is something wrong here, we have a fire service that is twice as expensive as it should be - I must say that I would support an inquiry into anything where we were spending twice as much as we should - they really must think again because it is a fundamentally wrong premise. It takes into account the asbestos program. The actual cost of the Urban Fire Service, on the analysis we have had done by one of our senior Treasury officials, demonstrates that we are spending a little more than we would on the Grants Commission standardised expenditure basis.

Madam Speaker, this is really about Mr Humphries performing a political stunt for the benefit of the Police Association. That is fair enough; you are entitled to do that. The association has a very strong view about the future of road rescue. I can respect that view, although I disagree with it. But members of the association who are present and hearing Mr Humphries put out on behalf of the Liberal Party the great defence of the road rescue service should know what the Liberal Party said about this subject a bare few months ago. For several years now we have had ongoing problems in rivalry between the police and fire services in relation to road rescue and we have had numerous attempts to fix up the problem.

On 13 October 1992, the Liberals brought on a matter of public importance in relation to road rescue and emergency services. What did they say that I should do? At that stage I had announced that we were trying to have this first vehicle on the scene response. So we were slightly modifying the north-south divide. We were allowing the first vehicle on the scene, from whatever service, to do the rescue and we would further look at what should be done. Mr Westende said about me:

> All he needs to do is make a decision and stick by it.

Act decisively; do something; none of this fiddling around, make a decision and stick by it. He said:

> This means all the emergency services personnel have to be equally trained and be equally effective and efficient, and indicates the need for one efficient service rather than various services.

There is no point in mucking about, he said; make a decision and stick to it. Mrs Carnell said:

> Therefore, it would seem appropriate right now to make a decision on who does the job ...

Get on and do something; do not just muck around with further inquiries. What did Mr Kaine say? In relation to my statement that we were further looking at this analysis, Mr Kaine said:

> It is uncharacteristic of Mr Connolly, because he has it within his power to rectify this.
>
> ... ...
>
> I would be much happier if I saw Mr Connolly acting in his usual decisive manner and saying, "This is our strategy; this is what we are going to do and we are going to have this fixed inside three months".

Mr Kaine criticised me then, suggesting that I was saying, "Hang on a bit; let us have a couple of reports". "Do not have a few reports", said Mr Kaine, "act decisively". Mrs Carnell said, "Act decisively". Mr Westende said, "Act decisively". Madam Speaker, the Government acted decisively and said that we would end the farce of road rescue. What do they now say? They say, "Let us have some reports". This is foolish politics at its highest.

We have had two reports into fire and emergency services in the last two years. We had the Hannan Group report and we had the Purdon consultancy on the Hannan report. The Hannan report is particularly germane to this debate. This was a major report, commissioned by the Alliance Government but extending over some 18 months, into the fire and emergency services. It was this report which led to the creation of the fire and emergency services bureau within my department - - -

Mr Humphries: But not to the police rescue service amalgamation.

MR CONNOLLY: Is this debate about reversing the decision on police rescue? If it is, I suspect that some members of your party would not want to support it. Is that what you are debating? Your motion, on its face, is about the future of emergency services. In relation to road rescue, three of your members who spoke on an MPI some months ago said, "The farce of ongoing rivalry has gone on too much. Mr Connolly, stop mucking around. Do not have more reports; act decisively". I acted decisively, and now you want me to have another report.

In relation to the report we did have, this report and the further ongoing consultancy created the emergency services bureau we now know. Why do we need a report and a further consultancy? Because some mischievous people were running around the ACT trying to stir up massive trouble about this report. I can recall, a couple of weeks before the last election, Mr Humphries standing on the front of a rural fire truck at the big meeting at Tuggeranong. We had a couple of hundred rural firefighters, virtually every rural firefighting vehicle, sirens and lights flashing. They were all being stirred up. Mr Humphries jumped on the truck and said, "This is a terrible report. This is a takeover by the urban fire service. This report is a waste of time". I jumped up afterwards and said, "Mr Humphries, I am interested that you say that it is a waste of time, because it was your Government that commissioned it". That was the problem about this report. We had to spend a lot more money on this consultancy because people were out there stirring up the various interests in the emergency services.

The emergency services comprise a very complex group of people and organisations, all of them fiercely proud of their expertise and competence, and rightly so. I have always said that, rightly so, they are all proud of their expertise and competence. It was unfortunate that Mr Humphries today decided to attack the decision to rationalise road rescue by attacking the competence of fire officers. The fire officers are very well trained and very well equipped to handle road rescue. That is not just my view; it is also the view of the Assistant Commissioner of Police, who said that he would not have handed over that function if he did not believe that the Fire Service was competent to perform the job. It was unfortunate that Mr Humphries chose to denigrate those fire officers, to suggest that they lack expertise and to make a jocular point about, "We have firemen sleeping at night". We do have firemen at night. They have to be there. Let us give them something useful to do. Let us get them up from their beds, if they happen to be in their beds, and allow them to respond to road accident rescues. This is a sensible use of resources.

The point is that each of the services have a real pride in their expertise and a pride in their service. The Hannan inquiry, which was headed by a range of very senior people in fire and emergency services throughout Australia, recommended that we merge the Urban Fire Service, the Rural Firefighting Service and the ACT Emergency Service into one organisational unit. Mr Humphries was out there stirring up the rural firefighters, stirring up the rural volunteers, and saying, "This is a terrible document. This is a takeover by that terrible Urban Fire Service". Those rural volunteers, who give up their time to protect the community, were being agitated and terrified about the consequences of this recommendation, which is why we had then to spend a lot more money on a further consultancy to settle everybody down and to convince them that we could amalgamate the urban and rural fire services under the single emergency services bureau.

That is now happening. We are just getting that bedded down, and what does Mr Humphries want us to do? He wants us to have another report. I could accept that, if it were not for the fact that when we last had a report Mr Humphries was out there standing on the truck at the meeting - it was in a pre-election context, so perhaps he did not really mean it - stirring the rural volunteers against this report, against the amalgamation which we now have in place and which is proving very effective. That is precisely the sort of thing that will continue to happen if Mr Humphries's recommendation is carried.

An open inquiry will allow all of those things to come to the surface. There are still some people within the rural volunteers who perhaps resent the fact that they are now part of an amalgamated service, and I really see no benefit in pulling that out again.

We have had a very expensive and very extensive series of reports, extending over two-and-a-half years, into amalgamating the rural and urban fire services into the Emergency Service. We now have that in place. We have our civilian director and we have appointed our new Fire Commissioner. We have our rural and urban fire services working together as we have never had them working together before. We have the radio rooms of the separate rural and urban services amalgamated into a single fire radio room. We now have agreement for a single fire and ambulance radio room and co-location of the Ambulance Service with the Fire Service at North Curtin. We are moving. We have had more movement in efficient use of emergency services in the last six months than this Territory has ever had. And what does Mr Humphries want? He wants another inquiry.

Mr Humphries had another trump card that he played. He had the document he tabled in question time and he was waxing lyrical this afternoon about the very senior officer in the ACT administration who believes that the Emergency Service is going to be given full responsibility for rural rescue. Mr Humphries, you displayed your total lack of knowledge of the Emergency Service, which was evident in your chortling remarks during question time about giving them some sleeping-bags. The gentleman in question, valuable as he is, is a volunteer. He is not a full-time senior officer of the ACT administration. He is a dedicated volunteer in the ACT Emergency Service. No doubt he would like to have full responsibility for all rescue, as probably all of his officers would. But it is not on the Government's agenda; it has never been on the Government's agenda.

We always said that this rationalisation of urban road and industrial rescue was just that and that the police service would continue to have an emergency unit, which would have the prime responsibility for all the bush rescue, all of those types of activities. The fact that a well-meaning and highly motivated volunteer in the ACT Emergency Service might wish it otherwise demonstrates credit on the volunteer and shows the pride he has in the ability of his volunteer colleagues, but it is not a statement of government policy. For Mr Humphries to wax lyrical about the sinister nature of a senior officer's document demonstrates his total lack of understanding of how the emergency services work. The gentleman in question is, quite simply, but a part-time volunteer controller of his part-time volunteer regional group. That is the way, Mr Humphries, the emergency services work.

There was another issue raised towards the end of Mr Humphries's remarks, again in his attack on the competence of the Fire Service, which I think is very unfortunate. Throughout this debate I have always made it clear that both police officers and fire officers are very competent, very expert, and very well motivated in relation to rescue services. Our decision to transfer that rescue role from police to fire officers is in no way animus directed at the police officers involved. It is a decision relating to sensible use of resources and finally to put an end to the constant squabbles we have had over the last two years, a decisive, final decision to put an end to it, precisely as you, Mrs Carnell, you, Mr Westende, and you, Mr Kaine wanted it. *(Extension of time granted)* It is precisely the decisive action that some months ago Mrs Carnell, Mr Westende and Mr Kaine called upon the

Government to take. What you now want is another report. Mr Kaine a few months ago said, "Minister Connolly, do not just hide in reports. Do not hide in consultancies. Get out there and make a decision". I made a decision. Now you want me to have another report. You are impossible to please.

Madam Speaker, Mr Humphries's final attack on the competence of fire officers related to an allegation that there was a situation some time ago where, as a result of fire officers performing a rescue, valuable evidence was lost and a charge was impossible to bring. I will accept for the moment the validity of that allegation. I would say, first, that, if it comes to the question of whether you should extract an injured person from a motor vehicle or preserve evidence, I am sure that nobody - fire officers or police - would question which you should do first. If you have to move in and destroy evidence to extract an injured person, that is what you do. There is, however, a particular level of expertise in relation to forensic material. The headlight of a motor vehicle which is a wreck may be able to show, through forensic testing, whether the headlights were on or not, or even whether the indicator was on, which could lead to valuable evidence later on.

Mr Humphries: Yes, they might, if you have the police there to do it.

MR CONNOLLY: The knowledge of that is a particular level of expertise. I have discussed this in the presence of both Mr Dance, the Fire Commissioner, and Mr Dawson, the Assistant Commissioner of Police. There will be additional training, consequent upon the eventual takeover on 1 July of road rescue by the Fire Service, to ensure that all fire officers are well aware not of the expertise involved in doing the forensic, because that is done by the scientific squad anyway, but of the potential importance of material evidence at a road accident scene and the need to acknowledge that, if a police officer says, "Don't touch that" or "Leave that part of the wreck alone", the fire officers will understand that that is for forensic or crime reasons and do what the police officer says.

In the atmosphere we have had in the last two years, there have been a number of cases where both fire and police officers have probably not acquitted themselves as well as we as legislators would wish them to do, because of this constant ongoing squabble we have been unable to resolve, no matter how hard we tried. Last time, when we were talking about that constant ongoing squabble, you called upon the Government to act decisively, to pick a single service and give them the responsibility for road rescue. We did that in relation to the Fire Service, a service which, unlike your claim, is not overfunded. In fact, on the document that has been tabled, we spend slightly less than we should, according to the Grants Commission, on the Fire Service. Your grievous error in relation to your claim that we spend twice as much was based on your failure to read the small print in the Grants Commission report, something that a more experienced person in relation to financial management, such as the leader you recently dumped, would never have done because he reads the small print in the Grants Commission reports. Your claim is therefore based on a false premise.

We have two services. They duplicate a role. We can either give it all to the police service and have more firemen sitting around doing nothing - - -

Mr Humphries: And reduce the number of firemen.

MR CONNOLLY: No, we cannot. These reports went into extensive detail about appropriate levels of fire service, numbers and national fire standards. So we cannot reduce to below fire standards for safety. We need certain levels of fire officers. We should be using them for other purposes. A fire officer is essentially there to fight fires. When there is not a fire you have a limited range of other activities you can sensibly deploy that person to. A police officer, on the other hand, is highly trained in the basic policing skill of crime fighting and community protection. If you decide to redeploy police officers from standby to rescue, you can have them out in the street fighting crime, you can have them on beat patrol, which is where, Mr Humphries, the majority of this community would rather see their police officers. If you asked anyone, "Would you rather have a police officer on standby at Weston or out in the street on crime fighting duties?", I know where they would prefer to have the police officer.

Mr Humphries, you have regularly told the Government that we should be focusing on sharpening crime fighting policing. That is exactly what we are doing. We are utilising the highly trained services of the Fire Service, a service which is not overresourced. Your basic premise is wrong. Your claim for an inquiry or a report is purely a stunt. That is demonstrated no more than by the statements of three of your colleagues in the last debate on this subject when they said, "The time for reports, the time for wringing our hands, is over. Act decisively, Government, and end this squabble about road rescue". We have done that. You want to reopen it.

MR MOORE (4.17): Madam Speaker, it seems to me that my support for this motion is dependent on the premise that it is forward looking, that the purpose of this inquiry is not, as Mr Connolly says, to open up old wounds. I emphasise that I am supporting this on the premise that the inquiry will not do that. We have a situation where we can recognise what Mr Connolly has achieved already in the amalgamation in terms of efficiencies, and I think that recognition is contained in the motion. It seems to me that we should accept that the inquiry proposed by Mr Humphries is one that says, "Okay; now what are the next steps?".

I remember sitting over there next to Mr Connolly, behind the pillar where Ms Ellis is right now, as a member of the Opposition. Mr Connolly and I were members of the Opposition when Mr Humphries was in the Alliance Government and the people responsible for these issues were two people who are no longer here, Mr Collaery and Mr Duby. On many occasions we said, "It is crazy that those two cannot get together and work out what are clear overlaps, what are clear inefficiencies". So I have been delighted to see attempts finally being made by Mr Connolly to take action on some rationalisations. If I were not to support those rationalisations, I believe that it would be quite hypocritical of me. I have said on many occasions publicly that it is time for rationalisation, for example, of road rescue services. I have never indicated which way I would prefer those road rescue services to go, because I felt that having one Minister responsible for the two areas was appropriate.

Mr Connolly, it may well be that you continue to think, as you have suggested, that we are impossible to please. It is probably a function of being in opposition or being a crossbench member that we will always be seen by the Government to be impossible to please. I do not see it that way with this motion, and I must say that Mr Humphries, when he showed me this motion in its original form, was

willing to make changes to facilitate that very premise upon which I started this speech: Such an inquiry should now be saying, "Okay; we have done this much. We have that established; we have that set. Those inquiries have taken place with regard to those past reviews. They are done. What are we going to do now to get further efficiencies?".

It seems to me that when we are looking at emergency services throughout the Territory - police, fire, ambulance, road rescue services - there still is significant room for amalgamation. I suppose that it is not beyond the pale to think that there will be a time when it is possible to have one force. That is possible. I suppose that most of us would be reluctant to see that happen straightaway because we see the roles of these emergency services in quite different ways, but when you consider the style of training they go through, with the exception of the police for the moment, it is not difficult to see a full amalgamation elsewhere. The police force is becoming much more community oriented. That had an initial start under Mr Collaery but has come much further under Mr Connolly and the two acting commissioners of police, Mr Bates and Mr Dawson, who have also worked hard to ensure that they have a community police service.

It is not such a difficult thing to imagine that there may be a time in the next decade or so when those services could be totally amalgamated, and I think that would be to the good of the community as a whole. There would be huge problems, but that is the sort of forward looking inquiry I would like to see. Such an inquiry should take the perspective of saying, "We have got this far now. What are the long-term goals or the long-term aims? What can we achieve? Can we pull them together or can we not pull them together?". The antipathy between the unions involved - not necessarily the members but the unions, the firies and the police - has not been conducive to that sort of outcome, and that is why I think it would be a long-term project.

The important thing, and I emphasise it for the last time as I close my speech, is that my support for this motion is dependent on the fact that the things that have been decided up to now by the previous inquiries are not open for renegotiation. That is not what this is about. This is an inquiry that looks forward, and that is how I see the condition of my support.

MS SZUTY (4.23): Madam Speaker, I wish to speak briefly to this motion and to draw on some of the comments my colleague Mr Moore has made during this debate. The history of the problems in rescue services has been well documented, with claim and counterclaim being lodged by the police rescue service and the Fire Brigade over who should attend road accidents and in what circumstances. We have also witnessed the unfortunate spectacle of rescue services criticising each other during the aftermath of some of the ACT's more tragic accidents.

In a previous debate on the continuing conflict between the road rescue services I quoted a case reported in the press where officers at the scene argued publicly about who was responsible for attendance at that accident, which included a fatality. Madam Speaker, the situation at that time distressed me greatly, yet the matter appeared to subside. However, as a member of this Assembly, I am aware that the jockeying for position has continued, and there have been representations made by the Police Association and public relations exercises conducted by the Fire Brigade, all aimed at shoring up support for their legitimacy to act in rescue situations.

It is interesting to note that the Priorities Review Board in 1990 recommended the downsizing of the Fire Brigade following the findings of the Grants Commission in 1989. I accept that the police service has also been the focus of much angst about the level of funding and review of what level of service we can afford to support. What we are talking about in this debate is a change of culture, and I have not received sufficient evidence that the Government is handling that change well. There is a reported lack of access to decision makers, a reported lack of consultation with those affected by change, and a lack of understanding of the demoralising effect the unilateral decisions on budget cuts have had on those affected.

I can almost hear the Minister leaping to defend his consultations. However, from my own experience of government consultative measures, I feel that more is needed than to ask for opinions on decisions which the Government says are already made. Our discussion today has a much wider scope than just police and fire brigade services. We are putting forward views on the need for a full and independent inquiry into the appropriate means of providing emergency services to the people of Canberra. Those services include our ambulance services, police, fire brigade, rescue services and the bushfire service. I would also suggest the need to include the New South Wales State Emergency Service and bushfire brigades who assist when necessary, particularly in providing cross-border services. We also need to discuss air rescue services.

Madam Speaker, it has been four years since the first sitting of the Assembly, an anniversary we recently celebrated, and it is timely to take an holistic approach and assess what the ACT community needs from its emergency services. The inquiry will cover not only what is necessary to respond to particular circumstances; it should also encompass the needs of our legal system, our hospital system, community education and our across the border interactions. The Government is trying to rein in the ACT budget at a difficult time. That is a fact that cannot be ignored. But one has to ask whether the long-term goals have been set and whether the cutting of services or the lack of coordination at a policy level between the various emergency services is really in the long-term financial interests of the community.

I feel that an inquiry which established parameters for cooperation and coordination of the various players in the emergency services debate would more than pay for itself in the long term. We are still in the early stages of establishing ourselves as a self-governing Territory. We have the trappings and responsibility but have yet to put in place all the mechanisms which will lead to long-term stability in our services sector. I would not argue that there is chaos; there is not. But there are enough changes which have been made and which have been identified as being needed to necessitate a clear message to the community that the changes in the future will be orderly and fairly long term. I feel that the way to achieve this is to conduct an independent inquiry.

At present the debate is peppered with competing statements, claims that nothing is wrong so do not fix it, rumours of duplication and wasted resources, and concern from various emergency services that they are being targeted for budget cuts and reduction in their functions. With regard to the police rescue service, these concerns have been well founded. Other emergency services must look at this example and feel concerned that they may suffer the same fate.

What I feel is necessary is a broad-ranging inquiry independent of the Government and which takes information from the emergency service personnel, the legal system and the hospital system, as well as public submissions. The terms of reference should be broad enough to allow the inquiry to determine a model of emergency service delivery which takes into account the needs of all those who need to rely on emergency services, and information gleaned from these emergencies. Its findings should be open to public scrutiny and objection. However, ultimately it should provide a new and workable framework with which the existing emergency services can work. Madam Speaker, I feel that the need expressed in this motion is a real one and that there should be agreement across the political spectrum that an inquiry would have positive and beneficial effects on the delivery of emergency services which are currently facing a degree of uncertainty over their futures.

MR DE DOMENICO (4.28): Madam Speaker, I rise to support, obviously, my colleague, Mr Humphries, and also the two Independents, because I believe that Mr Moore and Ms Szuty have made salient comment about looking to the future. When you look to the future, of course, you have to learn about what has happened in the past. Nothing that the Minister has said has convinced me, and I hope that it has not convinced anybody else in this Assembly, that the Government has done anything about learning from what was happened in the past.

The first thing that we should look at, Madam Speaker, is the fact that in 1986 the then Minister for Territories, Mr Gordon Scholes, ordered a committee of inquiry into the ACT Fire Brigade. That was established under the ACT Enquiry Ordinance 1938. At that stage, in a former life of mine, I was involved in giving evidence to that inquiry. Mr Berry will remember this because at that stage, I think, in a former life, he was the secretary of the Firefighters Union. The main reason the inquiry was held was some of the things that that union used to do from time to time. The committee of inquiry adopted from the outset a forward looking approach, seeking a way to the future rather than assigning blame for the brigade's current state in 1986. The essential element of the committee's approach was its openness and emphasis on consultation. The committee sought and received submissions, held public hearings with submission makers, and issued discussion papers widely as a means of focusing debate on desirable changes within the brigade. One asks the question why, at that stage, the ALP Minister for Territories, Mr Scholes - - -

Debate interrupted.

ADJOURNMENT

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

> That the Assembly do now adjourn.

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

Question resolved in the negative.

EMERGENCY SERVICES

Debate resumed.

MR DE DOMENICO: Madam Speaker, let us have a look at why that inquiry was called and what it said. We are talking about 1986, under the ALP Minister, Mr Scholes. This is what the inquiry said:

> The Brigade is now suffering from a legacy of neglect and deficient management. It was established as a separate organisation without the management and support structure required to operate independently and this was compounded by factors such as:
>
> its failure to develop a proper definition and assignment of responsibilities;
>
> inadequate training and staff development activities which might have improved its management capacity;
>
> limited use of new technology;
>
> generally poor relationships with other ACT emergency services;
>
> its failure to substantiate funding needs and to use effectively the funds allocated to it; and
>
> its failure to develop effective union-management consultative processes.

That was at a time when Mr Berry, the Minister sitting opposite, was the secretary of the Firefighters Union. The report went on - - -

Mr Connolly: There has been enormous change in the eight years since.

MR DE DOMENICO: You should have told us what happened, Mr Connolly. You did not do that.

Mr Connolly: You should have read the report that your Government tabled; that your Government implemented.

MR DE DOMENICO: Madam Speaker, Mr Connolly has had his chance, and he has had an extension also. Perhaps he should sit down and listen. I know that you do not like to hear these sorts of things, but sit down and listen; you might learn something sometimes. The report went on to say:

> While the Brigade's principal failings are those of management, it must also be said that the Union has not always acted constructively or in the best interests of the Brigade or of the ACT community.

They are not the words of anybody except the inquiry, Mr Connolly, commissioned - - -

Mr Connolly: In 1986. What did the 1992 one say?

MR DE DOMENICO: The inquiry commissioned in 1986 by Gordon Scholes. Nothing you have said to this house this afternoon has convinced the majority of members in this Assembly that anything has changed. I recall that just after that there was an appointment of the then commissioner, Bill Kerr. Bill Kerr was not allowed to do his job because the Firefighters Union, of which Mr Berry was secretary, refused to negotiate with or talk to the commissioner. That was in 1986.

Let us have a look at some of the other things that have been said. Ms Szuty alluded just before to the Priorities Review Board.

Mr Berry: And when you were representing the Insurance Council you refused to pay workers comp, too.

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

MR DE DOMENICO: I will not even give Mr Berry the courtesy of responding to that, because it is not true. Let me refer now to what the Grants Commission found, Madam Speaker. This is 1986-87, by the way, Mr Connolly, because you alluded to just one document. Let us have a look at what was said by the Grants Commission on urban fire services. Is that okay?

Mr Connolly: Yes, in 1986.

MR DE DOMENICO: Just hold on a tick. Just sit down and listen. It found that the ACT spent $4.035m on urban fire services. That amounted to $15.50 per capita. The Australian standard expenditure per capita was $5.38. Taking into account the particular characteristics of Canberra, the commission allowed that an additional expenditure of $7.51 per capita was reasonable to cover factors such as the higher level of government ownership of land and buildings and the difficulty of offsetting costs of fire protection through insurance company contributions, a greater need for protection services due to grass and bushland areas between population centres, and an above standard number of fire stations per capita due to the planned layout. Then what did it say? It said that the ACT still spent 20 per cent more than the Australian standard, plus the disability allowance. Of the Fire Brigade's recurrent budget, 85 per cent is represented by wages.

What did the board recommend? The board recommended a number of things to achieve maximum rationalisation of resources and effective coordination. It went on and on. So we have a number of other reports that Mr Connolly refused to talk about. Obviously it proves that the Government has been aware of this very obvious disparity for over a year. This begs the question, as Mr Humphries says, as to why the Government is persisting in its ridiculous attempts to reduce the resources of an efficient and most important community service. Mr Connolly stood on his feet and said, "Mr Kaine and Mr Westende and some others said things". What they were saying was that not only should you act decisively, Mr Connolly, but also you should act correctly. Nothing that you have said in this house this afternoon goes to prove that you have acted correctly.

Mr Humphries said - I think it bears repeating because it has been related on a number of occasions - that the Fire Brigade has infiltrated the ACT Labor Party and has influenced government policy. There is no doubt about that.

Mr Kaine: It has even infiltrated the Government.

MR DE DOMENICO: Of course it has; here he is, a former secretary of the ACT Fire Brigade union, now the Deputy Chief Minister. Whilst Mr Connolly would not negotiate with various people, the Fire Brigade seems to have no problems in getting its point of view across to the Government. The Fire Brigade claimed to have been cut by 6 per cent, but where is the evidence of this? Nothing that Mr Connolly said this afternoon has proved that. If they have been, why is it that they are putting on new recruits and expanding their roles? We have heard what Mrs Carnell said this afternoon. Mr Berry said, "It is only an ambit claim". But what a waste of time! Have they nothing better to do than to go on with these ambit claims?

Mr Lamont: Tony, you are not that silly. But then again, maybe you are.

MR DE DOMENICO: There is the trade union protagonist. Where was Mr Lamont, though, when there was an ACT electricity dispute? He was nowhere to be found. The cut appears to be borne by the country fire association, with morale reported to be at an all-time low. That was what the Canberra *Chronicle* said on 28 April 1992. With the recent $1m cuts to police services in the budget, this is yet another attack on police and the important community services they provide. One might be persuaded to such a course of action if it made budgetary sense. But, of course, we can see from the figures provided that this course of action is illogical from the standpoint of community well-being and budgetary integrity. The ACT Fire Brigade is so overmanned, so some people believe, that it would seem to be looking to take functions off the other more efficient services in order to justify itself.

For example, and this bears repeating, Mr Humphries quite clearly said, "Let us compare Canberra and Newcastle". It is something that Mr Connolly might not like to hear. One cannot say that Newcastle has got below the national average. The two cities are comparable in size and there is a glaring disparity in the size of the fire brigades. Canberra has modern building codes, as Mr Humphries said, and employs some 287. The figures that I think the Chief Minister produced yesterday tell me that that number has gone up to, I think, 296. But let us say that there are 287 firemen in eight stations. Newcastle, a similar sized but older city - we know what happened with the earthquake of recent times - has 135 firemen and three stations.

Madam Speaker, the Fire Brigade plan to allocate between four and eight men and two vehicles per shift. This will cost the community some $500,000 per year. This is to complete 13 per cent of the job that the police could achieve with only $152,000 per year. Where is the saving there, Mr Connolly? The ACT, in fact, has the only urban fire service that does not use volunteers. The Priorities Review Board recommended that it use volunteers, but it has not taken that advice. This is the forward thinking that people were talking about before. What are they going to do then? Can the Minister tell us the precise figures with regard to redundancies in the police rescue services? No, the Minister has not given us precise figures.

Mr Connolly: Do you want volunteer police, too? What are you going to say to the police union about volunteer police?

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

MR DE DOMENICO: Thank you, Madam Speaker. The police rescue service has been providing rescue services since 1964. They have a national and international reputation and are an accredited rescue service in New South Wales. The Fire Brigade is not. Indeed, the Fire Brigade has applied for accreditation on a number of occasions, but it has failed each time. In fact, it is an offence for it to attend rescue services across the border. All fire trucks are not equipped to perform road accident rescue. All pumpers have minimal hurst hydraulic equipment, which is insufficient and incapable of carrying out the full function of an RAR. This equipment was purchased as a tool to assist with access to fire scenes and is a poor tool for the purposes of road accident rescue. Madam Speaker, for all those reasons here is Mr Connolly, yes, making decisions, but making the wrong decisions. This motion should be supported because it is forward thinking. *(Extension of time granted)*

What this motion is all about, Madam Speaker, is this: Once and for all, let us get it right. All the previous inquiries have gone off hotchpotch, each looking into one little cell. Let us get it all together to make sure that the ACT, at a time when we are now negotiating to have our own ACT public service, gets it right the first time. Now is the time to do it. It is forward thinking and I am proud to support the motion.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.39): Madam Speaker, the Liberals opposite, in large numbers, have called on the Minister, Mr Connolly, to act decisively. He is to be applauded for acting decisively and the decision will stand because the Labor Party is as one on this issue and the Independents are with us on that score. From an industrial relations point of view, this is plainly a demarcation dispute which has been going on for some time. There comes a time when action has to be taken and, to his credit, Mr Connolly has taken that action. They are not always particularly comfortable disputes to resolve. There have been many criticisms of demarcation disputes throughout industrial relations history. This one, on its form, has been no easier to settle, but I think that the formula that Mr Connolly has seized upon is the right one. Let us not forget that what you are asking for is another inquiry on top of a host of other inquiries and - - -

Mr Humphries: Not on this subject, though.

MR BERRY: On what subject?

Mr Humphries: For example, police rescue.

MR BERRY: To my recollection of things, it has been talked about before. It is not the first time it has been talked about. In any event, Madam Speaker, I think the most efficient arrangement has been arrived at. The ACT Ambulance Service once performed the rescue role in the ACT, and it decided to get out of it. Since then they have been pretty much the meat in the sandwich in the demarcation dispute between the other two services. It makes it more difficult for them to operate - they are professional officers as well - if the people that they normally work with are in dispute with each other.

In that sense Mr Connolly's actions will ease the operational requirements of ambulance officers, and I think they will welcome that. I welcome it. If you look at the comprehensive ACT Health activity report, an unequalled report across Australia, and you turn to page 7, which you probably have not even bothered to do, the ACT Ambulance Service continues to provide response levels above nationally acceptable standards. It will be able to perform those duties in an environment which is much easier for it, once the demarcation between the other two services evaporates, and it will now. There will be some residual antipathy; there always is, after the settlement of a demarcation dispute. They are uncomfortable disputes. But one service can get on with its job without the other. It is not the same as having a demarcation dispute on the one site, when business can suffer as a result. This demarcation is no more comfortable than many others have been.

I congratulate Mr Connolly on his decisive action. I think this inquiry is unnecessary. We are encouraging the services to cooperate and to work more efficiently in their separate fields. The ACT Ambulance Service, as Mr Connolly has said, is moving towards co-location and we are encouraging workers in both services to work more closely together and to seek out efficiencies which not only will serve the community better but also will serve their own career interests better and so on. The Transport Workers Union is responsible for the Ambulance Service on the one hand, the United Firefighters Union is responsible for the firefighters, and the AFP Association is responsible for police officers. They have different objectives, and sometimes these things clash. I think that the decision that Mr Connolly has taken is a responsible one.

When it comes to an inquiry, what will happen is that the demarcation lines will be drawn again. People will want to line up, warm up and start the struggle again. That is unacceptable. We are proceeding down a progressive path to get better results for the people of the ACT more efficiently. The Liberals propose to interfere with that. That is what they always do. They are spoilers and narks. Nothing changes with the Liberals; they are spoilers and narks.

Mr Westende: That is correct.

MR BERRY: "That is correct", he says. They are spoilers and narks. Madam Speaker, progressive moves are being made and the Liberals are setting out to undermine the process. They are to be condemned for that.

MR STEVENSON (4.46): There certainly have been longstanding concerns between some of the emergency services and it is obvious that some of these remain unresolved. There would be no doubt whatsoever that the vast majority of people within the emergency services not only wish to work well together but do. We are well aware that there have been some highly publicised cases where there have been conflicts. That is not to anybody's benefit and should be worked out. Mr Berry's statement that the Labor Party has won is perhaps unfortunate and - - -

Mr Berry: I did not say that.

Mr Humphries: Yes, you did.

Mr Berry: Is as one.

MR STEVENSON: That is a neat bit of shuffling. Mr Berry's statement that the Labor Party has won - - -

Mr Connolly: Is as one.

MR STEVENSON: All right, I will leave that aside. He says "is as one". It sounded like "has won", and that was what he was talking about at the time. I suggest that you make it clear. The suggestion that the Labor Party will go on their road regardless of what this Assembly decides is unfortunate.

Mr Connolly: No, we will have an inquiry. If the Assembly decides it, we will have one.

MR STEVENSON: Mr Connolly says that if the Assembly decides to have an inquiry we will have one. I said that it is unfortunate that Mr Berry's position is, basically, that we are going down a particular road and that is what is going to happen and so on. So, rather than a situation where anybody wins, we should have a situation where we all win, particularly the emergency services, on behalf of all Canberrans. Let us look at the committee inquiry. Let us look at the situation where everybody has an opportunity to present their viewpoints to an independent inquiry. If the inquiry is independently chaired and the members of the inquiry are independent, that can make the difference. That can finally allow the situation to be resolved for good. There is no doubt that resolutions are needed. There has been a taint on some of the decisions that seem to be illogical. If they are, that will be resolved. If they are not, there will be sufficient opportunity to explain why they are proposed.

One of the difficulties that face the emergency services and people in Canberra is that State-like government was forced on us. That has changed the financial arrangements. The inquiry will give us an excellent opportunity to look at making the most of the more limited funding that we are to have in the ACT. I think that the inquiry is timely. Provided that it is independent, it can do the job. It will give all people concerned, and the public, as well as members of the Assembly, the opportunity to present their views and to have them heard in an independent manner.

MR HUMPHRIES (4.49), in reply: Madam Speaker, in rising to close this debate I am gratified by some of the comments members have made. I think they indicate that, notwithstanding the words of the Government and the Ministers who have spoken, there is a feeling of disquiet about the direction in which we appear to be heading with the latest round of amalgamations or the latest change of status in some of our emergency services. There is a feeling that there needs to be some impartial, independent outside view of what is proposed in this particular area. I think that must be seen in a broad context. It cannot be seen as an inquiry into just one element of our emergency services in the Territory. Clearly these services are interrelated. They operate in a highly dependent fashion, one on another, and in those circumstances it is essential that any inquiry take into account all emergency services in the Territory. There has been some confusion about whether we are talking about one thing or another or about particular services. We certainly have some concerns about particular services, but they must be broadly placed in the context of all emergency services in the Territory. That is why this motion is drafted as it is.

Madam Speaker, if I have misread the Commonwealth Grants Commission figures, then I certainly stand corrected. If I have made a mistake on those figures, then I would certainly be happy to withdraw them when I read the fine print. I must say that the question does remain, and it was not answered, despite my invitation, by the Minister: Is the Fire Brigade the best nucleus for a new emergency services empire?

Mr Berry: It is not.

MR HUMPHRIES: Mr Berry says that it is not. I think, with respect, that that is not the direction we have been taking up until now. Clearly the result of the Hannan and Purdon inquiries is that we are going towards a more centralised service. We are moving to a situation where, if this next round of changes takes place, we will have a clear nucleus for a new ACT emergency service.

I am not questioning the principle that we should be looking at that kind of centralisation or consolidation of services. As other speakers have said, there is a strong case for rationalising the number of services we have in the ACT. I, and my party, accept that. The question is: Is the way we are going about it the best way of achieving that? I, for one, am not convinced of that. With respect, we have to ask questions about work practices, about skills basis, about industrial relations between different services and between services and the Government, before we can decide comprehensively what the best solution to that problem is.

Madam Speaker, the Minister, Mr Connolly, did engage in some selective quotation. It is true that the Liberal Party supports streamlining of services and it is true that we called upon him some time ago to act decisively on the continuing feud between police and rescue services in the ACT. We said, "Make a decision". We were at fault; we did not say, "Minister, make a sensible decision". We thought that was implicit. Obviously, we were wrong, and we apologise for that.

Mr Kaine: Give him new instructions, and in writing.

MR HUMPHRIES: We will put the new instructions in writing so that you know this time. Not any old decision is going to sort this matter out; it has to be a well-tempered, sensible decision. If the Minister had said, "We are going to give on road rescue altogether; it becomes a private matter; people can get rescued by anyone that they want; we are not going to bother about providing a public service", that would have been a stupid decision. That would have been a stupid decision and we would not have supported it. We do not believe that this decision has the hallmarks of integrity about it. We think it should be reviewed. I do not think that reviews necessarily solve problems, but I do think that on this occasion a review will provide some light to a matter which is extremely murky, one which really does need to be resolved in the interests of all people in the Territory who have cause, from time to time, to need these services.

Madam Speaker, the Alliance did commission inquiries into emergency services - not, I might point out, police rescue services. They were other services. The Minister did not mention that, but that is the case. There were other services than this. We did commission those inquiries, but I must say that it is a bit weak to say that because we commissioned the inquiry we are bound by every word that appears in it. Surely, when you commission an inquiry, when you commission reports, you do not commit yourself at the outset to accept every word that comes forward in that.

Mr Connolly: I am sorry that I am implementing the report that Mr Kaine commissioned. I apologise for that.

MR HUMPHRIES: Madam Speaker, that is what is being suggested. I have just a couple of other points. The Minister said that sometimes when you have police and firemen arriving at different times, particularly if the police arrive after the fire, you have to destroy evidence in order to get someone out of a car that might be damaged or whatever. That is fair enough; that is true. Sometimes that will be the case. Sometimes it will be necessary for that to happen, for that evidence to be destroyed.

But, whereas it is often necessary or sometimes necessary under the present arrangements, it will almost invariably be necessary under the new arrangements because police presence at those sorts of scenes is going to be downgraded. That is inevitable. It must be the case. I think, Madam Speaker, that that is a cause for serious concern. I note that in the course of his remarks the Attorney did not once make reference to the very serious point put forward to us, and that I put forward again to the Assembly today, that we are losing a great pool of expertise by spreading our rescue service from a very narrow 13-or-so-member service to a 200 or 300-member service in the form of the Fire Service. That argument was not addressed by the Minister, and I am concerned about that.

As Mr Moore indicated, this inquiry must be forward looking. I have seen elements of changes in emergency services which I have not liked at first blush. I confess that I did not like some of the elements of the Purdon inquiry, for example, and I expressed very openly my view that there was a risk to the community of the ACT, particularly the rural community, by the loss of the integrity or the autonomy of the Bush Fire Council. But members will not have heard me criticise that decision in the time since this Assembly has been sworn in, because I believe that the decision is one which is working. I am prepared to accept that it is a decision which has been made to work and which has won the support, if begrudging, of the stakeholders in this area. That is evidence of the fact that we believe that these decisions sometimes can be made to work if they are properly thought through and argued with the part of the community that is affected by them. I do not think this has been done here as yet.

Let me say one final thing, Madam Speaker. I will give the Government some incentivation to engage in this inquiry.

Mr Connolly: That word!

MR HUMPHRIES: Incentivation, yes. You must remember that word. Madam Speaker, I think this is an important inquiry to take place. I believe that it should take place. I can indicate on behalf of my party that, if this inquiry is a fair and independent inquiry, as we have called for, and concludes, for example, that the police rescue service should be diminished in size or even abolished altogether, we will accept that verdict. There will be, as a result of that, the support of the Liberal Party behind those changes, providing those conditions have been met. I think that is a quite attractive offer. I hope that the Government

takes that at its face value and I hope that, as a result, it will accept the spirit in which this motion is offered as a way of resolving a matter of great tension, both within our emergency services and in some elements of the community, about these changes. I hope that we will see a peaceful and cooperative resolution of these problems through the agency of this motion.

Question resolved in the affirmative.

PAPERS

MADAM SPEAKER: Members, I table, for your information, two papers - one on the use of Assembly records in court proceedings, and the second on a study trip which I undertook.

REMOVAL OF NOTICE

MR BERRY (Deputy Chief Minister) (4.58): Madam Speaker, I seek leave to move a motion concerning the removal from the notice paper of notice No. 7, private members business.

Leave granted.

MR BERRY: Thank you, Madam Speaker; thank you, members. I move:

> That notice No. 7, private members business, relating to the Secretary of the Department of the Environment, Land and Planning, be removed from the Notice Paper and that a motion in relation to the allegations the subject of this motion not be placed on the Notice Paper for the remainder of this year.

Madam Speaker, the Government has not taken the decision to seek to remove this notice from the notice paper lightly. Mr Stevenson's action in placing this notice on the notice paper amounts to a fundamental abuse of both his position as an elected representative of the ACT and the very institution of the Assembly itself. The Government will not stand by and allow Mr Stevenson to circumvent the accepted and proper process defined by the law for dealing with allegations such as those he raises. Specifically, an allegation in relation to an offence against section 85ZE of the Crimes Act 1914 is a matter for the Australian Federal Police. A comprehensive legislative framework exists for dealing with sexual harassment matters, including the Public Service Act disciplinary procedures, the Sex Discrimination Act, and the Discrimination Act and possibly the Crimes Act 1900. I have consulted with members opposite, Madam Speaker, and there is wide support for the proposition which has been put by the Government.

Motion (by **Mr Connolly**) put:
That the question be now put.

The Assembly voted -

AYES, 15	*NOES, 1*
Mr Berry	Mr Stevenson
Mrs Carnell	
Mr Connolly	
Mr Cornwell	
Mr De Domenico	
Ms Ellis	
Mrs Grassby	
Mr Humphries	
Mr Kaine	
Mr Lamont	
Ms McRae	
Mr Moore	
Ms Szuty	
Mr Westende	
Mr Wood	

Question so resolved in the affirmative.

Question put:
That the motion (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 15	*NOES, 1*
Mr Berry	Mr Stevenson
Mrs Carnell	
Mr Connolly	
Mr Cornwell	
Mr De Domenico	
Ms Ellis	
Mrs Grassby	
Mr Humphries	
Mr Kaine	
Mr Lamont	
Ms McRae	
Mr Moore	
Ms Szuty	
Mr Westende	
Mr Wood	

Question so resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Ambit Claims

MR LAMONT (5.04): Madam Speaker, it gives me much pleasure this afternoon to rise to address my comments in this adjournment debate by way of a letter to the editor which this afternoon I intend to let the Assembly become aware of. This is, I understand, a new and novel way of announcing that somebody has goofed, that they have misunderstood, or that the press has got it right, and you want to make sure that you tell your Assembly colleagues that they got it wrong before they produce the letter which actually says that you know that they got it right the day before, if you understand what I am saying, which seems to be the rationale, as I understand what was in *Hansard* yesterday, for the current Leader of the Opposition's comment about a proposed letter, which I did not see in today's paper, that she intended to put in yesterday.

Mrs Carnell: I did, but they did not print it.

MR LAMONT: Well, there you go. I do hope that they print this. This one is addressed "Dear Editor" and is entitled "Ms Carnell and Ambit Claims". This is very simple. I need to keep it simple so that you will understand it. The reason why this is here is that ambit claims should be something which the Liberal Party in particular, given current shenanigans in their party room, should be quite familiar with. Mr De Domenico's ambit claim for the leadership meant that Mr De Domenico would become the Leader of the Opposition. We all know that that did not occur. What happened was that Mr De Domenico got Deputy Leader of the Opposition. If you follow that, you should also follow the principles of ambit claims where unions say, "We want 52 weeks' annual leave"; but when they negotiate with their one vote they end up with four weeks' annual leave. Mr De Domenico, given the fact that you had exercised a great deal of ambit claim in all of your public utterances about becoming the Leader of the Opposition, I thought you would have understood today, or at least have been able to advise the current Leader of the Opposition, what an ambit claim is. This seems not to be the case.

The reason why I believe that this letter to the *Canberra Times* should be printed is so that all Canberrans are able to see that this is what the Liberal Party have now been reduced to. They have been reduced to advice being given to Mrs Carnell by the current Deputy Leader of the Opposition, one-vote-Tony. The current Deputy Leader of the Opposition, one-vote-Tony, has been providing advice to Mrs Carnell, obviously, about industrial relations because Mrs Carnell, again obviously, does not understand. I would have presumed that that eminent lawyer, the ex Deputy Leader of the Opposition, the ex Leader of the Opposition, the ex Deputy Leader of the Opposition and the recently retired Deputy Leader of the Opposition, would also have understood, as a lawyer, what the legal process is for submitting an ambit claim. Obviously, he has not been able to do that, Madam Speaker. That is pretty obvious. He has not understood what ambit

claims are, because Mr De Domenico actually submitted his first. As I said, this shows you just how bad-luck-Gary has got on. What happened when Mr De Domenico submitted his ambit claim and ended up as deputy leader meant very quickly that the ex deputy leader reverted to the back bench. That is something which should continue to happen.

Removal of Notice

MR HUMPHRIES (5.08): Madam Speaker, I want to put on the record very briefly a response from the Opposition to what happened earlier today. We did take the unprecedented step of preventing a member of this Assembly from proceeding with a matter which was on the notice paper. That was a move which I do not think has occurred previously in this Assembly. It is a move of unprecedented, if you like, potential for unfairness; but I believe, and I was persuaded by speaking to members of the Government and with my own party colleagues, that this was a move which was appropriate in the circumstances. I believe that there was a very clear abuse of the privilege that membership of the Assembly entails in the placing on notice of that motion and the proceedings which would have flowed from that motion being debated. Madam Speaker, my party's position should be made very clear on the record as a result of that. We do not see this happening on future occasions where there is not broad support across the chamber for that kind of measure. Madam Speaker, that is our position.

Electricity and Water Charges

MR MOORE (5.09): Madam Speaker, my position echoes that of Mr Humphries, but I could not have thought of somebody better for it to happen to. There is some irony about this. The person who in this case lost the privilege to speak to this particular motion is the same person who does not wish to have parliamentary privilege at all; he would prefer to see a local council formed.

Madam Speaker, I would like to say a couple of other things. My letter to the editor would be about an ambit claim to do with electricity and water fees. One of the problems with writing a letter to the editor in my handwriting is that the editor, after trying to read my handwriting, may well not publish it. This, I would think, is the only reason my letters are not published. The Opposition, Ms Szuty and the Government indicated that they would support the new fees for electricity and water. I can understand that coming from the Liberal Party because it is a regressive form of taxation, as I perceive it. That is appropriate, coming from the Liberal Party. They went to a Federal election on a regressive form of taxation. As far as Labor is concerned, Madam Speaker, I think there is a great deal of hypocrisy associated with supporting any form of regressive taxation. What happens in this case is that, whilst $19m of electricity and water money goes into the Consolidated Revenue, the rise in fees means that there is a level across-the-board taxation system. That is regressive taxation, as they described the GST. So, whilst the Liberals can support that, as the GST did fit that, there is a great deal of hypocrisy in that sort of taxation being supported by Labor. I must say that I am shocked at the fact that Labor has proceeded down this way.

There is another part to this to do with water, Madam Speaker. In this Assembly we approved a reduction of the allowance of water from 455 to 350 kilolitres. The full impact of that in terms of the finances of ACTEW ought to have been seen over this past summer, but the reality was that hardly any of us turned on our sprinklers because we had such a wet summer. ACTEW had a problem because we happened to have weather conditions that meant a reduction in their income. What we ought to have done before accepting those fees, Madam Speaker, was to see what would have happened over a normal year. I think that what we will have very shortly, with a regressive form of taxation, is a very wealthy ACTEW and the Government saying, probably in the budget after the budget that is currently being prepared, "Let us lift that $19m up to, say, $25m", in just the same way as they lifted it from $12m to $19m just recently.

That issue is further exacerbated by the fact that ACTEW put out the notion that there is also an environmental tax. I find this environmental tax just a little bit heavy going, Madam Speaker. It seems to me that, if the fad of the time was something other than environment, then that is what we would be calling our tax. If the fad of the time was green trees we would be having a green tree tax, or if it was a - - -

Mr Kaine: A clean water tax.

MR MOORE: Or a clean water tax. If we really were interested in the environment, perhaps we could assist by making it much easier for people to put nice big rainwater tanks in their yard so that they can use rainwater on their gardens. Perhaps that would be a better way to deal with a genuine environmental issue.

The notion that Labor is prepared to push this line of using a regressive taxation system is upsetting to me. Madam Speaker, the reason I speak to this in the adjournment debate is that I would not wish to waste the Assembly's time by putting it as a motion when I realise that the numbers are totally stacked against me. I do think it is worth raising it to point out Labor's hypocrisy on this issue.

Whaling

MS ELLIS (5.14): Madam Speaker, I would like to draw to the attention of this Assembly the importance of the International Whaling Commission's meeting taking place in Kyoto, Japan, this week.

Mrs Carnell: There are a lot of votes in whaling.

MS ELLIS: I know that it is not a local issue, but it is a global one, Mrs Carnell, and I think it is very important. Snigger seriously if you do not mind. In 1982 the IWC decided by majority vote to introduce a moratorium on commercial whaling, to be phased in by 1985-86. It is generally accepted that the whaling nations of Iceland, Norway and Japan are pushing for a lifting of the moratorium on commercial whaling. Since then the IWC Scientific Committee has continued to develop appropriate management procedures and observation methods to correctly monitor the stocks of all whales, including those dangerously near extinction. In the meantime, limited whaling for scientific

purposes has been agreed. As a result of the moratorium, Madam Speaker, numbers of whales have increased, particularly the Southern Hemisphere minkie whales, and whaling nations believe that this justifies the lifting of the moratorium. I understand, Madam Speaker, that the Australian Government will maintain its opposition to all commercial whaling and its commitment to seeking worldwide protection for all cetaceans.

The Earth Summit in Rio last year focused unprecedented world attention on the plight of endangered species and the need to preserve biological diversity. I believe that whales, more than any other creatures, symbolise our past unsustainable exploitation of the natural world. Some species, including the blue whale - the largest animal ever to inhabit the planet - are still on the brink of extinction. Madam Speaker, I understand also that France will be putting to the IWC a motion for the provision of a southern ocean whale sanctuary, which obviously will outlaw all whaling, including so-called scientific whaling. I believe that the Australian Government supports this motion and will be working towards its adoption.

Commercial whaling is opposed by many countries, including Australia, for two reasons; firstly, on environmental grounds and, secondly, on ethical grounds. I hope that those in our community and in this Assembly who may not understand the whaling issue fully had the opportunity to view the documentary on this subject screened on ABC TV last Saturday evening. To see the so-called humane methods currently in use is a revulsion and a disgrace. The environmental effect of losing some of our species of whales is disastrous. Have we not learned by our past mistakes? The need to preserve biological diversity has been given unprecedented international attention in the last 12 months. Whaling demonstrates drastically our unsustainable and unnatural exploitation of animal species. I think it is important for us all to be aware of the meeting taking place this week. This Assembly is not immune to such global issues and I would urge all members to take note of the outcomes of this significant meeting.

Environmental Artists

MRS GRASSBY (5.17): Madam Speaker, I rise to put on record my support for last week's announcement regarding the grants made under the environmental artists scheme. This is the second year of this scheme and the first involving public tendering for the projects. From all accounts, this has been a very successful process. Some 20 artists formally applied and the department official administering the project remarked that she was surprised and more than pleased to receive more applications than before - many from high school students, a fact that can only help the project in the future. As you well know, Madam Speaker, it is this Government's policy to take art and environmental issues to the people of Canberra and to make them more accessible to all. This scheme is invaluable in achieving its objective. It is more than simply an art project as well. It concentrates on teaching the students about ecosystems and the environment in general. By designing and carrying out projects under the scheme, students will gain more knowledge of both art and environmental issues. The scheme does not start and end with the project but continues on afterwards, fitting into an overall strategy of environmental teaching in ACT schools.

I am pleased to see that in the Belconnen area Belconnen High has received one of these grants, no doubt following up the good work of Kaleen and Aranda primary schools from last year. The school will participate with John Pratt, a very well-known Canberra artist, in designing and building a "living" sculpture. This sculpture will be made from recycled goods and organic material. I offer the students of Belconnen High and, indeed, all those involved in the project my congratulations and I wish them the very best in completing this sculpture. I look forward not only to the day of completion of this project and display but also to next year and an even bigger and better scheme to bring art, the environment and education together. I think we are very lucky in our Minister, Mr Bill Wood, who is very involved in this. A lot of people in the house will not recognise that - - -

Mr Kaine: He is okay, but he is not as good as the Minister we had.

MRS GRASSBY: Oh, I do not know. A lot of people in the house probably would not know that Mr Bill Wood's wife is also a very good artist.

Ambit Claims

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (5.20), in reply: I would like to raise briefly the issue of ambit claims and to talk about a couple of things which might be illuminating for Mrs Carnell. I am prepared to table this.

Mr Moore: I raise a point of order, Madam Speaker. Mr Berry might be dangerously close to breaching standing order 62 with repetition on ambit claims.

MADAM SPEAKER: Thank you for your advice, Mr Moore. I will listen with great interest.

MR BERRY: I have never mentioned these two ambit claims before. They might have come out of the same handbook. The salary and allowance claimed by the Electrical Trades Union was, I think, $200,000 per annum minimum, and the maximum was $500,000 per annum. It is a standard procedure to submit these sorts of claims.

Mr Kaine: Is the Government putting in a similar ambit claim to the Remunerations Tribunal?

MR BERRY: There will be no claim, Mr Kaine. If we did submit one we might be shocked and win it. Madam Speaker, there is a whole range of clauses in there which reflect a fairly generous claim by unions. This is standard practice, and it has been for decades.

Mrs Carnell: How do you come up with the figures?

Mr De Domenico: Pick a number, any number.

MADAM SPEAKER: Order! Mr Berry, you seem to have a lot of assistance. Mr Berry has the floor.

MR BERRY: There was a claim served on me, Madam Speaker, by the Media, Entertainment and Arts Alliance. One claim was that the employees and their partners and their dependants are entitled to free first-class air travel where they are required to travel on duty, are stationed on certain locations, take up employment in another town, and so on. I think you might have mentioned that sort of thing. There are other claims which give plenty of ambit, such as that employees shall be entitled to a paid rest break of 30 minutes' duration in each hour of work. There are several other claims which leave plenty of ambit for negotiation. Mrs Carnell came up with a nonsense in relation to this matter. I will not go on with the issue. I merely draw to the Assembly's attention, and for the public record, that ambit claims are routine.

Question resolved in the affirmative.

Assembly adjourned at 5.24 pm until Tuesday, 18 May 1993, at 2.30 pm

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 571

Treasurers Advance

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

(a) In relation to the Treasurers Advance, how many payments have been made since 1 July 1992

(b) What is the amount of each;

(c) What is its purpose; and

(d) To whom was the payment directed.

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

DATE AMOUNT ($) PURPOSE
1/7/92 200,000 Treasurers Advance
Department of Finance costs for off payday salaries
9/9/92 700 Health
Act of Grace: Reimbursement to former medical practitioner for travel costs
28/9/92 2,500 Legal Services to Government
Act of Grace: Compensation for legal costs from abandoned proceedings
7/10/92 200 Administration of Justice
Act of Grace: Payment in lieu of return of clothing held under Coronial Court Order
8/10/92 650,000 Corporate Development for DUS
Deposit for purchase of Macarthur House
16/10/92 27,800 Corporate Development for DUS
Costs incurred in purchase of Macarthur House

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DATE AMOUNT ($) PURPOSE

27/10/92 395,600 Corporate Development for DUS

Interest payments for the purchase price of Macarthur House

27/10/92 35,000 Economic Development

Increase in Other Commonwealth Payment Tradeswomen on Move

28/10/92 9,600 ACT Financial Management

Act of Grace: Reimburse Reserve Bank for FID

3/12/92 500,000 Legal Services to Government

A result of some criminal injury claims not settled as anticipated 1991-92 and also a number of significant claims settling in 1992-93

16/12/92 500,000 Legal Services to Government

Settlement of further civil injury and criminal legal claims

16/12/92 83,900 Land

Act of Grace payments (2)

1. Compensation for legal costs

2. Refund of lease premium

23/12/92 48,200 Housing and Community Services

Increase in NSW prisons bill advised too late to be included in 1992-93

25/1/93 300,000 Legal Services to Government

Settlement of criminal injuries compensation claims for the March 1993 quarter

8/2/93 118,000 Land

To provide for the onpassing of Commonwealth moneys for the Building Better Cities Program

DATE AMOUNT ($) PURPOSE

8/2/93 130,000 Territory Planning
To provide for the onpassing of
Commonwealth moneys for the Building Better
Cities Program

22/2/93 450,000 ACT Financial Management

To provide for the onpassing of
Commonwealth moneys to ACTEW for the
Building Better Cities Program

I note that Section 47 (2) of the Audit Act 1989 requires that the Minister make available a statement at the end of the financial year detailing expenditure remaining as a final charge against the Treasurers Advance.

Notwithstanding this requirement, I have provided information on the use of the Treasurers Advance from 1 July 1992 to 23 February 1993, the date of the Question on Notice.

It is my intention that the provision of details on all issues from the Treasurers Advance will be tabled in the Assembly at the end of the financial year in accordance with the requirements of the legislation.

1473

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION No: 577

Canberra Institute of Technology - Unsuccessful Enrolment Applicants

Mr CORNWELL - Asked the Minister for Education and Training -

How many people missed out on a place at Canberra Institute of Technology in 1993.

Mr WOOD - The answer to Mr Cornwells question is as follows:-

At this stage CIT can only advise on the number of enrolment applications which did nit result in an enrolment in a course at the start of Semester 1. The latest estimate of this is between 4000 and 5000 and is based on waiting lists maintained for those unable to obtain a place in high demand courses covered by the Institutes postal enrolment system and for trade courses. This number cannot be directly related to those who unsuccessfully applied for a course. Some of these applicants may have gained enrolment in another course at the Institute or elsewhere and the Institute has no spare resources to test whether some of these applicants subsequently obtained places iii less popular courses, how many would still enrol if places in their preferred courses did become available, whether some of these applicants will enrol in Semester 2 or whether there will then be further unsuccessful applicant. Resources are also not available to establish the age, gender and characteristics or unsuccessful

applicants.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 603

Relief Teachers

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

In relation to the relief teaching list in the ACT Government Schools system
(1) How many people are on that list, at 23 March 1993, for (a) primary, (b) secondary, (c) college and (d) evening college levels.

(2) How many of those (1) (d) are also teaching full-time or part-time at Government schools during the day.

(3.) How many of those registered at (1) are (a) retired teachers or (b) retired principals or deputy principals

(4) Are relief teachers listed, and then called upon specifically, to teach the subject in which they are qualified.

(5) What procedures are in place to ensure that only teachers qualified in a subject are called upon to do relief teaching in that subject.

(6) Have there been any instances in the past 12 months when these guidelines have not been followed.

(7) What procedure is followed when a relief teacher is needed, (eg are qualified teachers called upon on a rotational basis to ensure that all teachers listed as available for such work have a chance to work) and who decides which relief teacher is called upon.

(8) What are the daily pay rates for relief teachers.

SLR WOOD - the answer to Mr Cornwells question is:

(1) For statistical purposes data in the casual relief list is recorded as "primary", "secondary" or "both". No break up of data exists within the secondary sector. On 23 March 1993 there were 1111 teachers on the casual relief list and the break up of data into sectors was as follows:

Primary 574

Secondary 470

Both 67

Total 1111

(2) For the pay period 11/3/93 to 24/3/93 (which includes the

date 23/3/93) there were 69 evening college claims. Of these 49 were from permanent full-time, permanent part-t-lhV- or temporary full-time teachers during the day. The remaining 20 claims were from casual relief teachers.

(3) No data is currently recorded on the relief teaching list regarding previous mode of employment. Therefore no statistics are kept on whether relief teachers are previously retired teachers, principals or deputy principals.

(4) A master list of all registered casual relief teachers is kept by the Department. As some teachers are available to all schools and other teachers choose to limit their availability, each school has a different list of available teachers. Schools art-. autonomously when arranging relief staff.

(5) All relief teachers must meet the Departments registration requirements. In the area of school counselling and preschool teaching relief staff are required to hold specific qualifications in addition to their normal teacher training qualifications. A11 evening college teachers are ft, qualified to teach their subject areas. Applicants are assessed by a panel prix: to being a] lowed to Leach ;n evening colleges. The Department does not issue guidelines about the employment of relief staff in relation to their particular teaching area (other than school counselling and preschool teaching where specific qualifications are required). The result is that schools are able to employ what they consider to be an appropriate teacher for each subject area.

(61 The Department does not issue such guidelines.

(7; On completion of the registration process casual relief teachers are encouraged to visit schools and introduce themselves. Each school makes its own internal arrangements for contacting relief staff at short notice as required to meet the schools particular needs to replace absent teachers.

(8) The daily rate of pay effective as of 28/1/93 ranges from

$132.75 to $185.40, depending on qualifications, status and years of completed teaching experience.

1476

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 608

Conder Primary School

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

(1) Is the capacity of Conder Primary School, without demountables, the 460 students shown in 1992-93 Capital Works Budget Paper 4 (p.63) or 592 students as advised by the Education Projects Section of the Department A Urban Services to the Assemblys Standing Committee on Planning, Development and Infrastructure.

(2) What is the estimated cost of building Conder Primary School - (a) $7 .1 million (Budget Paper 4) or (b) $6.85 million (Education Projects Sections).

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

(1) Conder Primary School is to have a permanent capacity for 460 students. This is the standard provision for new primary schools, whereby 16 classrooms are provided for class sizes of 30 in Years 1 to 6, and 25 in kindergarten.

(2) Previous figures were estimated costs. The current contract cost of the project is $6,314,000.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 610

Housing Trust - Housing Stock Debt

MR CORNWELL: asked the Minister for Housing and Community Services:

(1) Upon Self-Government did the ACT Housing Trust acquire a debt to the Commonwealth Government for housing stock.

(2) What was the value of that debt (a) in 1989 and (b) at 28 Februarv 1993.

(3) How is this debt repaid eg ale of properties, return on rents and if it is not being repaid: why nut.

MR CONNOLLY: The answer to the Members question is as follows
(1) No, the ACT Housing Tans; did not acquire a debt at this time. On the 1st of July 1987 public housing in the ACT was aligned with practices and arrangements under the Commonwealth State Housing Agreement. In that context the ACT Hong Assistance Fund was established and a debt was created which was calculated on the basis of previous capital fund incurred by the Commonwealth for acquisition of the housing stock within the ACT.

(2) The value of debt was:

(a) As at 30 June 1989 $122,697,755.

(b) As at 28 February 1993 $117,450,266.*

* The balance as at 28 February 1993 reflects the original loan from the Commonwealth to enable a comparison to be made between (a) and (b). It excludes $45,541,717 internal transfers of debts from the Home Purchase Account to finance housing stock acquisition to 30 June 92. The overall debt to the Rental Trust Account as at 28 February 1993 is $162,99_,013.

(3) Debt repayment and interest is paid to the Commonwealth each year from the revenue received by the Trust.

1478

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 615

Griffith Primary School - Security

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

In relation to the closure of Griffith Primary School -

(1) What is the intended future use of the building (s)

(2) If they are not to be disposed of, what action is being taken to provide security from theft, vandalism etc.

(3) What will be the cost of this security.

(4) Will the security provided at (3) be in addition to current security charges for the school and, if so, by how much.

(5) If the charges at (4) are not in addition to current charges, why not.

MR WOOD - the answer to Mr Cornwells questions is:

(1) A review is to be conducted in October 1993 to determine if the Griffith Campus will be required for school use in 1994.

(2) There is a monitored intruder alarm system installed in the parts of the building previously used as office areas. A janitor checks the building each morning and MSS Guard Services are providing an evening and weekend security guard patrol service.

(3) The cost of this security is as follows:

Alarm monitoring $676.00 per quarter
Guard response to alarms $16.10 per alarm
Janitors Visits Nil additional cost
Guard Patrol Service $148.75 per week

(4) The guard patrcl service is in addition to normal school security charges. The additional cost of this security is $148.75 per week.-

(5) Refer (4)

1479

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 624

Griffith Primary School -
Deputy Principal

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

In relation to the closure of Griffith Primary School -

(1) Is it intended to relocate the non-teaching deputy principal to a comparable position at another school and, if so, where.

(2) If not, why not.

MR WOOD - the answer to Mr Cornwells question is:

(1) Both Deputy Principal positions of Narrabundah/Griffith & Primary School included teaching duties. The person (2) appointed to -he Griffith campus for a four year term did not occupy this position in order to complete a project within the Department. The position at the Griffith campus was occupied by a teacher on higher duties allowance.

A consolidation of the Narrabundah/Griffith Primary School has been implemented at Narrabundah campus for 1993, not a closure of Griffith Primary School. The suspension of operations at Griffith campus is to be reviewed towards the end of 1993.

(3) Further arrangements for the future placement of the appointee to the Griffith campus Deputy Principal position will be considered following the outcome of the review.

1480

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 649

Housing Trust - Household Structures

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 10 (Attachment One) that reliable data on household structure only exists for 30 per cent of households receiving rental rebate -

(1) Why is this so.

(2) How are review teams currently engaged in updating information for these households.

(3) If reliable data only exists on household structures for 30 per cent of households on rental rebate, how do you justify your response to the question on notice No 23 that "incomes derived from other sources (than statutory incomes such as Age and Invalid pensions) are more liable to change and accordingly rental rebates are reviewed each six months" and further that "Procedures exist to check the level of rental rebate for which tenants are eligible."

(4) How many households have been found to have different household structures by the review teams currently engaged in updating information.

(5) How many households and what steps have been taken against these households where breaches of rental rebate agreements have been discovered by the current review team.

(6) How much stock has been found to be under-utilised by the current review team.

(7) How many properties have been found to house additional tenants in breach of their tenancy agreements and what action has been taken against such breaches.

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

(1) The Industry Commission sought data on this matter at a specific date. At that time the Housing Trust was part way through supplementing and verifying information on the new computer data base. Reliable data now exists for 40% of households.

(2) Rent rebate information provided by tenants on the rebate review forms is input into the

data base

(3) Income source is stated by tenants on their rent rebate forms. Tenants are required to produce supporting documentary proof of income. Tenants most likely to have changes in source and level of incomes are in a regular review cycle.

(4) The number of instances of changes to household structures were not recorded therefore the information is not readily available.

(5) Information is not available on the number of households. Tenants who have received rent rebates calculated on incorrect information have their rebates backdated. Where fraud is suspected the files are sent to the Investigations Unit to conduct further investigations and to take prosecution action if necessary.

(6) and (7) The review was not designed to obtain this information. Consequently, the information is not

available.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 660

Housing Trust - Maintenance Surveys

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

(1) How does the monthly tenant survey of Housing Trust and contractor maintenance operate.

(2) What have been results to date.

(3) What is the cost of the service to date.

MR CONNOLLY: The answer to the Members question is as follows
(1) A random sample of tenants, who have requested maintenance during a preceding 2- 3 week period, are telephoned and asked to respond to a series of four questions.

(2) Tenants have expressed a high level of satisfaction with the service provided by the telephone maintenance clerks, but less satisfaction with the service provided by the contractors.

(3) $920.

1483

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 680

Road Safety - Deakin and Yarralumla Roadworks

Mr Cornwell - asked the M-.-sister for Urban Services:

(1) What is the purpose of the new roundabout and road realignments at Kent Street, Deakin / Novar Street, Yarralumla and what prompted the changes.

(2) What is the cost of the work.

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

(1) The purpose of the t-eatment is to address a high accident history at the intersection which, over the period 1990-1992, included 30 accidents, 3 of which involved personal injury.

A high proportion (5;.%) of the property damage accidents involved r-ght angle collisions, which have a high potentiafor injury.

The roundabout treat-ment clarifies priority for vehicles entering the intersection and reduces the speed of traffic on Kent Street.

The project was nominated and accepted for inclusion in the federally funded Black Spot program and met the criteria:

- the site had a demonstrated accident problem; and

- the treatment identified is a cost effective solution.

(2) The total project cost is $175,000. This covers the

work at Kent/Dudley/Novar Streets, work at the
Adelaide Avenue off -amp/Kent Street and work at the
intersection of Cotter Road and Dudley Street.

1484

APPENDIX 1: (Incorporated in Hansard on 12 May 1993 at page 1357)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION WITHOUT NOTICE TAKEN ON NOTICE
16 FEBRUARY 1993

MS FOLLETT: On 16 February 1993 Mr Kaine asked me a question regarding the effect of introducing a Goods and Services Tax on the ACT and I undertook to provide him with an answer. I present the answer and seek leave to have the response incorporated into Hansard.

MY ANSWER IS:

In light of the discussion during Question Time and the reference to the ACT at the

conclusion of the question, the following answer assumes that the Leader of the Opposition is referring to the effect of the Coalition tax measures on the ACT

economy and not specifically on the ACT budget.

In relation to the taxes in question, the ACT paid the following in 1991-92:

Payroll tax* $ 86.6m
Wholesale Sales tax** $47.Om
Petroleum excise duty*** $132.Om

Training guarantee levy**** $3.2m

TOTAL: $268.8m

Sources:

* ACT Budget Papers, 1992-93

** "Taxation Statistics, 1991-92" published by the Australian Taxation Office. This figure refers to the amount collected in the ACT.

*** ACT Treasury. This figure is calculated, based on the ACT share of total national consumption of petrol products of 1.86%. Total national petroleum excise revenue was $7 110m in 1991-92.

**** Australian Taxation Office, for the year 1990-91. The data was for the ACT private sector only. 1991-92 data is not yet available.

The abolition of the above taxes would have resulted in a reduction of about $269m

in the taxes collected in the ACT.

The introduction of the GST would have resulted in tax collected in the ACT in the order of $442m. This figure is calculated based on the ACT share of national private final consumption of 1.92%. Total GST revenue was projected at $23 billion, after the exclusion of basic food and child care fees. Of this, 1.92% ($442m) would have been collected from the ACT.

On balance, the net effect on the ACT of the introduction of the GST and the abolition of payroll tax, wholesale sales tax, petroleum excise duty and the training levy, would have been additional tax collections of around $173m per annum.

APPENDIX 2: (Incorporated in Hansard on 12 May 1993 at page 1357)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE TAKEN ON NOTICE

25 FEBRUARY 1993

MS FOLLETT: On 25 February 1993 Mr Kaine asked me a question regarding a contract for the manufacture of an ACT flag. I undertook to provide him with an answer.

"NO CONTRACT HAS BEEN AWARDED TO ANY FIRM TO MANUFACTURE THE NEW FLAG FOR THE ACT.

AS ASSEMBLY MEMBERS ARE AWARE, WE ARE IN THE MIDDLE OF A COMMUNITY CONSULTATION PHASE ON FOUR POSSIBLE DESIGNS FOR A FLAG FOR THE ACT. THE PEOPLE OF THE TERRITORY HAVE BEEN ASKED TO INDICATE THEIR PREFERENCES BY 5 MARCH 1993. IF THERE IS A CONSENSUS ON A PARTICULAR DESIGN, MEMBERS WILL BE ASKED TO ENDORSE ITS SELECTION AS THE NEW ACT FLAG.

I UNDERSTAND THAT FOR BUDGETARY PURPOSES MY DEPARTMENT HAS APPROACHED THREE MAJOR AUSTRALIAN MANUFACTURERS TO INDICATE THEIR ESTIMATES FOR PRODUCTION OF ALL FOUR SHORTLISTED DESIGNS. A FORMAL QUOTATION PROCESS INVOLVING LOCAL MANUFACTURERS WILL BE UNDERTAKEN WHEN A DESIGN IS

SELECTED."

APPENDIX 3: (Incorporated in Hansard on 12 May 1993 at page 1357)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE TAKEN ON NOTICE

25 FEBRUARY 1993

MS FOLLETT: On 25 February 1993 Mr Humphries asked me a question regarding the staffing of MLAs offices and I undertook to provide him with an answer.

MY ANSWER IS: I indicated to the Assembly on 25 February 1993 that I thought that there was a general review of staffing matters which has not yet resulted in a report and that I would check up on that matter.

I confirm that there is a general review of staffing allocation to non-executive members being undertaken in my Department. That report is yet to be concluded and will be forwarded to me in the normal way when it has been.