DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 June 1993

Thursday, 17 June 1993

Answers to questions:

Thursday, 17 June 1993

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

ABSENCE OF MEMBER

MR LAMONT: I wish to notify the Assembly that Mrs Grassby will be absent from the chamber this day due to illness and that a pairing arrangement has been put into place with the Opposition.

PAPERS

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

Leave granted.

MR WOOD: I present an out-of-order petition from 139 residents concerning the draft variation to the Territory Plan to develop North Duffy-Holder sections 55, 56 and 58 and Holder sections 47 and 48.

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

Leave granted.

MRS CARNELL: I present an out-of-order petition from 100 residents concerning the draft variation to the Territory Plan to develop North Duffy-Holder sections 55, 56 and 58 and Holder sections 47 and 48.

GAMING MACHINE (AMENDMENT) BILL 1993

MS FOLLETT (Chief Minister and Treasurer) (10.32): Madam Speaker, I present the Gaming Machine (Amendment) Bill 1993.

Title read by Clerk.

MS FOLLETT: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The Bill seeks a number of amendments that will make ACT gaming machines more competitive with those in New South Wales, streamline a number of cumbersome regulatory functions, and strengthen powers in relation to unlawful machine operations in the Territory. Amongst other things, the Bill proposes to

allow inter-club linked jackpots, to set a maximum bet for all machines of $10, and to remove the general requirement for machines of the same denomination and class to be set at the same pay-out rate. Madam Speaker, I ask for leave to have my full tabling speech incorporated in *Hansard*.
Leave granted.

Speech incorporated at Appendix 1.

MS FOLLETT: I thank members. Madam Speaker, I present the explanatory memorandum to this Bill and to the Taxation (Administration) (Amendment) Bill 1993.

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

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1993

MS FOLLETT (Chief Minister and Treasurer) (10.34): I present the Taxation (Administration) (Amendment) Bill 1993.

Title read by Clerk.

MS FOLLETT: I move:

> That this Bill be agreed to in principle.

Madam Speaker, this Bill is ancillary to the Gaming Machine (Amendment) Bill 1993. Among other things, it will enhance the powers of the Commissioner for ACT Revenue in relation to unlawful machines in line with the Unlawful Games Act and similar provisions relating to other Territory tax laws. I again ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 2.

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

FOOD (AMENDMENT) BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.35): I present the Food (Amendment) Bill 1993.

Title read by Clerk.

MR BERRY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

This Bill is the second stage in the general overhaul of ACT food legislation and relates to the safety of food we eat. I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 3.

MR BERRY: I present the explanatory memorandum to this Bill.

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

PHARMACY (AMENDMENT) BILL 1993

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

Title read by Clerk.

MR BERRY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

This Bill is the second stage in a series of amendments to health professionals legislation to adopt consistent national standards. I seek leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 4.

MR BERRY: Madam Speaker, I present the explanatory memorandum to the Bill.

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

TOBACCO PRODUCTS (HEALTH WARNINGS) (AMENDMENT) BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.37): Madam Speaker, I present the Tobacco Products (Health Warnings) (Amendment) Bill 1993.

Title read by Clerk.

MR BERRY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

Madam Speaker, this Bill introduces a strong new set of health warnings on tobacco products - stronger than in Victoria, where the Liberals are in power - and we hope that it provides leadership to New South Wales. I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 5.

MR BERRY: Madam Speaker, I present the explanatory memorandum to the Bill.

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

SPORTS (DRUG TESTING) BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.38): Madam Speaker, I present the Sports (Drug Testing) Bill 1993.

Title read by Clerk.

MR BERRY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

Madam Speaker, this Bill implements the ACT's commitment to permit testing of local athletes representing the ACT or competing in top level sport in the ACT. I seek leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 6.

MR BERRY: Madam Speaker, I present the explanatory memorandum to the Bill.

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

ANIMAL DISEASES BILL 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.40): Madam Speaker, I present the Animal Diseases Bill 1993.

Title read by Clerk.

MR WOOD: Madam Speaker, I move:

> That this Bill be agreed to in principle.

It has provisions for the control of both endemic and exotic animal diseases. Enactment of this legislation, together with the availability of an exotic animal diseases emergency plan, meets an obligation to the Commonwealth and other States and Territories and completes preparedness in controlling exotic animal diseases throughout Australia. I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 7.

MR WOOD: I present the explanatory memorandum to the Bill.

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

INTERPRETATION (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.42): Madam Speaker, I present the Interpretation (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill makes some technical changes to our Interpretation Act to enable an invalid provision of an Act to be severed from the rest of the Act, to bring ourselves into line with other States. I move:

> That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 8.

MR CONNOLLY: I present an explanatory memorandum to the Bill.

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

INTERPRETATION (AMENDMENT) BILL (NO. 2) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.42): Madam Speaker, I present the Interpretation (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill will incorporate in our Interpretation Act the principle of the High Court in the Bropho decision that all Acts bind the Crown in right of the ACT unless specifically excluded. I move:

> That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 9.

MR CONNOLLY: I present an explanatory memorandum to the Bill.

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

ACTS REVISION (POSITION OF CROWN) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.43): Madam Speaker, I present the Acts Revision (Position of Crown) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill effects a review of all laws in the ACT to regularise the position of the Crown. It is consequent on the Bill I previously presented. I point out that if the Government adopted Mr Humphries's approach to drafting, which is that one Act can amend only one other Act and we cannot have omnibus Acts, I would be presenting 86 of these Bills and we would be here until after lunch. I move:

> That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 10.

MR CONNOLLY: I present an explanatory memorandum to the Bill.

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

REGISTRAR-GENERAL BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.44): Madam Speaker, I present the Registrar-General Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill incorporates some six already existing separate offices into one office of the Registrar-General. I move:

> That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 11.

MR CONNOLLY: Madam Speaker, I present the explanatory memorandum.

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

REGISTRAR-GENERAL (CONSEQUENTIAL PROVISIONS) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.45): Madam Speaker, I present the Registrar-General (Consequential Provisions) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill is consequent upon the previous Bill. I move:

That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 12.

MR CONNOLLY: I present the explanatory memorandum to this Bill.

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

PRISONERS (INTERSTATE TRANSFER) BILL 1993

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

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill allows the ACT to formally take part in the national scheme for interstate transfer of prisoners. I move:

That this Bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

Speech incorporated at Appendix 13.

MR CONNOLLY: Madam Speaker, I present the explanatory memorandum to the Bill.

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

SUPREME COURT (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.47): Madam Speaker, I present the Supreme Court (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill streamlines proceedings in the criminal jurisdiction of the Supreme Court. Its main feature is to allow a person to elect to be tried by judge alone rather than by judge and jury. I move:

> That this Bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

Speech incorporated at Appendix 14.

MR CONNOLLY: I present the explanatory memorandum to the Bill.

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

TRUSTEE COMPANIES (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.48): Madam Speaker, I present the Trustee Companies (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill effects a minor change to the Trustee Companies Act, to make it simpler for a trustee company to change its name. I move:

> That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 15.

MR CONNOLLY: I present the explanatory memorandum to the Bill.

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

LANDLORD AND TENANT (AMENDMENT) BILL 1993

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

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill effects some changes to the Landlord and Tenant Act consequential upon a review of the first 12 months of operations of the Rental Bond Board. I move:

> That this Bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

Speech incorporated at Appendix 16.

MR CONNOLLY: I present an explanatory memorandum to the Bill.

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

LITTER (AMENDMENT) BILL 1993

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

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill extends penalties for illegal littering in the ACT. It is one of the consequences of a regime of charging for the disposition of commercial litter. I move:

> That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 17.

MR CONNOLLY: I present the explanatory memorandum to the Bill.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.51): Madam Speaker, I present the Motor Traffic (Amendment) Bill (No. 3) 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill completes the process of bringing the ACT into line with the 10-point national road safety scheme. Its main provisions include graduated licences and a regime for demerit points in the ACT. I move:

> That this Bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

Speech incorporated at Appendix 18.

MR CONNOLLY: I present the explanatory memorandum for the Bill.

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

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO. 3) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.52): Madam Speaker, I present the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 3) 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill is consequential upon the Bill previously presented. I move:

> That this Bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

Speech incorporated at Appendix 19.

MR CONNOLLY: I present the explanatory memorandum to the Bill.

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

FIRE BRIGADE (ADMINISTRATION) (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.52): Madam Speaker, I present the Fire Brigade (Administration) (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, this Bill will allow members of the Fire Brigade to receive redundancy payments on a similar basis to other members of the ACT public service. Madam Speaker, 20 Bills have been introduced inside 20 minutes this morning, which must be something of a record. I move:

> That this Bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

Speech incorporated at Appendix 20.

MR CONNOLLY: I present the explanatory memorandum to the Bill.

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

LEGAL AFFAIRS - STANDING COMMITTEE
Report on Access to Justice

MR HUMPHRIES (10.53): Madam Speaker, pursuant to order, I present report No. 2 of the Standing Committee on Legal Affairs entitled *Access to Justice in the ACT*, together with extracts from the minutes of proceedings for the committee, and I move:

> That the report be noted.

Madam Speaker, I am pleased today to table the report of the Standing Committee on Legal Affairs on the cost of justice and access to justice in the ACT. In many respects, inquiring into how the legal system can be made more accessible is like inquiring into life, the universe and everything, to borrow from the title of a well-known book. The legal system in the ACT, no less than anywhere else around Australia, is centred on the courts and includes the ancillary structure of the legal profession. That system is the result of centuries of evolution.

Although no major institution in our society is arguably in so much need of change, there are few institutions which would be harder to change than the legal system. The structures of our legal system are complex and esoteric. They are administered by people who understand the system, but they are not easily accessible to those who do not. Admission to the ranks of the lawyer is like admission to a mysterious priesthood. The rights administered by these acolytes are of vital interest to many ordinary lay citizens but are couched in language which is arcane and which deals in highly stylised concepts.

At the heart of the culture of the legal system, of course, is the common law, the law developed by judges both here and elsewhere, though notably in England, over many centuries. Its interpretation and its evolution sustain the legal profession and the whole edifice of the legal system in this country. That is not to say, Madam Speaker, that the common law is obsolete or indefensible. It is complex because the human condition itself is, I would suggest, complex. The common law is replete with qualifications and variations on the main theme because society itself is so full of complex variations and qualifications. Therefore, our law is a reflection of the complex nature of our society. We have made many attempts in recent years to remove that complexity and to make the operation of citizens in our society easier and more understandable. We live in a world where citizens are expected to play a large role in our community, in our society, as our democracy develops. Hand in hand with that, I believe that we should also make the legal system, which is so closely tied in with the functioning of our democracy, accessible to those citizens.

Madam Speaker, the committee found that in many respects the overriding problem in obtaining access to our legal system is the lack of readily accessible information on that system. The system, as I indicated, is complex and arcane, in large part because of the language that it uses and also because it is difficult to locate at any one time an exact and precise statement as to what the law of the Territory - or the law of the nation, for that matter - might happen to say. That is the result of the many jurisdictions that have administration or carriage of laws - in our case, both the Territory and the Commonwealth - and the combination of common law and statute law. Because amendments to laws have resulted in a need for constant updating and change, a full statement as to what the law might say at any given time is very difficult to locate and to hold with any precision.

The committee did recommend, however, that an important part of the process of making that law accessible is to run a public campaign which disseminates information on the component parts of the legal system in the ACT and the means of access to them. The committee recommends that the Attorney-General's Department coordinate that public campaign, but that other organisations - particularly the Law Society of the ACT, which is responsible for solicitors in the ACT - be invited to take part in that program. That is not just a case of putting out brochures indicating where you can find particular services, but rather a process of explaining how the legal system in our Territory works and making access to that system a much simpler process than it might be to many citizens. To many citizens the process of getting information is extremely daunting and necessitates the use of lawyers in order to be able to get to first base. It would be helpful if citizens understood the alternatives to that process. That can be achieved only by a process of education which is comprehensive and which is continuing, not merely followed over a small period of time.

Madam Speaker, there were two other principal areas that the committee considered to be important in this inquiry but which it acknowledged, it was able only to scratch the surface of. Those areas were the legal profession itself and the court system. It was, accordingly, the decision of the committee that, rather than attempt to deal with those areas in too little detail or in too perfunctory a fashion, it should return to them as separate inquiries. The committee proposes, whether by reference of the Assembly or of its own volition, to conduct inquiries into those two areas - that is, the conduct of the legal profession and the organisation of the court system in the ACT.

I want to touch on some of the issues that we considered in respect of both those matters. There are some recommendations dealing with both those matters which, on an interim basis at least, should be dealt with, I believe, by the Government and by the Assembly. The legal profession did not come in for universal criticism in the course of this inquiry. Organisations such as the Legal Aid Commission, for example, were quick to point out that many lawyers in the ACT show commendable traits of public service and a desire to make law and justice accessible to citizens.

The image of lawyers as being universally grasping was perhaps reflected in some submissions but also rejected in others. But it is not to be doubted that the structures of our legal system and of our court system are necessarily costly. The relationship between lawyers and other lawyers - for example, between solicitors and barristers - and the relationship between lawyers and the public are deserving of much greater scrutiny. There is a need for us to examine very carefully the processes whereby those relationships are governed and, in particular, the costs that are inherent in those relationships and the way in which fees and charges are levied in terms of those relationships.

There are many features which might contribute to the cost of the system. For example, the universal practice in our system of senior counsel, queen's counsel, being briefed by junior counsel when they appear in courts contributes to the cost of the system. Similarly, the practice of the Bar in this town and elsewhere that they receive briefs only from solicitors, rather than from ordinary members of the public, might also be said to contribute to cost.

Therefore, Madam Speaker, a number of issues have had to be examined and will have to be examined in the course of that inquiry, but one issue particularly stood out and deserved strong attention. That was the continuing position of queen's counsel in our legal system. The committee was aware that in other jurisdictions that institution is under serious question and that in some places governments have made the decision not to proceed with the appointment of any further queen's counsel. It was the recommendation of this committee, Madam Speaker, that until the Legal Affairs Committee has had the opportunity to complete its inquiry into the legal profession in the ACT the Government should not appoint any further queen's counsel. It may be at the end of that time that the committee sees no problem with the continuing practice of such appointments, but there are certainly many questions which would need to be answered before a recommendation of that kind came forward. I believe, therefore, that it is appropriate for the Government not to proceed to make any further appointments.

Another issue is the factors which contribute to the high cost of lawyers, in particular the role of the corporate sector and government in purchasing legal services. In many respects, the capacity of businesses and government, particularly larger businesses and government, to purchase legal services at high prices contributes in large part to the heavy price paid by ordinary citizens when they front a lawyer and seek to obtain services of a similar nature. The committee was of the view that two things should be done in respect of this, again pending its inquiry into the legal profession. One is that the ACT Government should approach the Commonwealth Government with a view to reviewing the right of businesses to claim business litigation costs as a tax deduction. This is obviously

not a matter on which the ACT Government can make any decision off its own bat, but very serious questions of cost arise and it could be said that the tax deductibility of costs incurred in obtaining advice from lawyers contributes significantly to the high prices paid by ordinary citizens when they attend lawyers.

It was also the view of the committee that the Government should review its own policies with respect to the purchase of legal services. Certainly, the committee was told that the Commonwealth Government's policies with respect to the purchase of legal services were out of kilter with its policies with respect to the funding of legal aid; that is, the amount for which it expected to purchase services from lawyers was in many cases much greater than the amount for which it expected legal aid to be able to purchase the same lawyers' services. The committee had no submission concerning what policies affected the ACT Government's policy in this area but felt that that matter needed to be reviewed in order to ensure that some balance was struck. Bringing those two matters into kilter will obviously be a continuing process over many years, but we feel that it will significantly affect the overall cost of lawyers.

Madam Speaker, the second area which the committee would like to conduct a further inquiry into is the court system itself. Naturally, and necessarily perhaps, the court system is complex and inaccessible because of the complexity of the common law and, to some extent, the statute law which it administers. Of course, the buildings themselves in the ACT are also relatively inaccessible; that is, the physical location of courts is inaccessible merely because they are so scattered around many locations. The committee is aware of the Government's decision to proceed with the building of a new home for the Magistrates Court. We welcome the decision to proceed with the building of new court accommodation and hope that that will proceed quickly, but we realise that in the interim that in itself constitutes a barrier to accessibility to justice.

A number of other issues, however, can be dealt with in the interim. Madam Speaker, particular among those is the role of alternative dispute mechanisms in our system. The committee recommends that the Government give consideration to making it mandatory that alternative dispute resolution, such as mediation, be used before any action is heard in courts, particularly our superior court, the Supreme Court. The system of alternative dispute resolution is already in place in many respects in the ACT. It is a system which is being used, but it is not a system which is, I think it is fair to say, seriously considered by many lawyers. The system, in many ways, tends to view alternative dispute resolution as the poor cousin, the kind of forum you use when you are desperate or when you do not believe that proceeding directly to court is the best way of maximising your advantage. We need to de-emphasise that way of thinking. One way would be to emphasise the role which can be played by alternative dispute resolution by making it mandatory for that to occur.

Madam Speaker, I do not propose to use more than my allotted time, because there is much business to do here today; only to say that we have covered a great deal of ground in this inquiry, but we have acknowledged that we have only scratched the surface of that inquiry. Our inquiry, of course, has paralleled similar exercises in other jurisdictions, particularly the inquiry by the Senate Standing Committee on Legal and Constitutional Affairs, which has been doing work of this kind since 1989. We do not wish to reproduce that work, since we

acknowledge that much of the justice to which access is sought is the same justice, whether the Senate or the ACT Assembly is looking at it. Therefore, more work will need to be done at the local level; and the committee hopes that that work will proceed in the near future, notwithstanding our other inquiry taken on yesterday, and will result in some significant changes to the structure of the law, to provide for a greater level of access by citizens of the Territory.

MS SZUTY (11.09): Madam Speaker, members will remember that I became a member of the Standing Committee on Legal Affairs in February of this year. Since that time the committee has produced two reports - firstly, the Crimes (Amendment) Bill report; and, secondly, the report on access to justice in the ACT that is before us today. I recall Mr Moore's comments yesterday about his becoming a member of the Public Accounts Committee and the number of reports the Public Accounts Committee has since produced in this Assembly. I would have to say that this inquiry was one of the hardest and most difficult tasks I could have imagined, because with reform of the legal system we are really looking at the need for fundamental change at not only the ACT level. I certainly concur with many of the comments that Mr Humphries has made about this very profound area which I feel needs quite significant change.

The committee has come up with some 20 recommendations - the most substantive, I believe, encompassing the need for a public campaign to widely disseminate information on the component parts of the legal system in the ACT and the means of access to them. A number of other significant recommendations have been made, and I will mention them just briefly. The committee made recommendations with regard to the structure of the Community Law Reform Committee, the eligibility tests for legal aid, the appointment of queen's counsel, the use of alternative methods of dispute resolution, the establishment of a computerised information system for use in the courts and the production of an information paper by the registrars of the Magistrates Court and the Supreme Court on all aspects of the court system.

The committee, as Mr Humphries also said, has given itself two further tasks to accomplish - firstly, to undertake a separate inquiry into the operation of the legal profession in the ACT; and, secondly, to undertake a separate inquiry into the court system in the ACT, with particular reference to the procedures used in the courts. These will be major tasks in themselves and will, at the very least, enable us to tackle particular questions of access to justice which should be resolvable in the ACT. Further committee recommendations concern the development of legal education in schools, the extension of interpreter services for the courts, legal and community centres and the provision of legal databases in public libraries.

Mr Deputy Speaker, I would like to conclude my comments by addressing the central issue of which people in our society appear to have most difficulty accessing the legal system. The issue was examined by the committee in chapter 4 of our report, and I will refer members to that chapter. The committee heard extensively from representatives of the ACT Council of Social Service, the Welfare Rights and Legal Centre, the Legal Aid Commission and the ACT Attorney-General's Department. The Conflict Resolution Service, while not being represented at the public hearing, also commented on the issue in their submission.

Mr Deputy Speaker, some of the comments that were made by these groups identify the significant disadvantage which is experienced by a great many people in the ACT as regards their access to justice. The report states:

> ... the Welfare Rights and Legal Centre ... argued that poor people do not gain access, not only because of the lack of funds but also because they are intimidated by a system which they do not understand, which they do not perceive as serving their needs and because they are not aware of the services which are available to them ...
>
> The Centre further stated that:
>
> In our opinion it is difficult to say that any group is advantaged in our legal system. The costs of undertaking any sustained legal action are now prohibitive. Of course many people do access the legal system to obtain basic advice and to have simple procedures carried out for example conveyancing. However, for most people, even relatively well off people, engaging in anything more than a limited legal action is not possible. It is our opinion that whether one can gain adequate representation within the legal system at an affordable price is largely a matter of luck.
>
> ... ...
>
> ACTCOSS ... stated that, of those who the Council came in contact with, the unemployed were the most disadvantaged of all. This was because the Legal Aid guidelines gave weight to the possibility of loss of employment in consideration of granting aid. This created the anomaly of punishing the person who has no job to lose. In addition, migrants were disadvantaged due to language difficulties.
>
> According to the ACT Legal Aid Commission Canberrans were disadvantaged ... This disadvantage took the following forms:
>
> (a) cultural (including communication);
> (b) financial;
> (c) intellectual (including mental illness);
> (d) sexual; and
> (e) being under 18 years of age.

The Legal Aid Commission saw advantage in the existing legal system in the following forms:

> (a) financial (including corporate status);
> (b) taxation deductibility; and
> (c) the converse of (a)-(e) above.

The report goes on:

> The Conflict Resolution Service identified the advantaged groups as those with the funds (public or private), good language ability and those who are used to and comfortable with the legal system.

> Consequently, groups which suffer various levels of disadvantage included migrants, Aboriginal and Islanders, young people, those with disabilities and those with limited income but not qualifying for legal aid.

We heard extensively from the ACT Attorney-General's Department, whose representatives listed a large number of barriers which frustrate community access to justice.

In conclusion, Mr Deputy Speaker, obviously the current situation is less than desirable, and society faces an enormous challenge to achieve social justice and equity in access to the legal system for all people. Finally, Mr Deputy Speaker, I wish to thank my fellow committee members for their work on this particular inquiry. I thank also the committee secretary, Ms Judy Starcevich, and Karen Pearce, who provided administrative support.

MR LAMONT (11.15): I also have much pleasure in rising to comment very briefly on this report of the Legal Affairs Committee. I note that, notwithstanding the addition of another member to the committee, we have been able to produce two reports in a relatively short period of time. It may also be interesting to note that, notwithstanding Mr Moore's involvement on another committee, that committee also has been able to produce two reports. You can draw your own conclusions from that. The simple position is that the greater the participation in the committees of the Assembly the more effectively they work. Both Mr Humphries and I, as the only two nominees to this committee since the inception of the Assembly, most certainly wish to draw that to Ms Szuty's attention.

Mr Kaine: Like the ACT public service committee. The greater the participation the better.

MR LAMONT: Mr Kaine may suggest that the more lack of participation the better. That may be the way that he structured some of his committees when he was Chief Minister. It is certainly not a position that we adopt these days.

Mr Kaine: No. I was saying that that is your view in connection with the proposed committee on the ACT public service - lesser participation is better. That is your view. We have the Chief Minister's amendment to that effect.

MR LAMONT: All I would suggest, Mr Kaine, is that this may also be another difficulty for you, but I understand that your party has just agreed with the proposition.

The Legal Affairs Committee, in inquiring into access to justice in the ACT, identified significant issues that need further detailed consideration. One of the areas that I would like to concentrate on in the brief time allowed to me this morning is the use of modern technologies, or the non-use of modern technologies, in the provision of records and information. I believe that one matter that it is essential we review and come to conclusions on fairly quickly is the matter of procedures to enhance the ability of the court system and the system of administration of justice in the ACT to deal with information that this Assembly may require when it considers the introduction of new legislation.

As an example, on the summary offences proposition referred by Mr Moore to our committee, we were not able to come to the conclusions that we may have been able to come to had we not lacked information as to what effect Mr Moore's proposal would have on the incidence of matters being addressed in the courts. That information is available in a manual system, and it is extremely costly to extract it. Within the reporting times allowed for our committee, we were unable to obtain any definitive information about the effect of that particular Bill. As legislators, I believe that it is essential that we have available to us the widest possible information before we make a judgment on such serious matters. It would certainly be my hope that we can review existing systems in other States. One is in fact referred to in the committee's report. That is the IJIS system in the Northern Territory. I understand that there may be some difficulties in the way in which that is currently operating; nevertheless, it is an attempt to secure a proper database from which informed decisions can be made by legislators in the Northern Territory.

Mr Deputy Speaker, I commend the report to the Assembly and hope that specific attention can now be given to the issues raised by the committee, in particular the provision of a proper database on which this Assembly can make future decisions in relation to matters of the law.

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

ESTIMATES 1993-94 - SELECT COMMITTEE
Appointment

MS FOLLETT (Chief Minister and Treasurer) (11.20): Mr Deputy Speaker, I move:

That:

(1) a Select Committee on Estimates 1993-94 be appointed to examine the expenditure proposals contained in the Appropriation Bill 1993-94;

(2) the Committee comprise such Members of the Assembly who notify their nominations in writing to the Speaker by 4 p.m., 17 June 1993;

(3) 3 members of the Committee shall constitute a quorum of the Committee;

(4) the Committee report by 12 November 1993;

(5) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation;

(6) the Committee is authorised to release copies of its report, prior to the Speaker or Deputy Speaker authorising its printing and circulation and pursuant to embargo conditions and to persons to be determined by the Committee; and

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

Mr Deputy Speaker, the motion that we have before us, I understand, is the result of consultation amongst the Independents and the parties in the Assembly, so I trust that it will have the support of members. By dealing with the motion today, we are allowing the Estimates Committee to make an earlier than usual start to the very valuable and extremely time consuming work that it undertakes. The motion before us is similar to that agreed to by the Assembly for the establishment of the Estimates Committee in 1992, and the motion again affords all members the opportunity to participate on the committee. I believe that that has been a valuable undertaking in past estimates committees and one that is worth perpetuating.

Mr Deputy Speaker, members will note from the motion that three members will constitute a quorum. I think that this will give considerable flexibility to members in deciding what issues they wish to pursue, rather than all members being compelled to attend the committee at all times in order to maintain a quorum. The main variation from the 1992 motion is the proposal that the committee be authorised to release copies of its report prior to the Speaker or the Deputy Speaker authorising its printing and circulation. Pursuant to embargo conditions, it may release copies to persons to be decided by the committee. Unlike the motion for 1992, the motion today does not propose a particular member as the presiding member. The position will be determined by the committee at its first meeting.

Mr Deputy Speaker, I commend the motion to the Assembly. I do not think I need speak at length upon it. I would like to wish the Estimates Committee well in pursuing their very important and extremely detailed and time consuming task.

MS SZUTY (11.22): I, too, would like to make some brief comments on the motion for the establishment of the Estimates Committee this year. As Ms Follett has outlined, the motion is fairly similar to the motion which was moved last year to establish the 1992-93 Select Committee on Estimates. Ms Follett is quite right in that the motion does not nominate me as presiding member. I believe that that is unnecessary because of the agreement that I have reached with both the Labor and Liberal parties in this Assembly that I will be nominated as presiding member for this year's committee. I appreciate that gesture very much indeed.

I would like to draw members' attention to the need to nominate for the committee by 4 o'clock today and for members to lodge their nominations with the Speaker. I appreciate that this is a very short timeframe in which members need to lodge their nominations. However, I believe that it is important that we establish the Estimates Committee and begin our task as quickly as possible. I am hopeful that the 12 members who participated on the Estimates Committee last year will participate this year.

As Ms Follett has mentioned, the quorum provisions are the same. They have worked well. At times, Mr Deputy Speaker, we have had difficulty getting three members to a public hearing in time for the commencement. However, we have managed to get there with some scouting around for members on occasions. The reporting date of 12 November is in line with the timeframe which we adopted last year, enabling the ACT Treasury to prepare a government response in the week before the November sittings. The committee, as it did last year, will present the report to the Speaker. However, as Ms Follett has also mentioned, a new provision in the motion relates to embargoed copies of the report being available to the press. The precedent for this was set a few weeks ago by the Planning, Development and Infrastructure Committee, which made its report on the Territory Plan available to the press under embargo conditions. The process worked extremely well and enabled members of the press to digest the material and consider it prior to its public release.

As Ms Follett has also mentioned, the committee is being established earlier than it was last year. This gives the members of the committee several advantages. It enables us to think about the issues we wish to raise in a thoughtful way well in advance of the formal public hearing process. It also enables us to plan more effectively the tasks we wish to undertake as a committee and to prepare for the particular programs and subprograms we wish to examine extensively. There are also advantages to government agencies, which will have more time to prepare material for the committee's scrutiny. I would like to thank the Chief Minister for agreeing to move the motion to establish the Estimates Committee at this time, and I look forward to working with the other members of the committee in undertaking this most important task.

Question resolved in the affirmative.

A.C.T. PUBLIC SERVICE - SELECT COMMITTEE
Appointment

MR DE DOMENICO (11.26): I move:

That this Assembly -

(1) noting that:

(a) the proposed establishment of a separate ACT Public Service is a most important issue of concern to the people of the ACT;

(b) the proposed establishment of a separate ACT Public Service needs to take into account the financial obligations of the Commonwealth Government; the terms and conditions of employment of current Commonwealth officers and future entitlements of current and future employees;

(c) the importance of open, detailed and full public consultation on this matter must be recognised; and

(d) the opportunity of establishing a highly professional, innovative, flexible and cost effective public service for the benefit of the ACT community requires input from all interested parties;

(2) appoints a Select Committee to inquire into and report on the establishment of an ACT Public Service;

(3) the Committee shall consist of 5 members (two government, two opposition and one independent to be appointed by resolution of the Assembly);

(4) the Committee be provided with the necessary staff, facilities and resources;

(5) the Committee shall report by 31 January 1995;

(6) if the Assembly is not sitting when the Committee has completed consideration of its report the Committee may transmit its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation; and

(7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

I believe that the formation of a separate ACT public service is perhaps the most important issue that is going to be faced by this Assembly and perhaps assemblies after this one. The proposal to establish a separate ACT public service needs to take into account, for example, the financial obligations of the Commonwealth Government, the terms and conditions of employment of current Commonwealth officers and the future entitlements of current employees and future employees of any future ACT public service. The importance of open, detailed and full public consultation on this matter must be recognised. I think that all parties in this Assembly do recognise the importance of that. Also, the opportunity of establishing a highly professional, innovative, flexible and cost-effective public service for the benefit of the ACT community requires input from all interested parties.

I believe that when people really scratch their heads and think about this issue properly they will agree that it is not appropriate for the Government, a minority government, to do everything it can in advance, come to this Assembly with a piece of legislation which is going to be, as I said, one of the most important pieces of legislation that we are going to debate, and then expect it to be passed within a certain timeframe without the Assembly having had a proper look at what has gone on in the past and participating step by step whilst these important initiatives were taking place.

The Liberal Party will be accepting amendments to be moved by the Government after discussions with the Liberals and the Independents. Those amendments concern the number of people on the committee and also the committee reporting date. However, should the Government's timetable not be in line with what was explained to us this morning by the Chief Minister and senior officers in the ACT public service who came to see me, Mr Moore and other members as well, we have an assurance from backbench government members that the life of this committee may be extended. This is a very important issue. It is an issue that all of the people in the ACT should be having an input on. The best way for them to have that input is to have a select committee made up of elected members of people of the ACT, to make sure that the proposal goes through smoothly and to make sure that the ACT does have a very cost-effective public service and perhaps the best public service that money can buy.

MS FOLLETT (Chief Minister and Treasurer) (11.28): Madam Speaker, in reading Mr De Domenico's motion, it is quite apparent that nobody could disagree with the principles that he has outlined in the first part of his motion. For example, I agree that the establishment of a separate ACT public service is a very important issue and that it is of concern to the entire ACT community, and I have made a number of public statements in that vein. I certainly agree, Madam Speaker, that the financial implications of the separation from the Commonwealth, as well as the current and future terms and conditions of employment for affected employees, are also an extremely important issue.

I agree, as I have said many times, on the importance of full consultation on this issue, including public consultation. Indeed, Madam Speaker, I have reported to the Assembly on some public consultation that has occurred, including seminars on the values and principles that ought to apply to the ACT public service. Those seminars included a range of representatives from all sorts of community bodies and have proved to be extremely valuable. I agree also, Madam Speaker, that the opportunity should certainly be taken to establish a highly professional, innovative, flexible and cost-effective public service and one which will have as its task to serve the ACT community. So there is nothing in that preamble with which I would take issue.

Madam Speaker, I think it might be useful to outline to the Assembly some issues regarding the timeframe for the establishment of the separate ACT public service. The Government has successfully negotiated with the Commonwealth Government a timeframe for implementation. I think it is very important that we all acknowledge that the Commonwealth has to take action here as well. Madam Speaker, what we have negotiated is that the legislation for the ACT public service should be in place by no later than 1 July 1994. We have negotiated also that the Commonwealth Government will match our legislation program. They have to legislate as well, and they will introduce their complementary legislation at the same time as the ACT legislation is introduced into the ACT Assembly.

Madam Speaker, we have had other successful negotiations with the Commonwealth - for example, in terms of the Commonwealth's obligations under their own legislation to consult. Those consultations are proceeding quickly at the moment and proceeding very well. A slight hiccup was caused by the Federal election. That has been overcome, and the consultations between the trade union movement, the Commonwealth and the ACT are proceeding well.

I think it is very important, Madam Speaker, that the contribution that an Assembly committee can make to this process be made in a timeframe that does not delay the legislation and does not delay the negotiation process that is already under way. In light of those remarks, Madam Speaker, I foreshadow that I will be moving some amendments to Mr De Domenico's motion. I have circulated some amendments. I advise members that I shall not be proceeding with amendment No. 1; that amendment No. 2 stands; and that amendment No. 3 will be changed to read in a fashion that I understand has been agreed amongst members of the Assembly.

Madam Speaker, my main concern with the establishment of an ACT public service - putting aside my belief that it ought to be the best public service and that it ought to set an example for other public services - is as to timing. I have previously advised the Assembly that I expected to introduce legislation late this year and that I expected to leave that legislation on the table, so to speak, for debate until early in 1994 - in February of 1994. I would not want to see that timetable slip. If the committee considers that legislation and reports prior to the in-principle debate on the legislation, then it will give the Government an opportunity to respond to the report, to amend the legislation if amendment is needed, and to still ensure that the legislation is in place by 1 July 1994. Hence, I will be moving my amendments at the appropriate time.

MR MOORE (11.34): Madam Speaker, I think this is an important issue. It is an issue not just for government or for this Assembly but for the people of the ACT. By establishing a committee such as this, there will be opportunity for wide-ranging consultation and an input by people. At the same time, the Chief Minister has set out a timetable and has explained to us why that timetable is important. I think members would agree that that is an appropriate way to respond. I am pleased that it was possible to come to an agreement on the form of this committee and the terms of reference. I hope that the committee will be able to operate effectively within the timeframe that has been established between the ACT Government and the Federal Government.

The concept of having a separate ACT public service is particularly important to this Territory as a political entity. Madam Speaker, for that reason it is important for us to be able to come to an easy agreement. When committees have reported on legislation, the Assembly has been able to handle the legislation in a non-partisan way when it comes before it. The result hoped for here is that the transfer of parts of the Commonwealth Public Service to the ACT, the establishment of an ACT public service, will in fact be done in a way that can be seen as agreed by the Assembly without the sort of dissent that we see on some Bills - and appropriately so. It is an issue that we should be able to agree on. It is an issue that will affect the establishment of this Territory as a political entity and the running of this Territory for some time. Madam Speaker, I look forward to watching with interest the work of this committee.

MR KAINE (11.36): Madam Speaker, this Assembly has wrestled with some major issues during its short life, but I think that the issue that is dealt with by this motion - that is, the establishment of an ACT public service - will probably prove to be one of the most important issues that it will discuss in its lifetime. It is very important that we get it right before the public service is established, rather than afterwards, because it is in the lead-up to the establishment of it that its functions, its form, and its structure, and its corporate ethic will be defined. That will certainly determine what the public service does and how it does it for

the first 10 years of its life. From the day it is established, of course, it will become - as all public services, all human organisations, become - a very dynamic organisation. People will have different views about what it should do, how it should do it, how it should be structured and the like. But its initial form will have a long-term effect on the way it does its business. So it is important that it be done right, and it is important that this Assembly should make its input into how the philosophy and the concepts of our public service are developed and determined.

Madam Speaker, I had hoped to be a member of this committee, and that is why we proposed five members. We did it so that two members of the Opposition could be members of the committee. I withdrew my candidacy reluctantly because, although Mr Lamont only 20 minutes ago said that the greater the participation in Assembly committees the better the output, when it came to this committee the Government decided that it could not participate to the degree that we were proposing. They did not think that it was important enough to put two of their members on it. For them not to have two members would make it an unbalanced committee. If the Opposition had two members and they had only one, there would forever be the accusation that we unduly influenced the outcome. That would be divisive and, for that reason, I withdrew my candidacy for this committee.

I did so very reluctantly, because I think I can safely argue that there is nobody in this Assembly whose background, experience, qualifications and enthusiasm for this subject are stronger than mine.

Mr Connolly: Your party should put up the best candidate.

MR KAINE: This idea is Mr De Domenico's idea. I am not about to steal somebody else's motion. I have not done it before and I do not intend to do it today. I am sure that you do not do it in your party room either, Mr Connolly. I am sure that you do not jump into somebody else's boots because you have a particular desire to do so. You accept the fact that somebody else's idea is being put forward and it is their right to participate. But I think that I can say that, had I remained Chief Minister, we would have already had our own ACT government service. We would not still be talking about establishing a committee to look at it. I think that that says something about the Government and also Mr Lamont's rhetoric. He said that participation in committees is a good thing, yet when it comes to something as important as this the Government does not want to participate.

Madam Speaker, I will now make my input to this matter in other ways. I suppose that I can argue that by not being a member of this committee it leaves me free to comment in any way I like about not only what the Government is proposing but also what the committee might come up with. As an elected member of this house, I can say that I am now free, perhaps much freer than I would have been as a member of the committee, because to some degree you are bound by decisions made in committees and the recommendations that flow from them. While I am disappointed that I cannot be a member of this committee for good reasons, I will certainly be making my input to it. The last thing that I would do would be to delay this matter. As I said, I think that it is already too late. Had I remained Chief Minister, we would have had an ACT government service by now and we would not be still talking about how we might go about getting one. I support this motion, and I reluctantly agree to the amendments foreshadowed by the Chief Minister.

MS FOLLETT (Chief Minister and Treasurer) (11.41): Madam Speaker, I seek leave to move the three amendments which are now being circulated and also to move those three amendments together.

Leave granted.

MS FOLLETT: I thank members. I move:

> Paragraph (3), omit "5", substitute "3".
>
> Paragraph (3), omit "two" (wherever occurring), substitute "one".
>
> Paragraph (5), omit "31 January 1995", substitute "before the commencement of the in principle debate on the Bill".
>
> *New paragraph -*
>
> After paragraph (7) add the following new paragraph:
>
> "(8) Membership of the Committee shall be Mr De Domenico, Ms Szuty and Mr Lamont.".

Madam Speaker, I do not need to speak at any length on these amendments. What I have sought to do is to contain the committee to three members, as Mr Kaine has quite rightly said. That has a lot to do with the current workload of non-government members, particularly in light of the Estimates Committee being about to commence and other committee obligations, and the absence of members. Five members might have been a nice idea, but it is really not achievable. The last amendment lists those members who, it is my understanding, it has been agreed should constitute the committee. The third amendment requires that the committee report before the commencement of the in-principle debate on the Bill. Madam Speaker, the intention is quite clearly not to delay the timetable which I previously outlined, and it is my understanding that that amendment is acceptable to the mover of the motion and to other members as well. I commend the amendments.

MR DE DOMENICO (11.43): Madam Speaker, the Liberal Party will support the amendments, albeit reluctantly, as Mr Kaine has said. I, too, am disappointed not to see Mr Kaine's name on that committee, because there is no doubt that the - - -

Mr Connolly: It is sad to see anything happen to Mr Kaine.

Mr Kaine: It is not there, because your mob will not participate fully.

Mr Connolly: You are not there, because of what he did to you.

Mr Kaine: Because your mob will not participate fully. That is why my name is not there.

MADAM SPEAKER: Mr Connolly and Mr Kaine, order! Mr De Domenico has the floor.

MR DE DOMENICO: Notwithstanding Mr Connolly's mirth and laughter on this matter, Madam Speaker, I am genuinely concerned about the fact that Mr Kaine's name is not on that list. Notwithstanding what the people might think of individuals from time to time, when credit is due it ought to be given. There is no doubt that, if there is one person on either side of the house who has the experience and the knowledge on this issue, it is Mr Kaine, because of his period as Chief Minister, because of his long time as a member of the advisory assembly and also because of his long experience in, and knowledge of, public service matters. We will support these amendments, but with reluctance in that Mr Kaine's name is not on the list.

MR MOORE (11.44): I would like to add a comment to that, Madam Speaker. I draw members' attention to standing order 234, which says that members of the Assembly may be present when a committee is examining witnesses. It does have the disadvantage that, if the presiding member requests it, and also when the committee is deliberating, that member must withdraw. There is still room for a member to participate in what is going on in the committee and then to give ideas to another member of that committee. That opportunity does exist, and no doubt it will be taken up by various members.

MR LAMONT (11.44): I support the sentiments endorsed by Mr De Domenico in relation to the extensive experience and knowledge of Mr Kaine in a whole range and raft of areas that would have suited him. We think that because he has such a great propensity to deal with these matters - - -

Mr De Domenico: Expand the committee.

MR LAMONT: I have a better idea. Why do we not make him Leader of the Opposition again?

Mr Kaine: I would rather be Chief Minister.

MR LAMONT: Okay; fine. That cannot be achieved. I understand that we cannot get agreement from the Opposition on that, Madam Speaker, so I will sit down.

Amendments agreed to.

Motion, as amended, agreed to.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Inquiry into Citizen's Right of Reply

MR LAMONT (11.46): I move:

That:

(1) if the Assembly is not sitting when the Standing Committee on Administration and Procedures has completed its inquiry into a citizen's right of reply, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation; and

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

Madam Speaker, the motion is straightforward. It allows the committee to report out of session, so to speak, and will mean that if the Assembly is not sitting we can ensure that the deliberations of the committee are widely disseminated and the wisdom imparted to all members of the Assembly.

Question resolved in the affirmative.

TOURISM AND A.C.T. PROMOTION - STANDING COMMITTEE
Report on ACT and Region Tourism

MR WESTENDE (11.47): I present the report of the Standing Committee on Tourism and ACT Promotion entitled *ACT and Region Tourism*, together with the minutes of proceedings. I move:

That the report be noted.

I realise that we have a lot of business to go through and I will try to make my report as short as possible. As chair of the Standing Committee on Tourism and ACT Promotion, it gives me great pleasure to present the report by the committee called *ACT and Region Tourism*. The committee has heard the views of a great many organisations and individuals within the ACT and the region in forming its recommendations. There has been a public hearing, a number of submissions were received, and there have been meetings with and visits to industry operatives throughout the region. An invaluable source of information was the informal exchange of views in the tourism forum held at the Capital Parkroyal in April this year.

In summary, the terms of reference of the task set by the standing committee were to inquire into and report on the contribution made by tourism to the ACT economy; the potential for expanding tourism and related activities in the ACT; and the extent to which the image of and perceptions about the ACT community held by other Australians are coloured by media reporting and comments about the Federal Parliament.

The committee has made a great many recommendations. I do not propose to detail those, but I will summarise them. The committee found that there is uncertainty within the tourism industry about long-term and short-term goals and a lack of overall planning of tourism for the ACT and the region. There is support for an integrated tourism strategy for the ACT and the region, and the committee is recommending that the Tourism Commission be resourced to undertake this task in consultation with the industry.

An essential component in the development of a successful tourism industry is the establishment of a sound infrastructure. It is no use having wonderful attractions if tourists do not know where they are or find them inaccessible. The committee looked at the matter with regard to the infrastructure necessary to cater for visitors to the ACT as well as tourism to and within the region. A continuation of the installation of clear and attractive signage, not only in the ACT but throughout the region, is recommended, to provide clearly defined tourist routes and directions to all tourist attractions.

One infrastructural problem I have observed is the location of the tourism information centre in Dickson. It would appear to be in a most inappropriate position. It has inadequate parking and, without a slip-lane to access and exit the centre, I suggest that it presents a serious potential traffic hazard. Tourists probably drive past the centre before realising that it is there. The information centre can play a crucial role in the quest to entice tourists to stay longer in the ACT and the region. It is therefore important that it should have a more high profile presentation and that it should be easily accessible and have adequate parking. The committee expressed concern about the effectiveness of the tourism information centre, and recommends that this matter be considered in discussion on the siting of a transit centre.

It is incongruous that the airport in the national capital does not have international status. Quite apart from tourists, we are continually receiving significant numbers of delegations to this city, and it must be a great source of frustration to these visitors to have to set down in either Melbourne or Sydney before travelling on to Canberra. Quite frankly, it presents a Mickey Mouse image of our country and, more particularly, our national capital. It is even more significant in terms of tourism when it is considered that the ACT and, indeed, the region are unique in what they offer. With these important considerations in mind, the committee recommends that the ACT Government consult with the Federal Government with a view to obtaining agreement for customs and immigration facilities to be provided at the Canberra Airport on a permanent basis, to meet charter flights and with a view to upgrading Canberra Airport to an international airport.

One of the perennial problems impacting on tourism to the ACT and the region has been the need to complete the Federal Highway and to upgrade the Kings Highway. Without doubt, the condition of those two roads hampers the growth of tourism in this region. It is essential for the ACT Government to find a way of breaking the stalemate with the Federal and State governments and to open the way for tourism to flourish. The committee recommends that the Government take up these and other road issues in the region as a matter of priority. The committee report addresses the importance of expanding tourism in the ACT and the region. This is a question not only of creating new attractions, which would be welcome, but also of drawing attention to the existing features of the ACT and the region that are unique and interesting. It was put to the committee that tourists are attracted by things that are different and by new cultural experiences.

The committee highlights the need for cooperative arrangements between the ACT and New South Wales governments and the shires and the industry. There is a big gap in the tourism calendar in the ACT during the winter months, and the committee recommends that the Tourism Commission include programs for attracting visitors to Canberra at this time. The committee also looked at the question of creating a friendlier approach for ethnic community groups visiting Canberra by providing interpreting services. A very successful award-winning tourism enterprise in Canberra, Hire A Guide, already provides such a service.

On the important matter of promotion and marketing, the committee noted that most industry submissions considered that the Tourism Commission's marketing budget was inadequate for a highly competitive industry. However, the question of who should pay and by what means is canvassed in the report. In essence, the committee recognises that industry self-help and joint marketing arrangements

will need to be explored in the medium term, and its recommendations include an enhanced role for the Tourism Commission in bringing these to fruition. In terms of the organisational structure of the ACT Tourism Commission, the committee recommends that the Government retain the Canberra Visitor and Convention Bureau as an entity separate from the Tourism Commission, but that it ensure that the CVCB operation be consistent with tourism development policy and that the CVCB be subject to the financial accountability that applies to government business and other authorities.

The committee addressed the problem of Canberra bashing and recommended that the Government, in consultation with the NCPA, develop an education program about the ACT for Australia-wide use. It further recommends that, in consultation with education groups, we develop a schools and colleges program about the Legislative Assembly and its committees. To digress slightly from this report, but still on the same subject, I would like to put in a plug for the Canberra and Canberra Woden Rotary clubs, who run a successful program called Adventure in Citizenship. This involves bringing some 60 or 70 young people from all over Australia to Canberra once a year for a week. The purpose is to show them what Canberra is. They leave realising that it is not only for politics. This is a small contribution; but it is, I believe, a fine example of the community playing its part to promote Canberra, and we would welcome other organisations carrying out similar projects.

The committee at its public inquiry noted broad support for an ACT bid for the Commonwealth Games in 2002, but there was a concern that such a bid should be thoroughly researched in terms of accommodation and other infrastructure. The committee has therefore recommended that the Government, in cooperation with the relevant industry sectors and community interests, should undertake a feasibility study. The games would certainly be an excellent goal towards which all sectors of the community - government, business and the people - should strive.

The report covers a wide range of issues important to the tourism industry in the region. It provides a benchmark for cementing the gains made by the tourism industry and forging a path for future development. The importance of tourism to the ACT economy cannot be overemphasised. Tourism directly employs 7,700 Canberrans and pumps around $500m into the local economy each year, making it the ACT's second largest industry. The committee and I are totally committed to the advancement of tourism in the ACT and to promoting the Territory. Shortly I will be leaving on a private trip overseas, but I will have ample time to promote the ACT, and for this I have the express approval of the other members of the committee. I thank them for their encouragement.

In closing, I thank the other members of the committee, Mr David Lamont and Ms Helen Szuty, for their contribution. I particularly thank my colleague Mr Tony De Domenico, the former chairman of the committee, for his assistance and considerable input. The tremendous amount of work by the committee secretariat is always rightly acknowledged in this chamber, and in the case of this report I personally thank Mr Bill Symington. His contribution has been invaluable and of a very high order. I also thank all those who made submissions and appeared as witnesses at the public hearing. As an Australian and a Canberran by choice, I make a personal commitment to promote the ACT, and I invite all other members here and the public at large to do likewise. I commend the report of the Standing Committee on Tourism and ACT Promotion to the Assembly.

MR LAMONT (11.59): I rise to endorse all of the sentiments expressed by the chair of the committee, Mr Westende, not the least of which was his complimentary remarks to Mr De Domenico for the work he undertook for this committee prior to the change in committee membership. I wish to address one point, which is covered with quite some rapidity throughout this report, and that is the fact that, as a self-governing Territory, we must still regard ourselves as part of the south-east region. We are a major centre in a regional context, not just the capital of the nation. This is brought home even more when you assess the potential in the tourism industry for interaction between a number of significant attractions within the region, particularly the Snowy Mountains and the high country, and attractions that are available here in the ACT to attract the tourist dollar.

If we take into account the expenditure which is provided through the Parks and Wildlife Service in New South Wales for promotion of the mountains and the high country, the budget provided here in the ACT through the ACT Tourism Commission and through other avenues used by the ACT Government to promote tourism in the ACT, it is quite significant. As I understand it, Perisher-Smiggins have a national promotional budget of about $3m a year. That is about $1 for every person who visits the high country during the high season - the winter season. There are three million visitors who go to the Snowy Mountains to ski during the winter season, which is generally over a 12-week period. They spend that $3m promoting singularly Perisher-Smiggins. Charlotte's Pass and the other attractions in the snow also have their own budgets; they are all separately promoting their little part of the world.

To some extent we do the same, and that is something which we need critically to address. We need cooperatively to promote and market Canberra and the south-east region. I take this opportunity to congratulate David Marshall and his organisation on promoting the south-east region campaign. This is becoming a very high profile and successful promotional campaign for all of the attractions in the south-east region, not just those in the ACT. It is interesting to note that membership of that organisation is increasing significantly in the region. This may very well form the catalyst for a closer working relationship between activities here in the ACT and regional activities.

I would, however, like to point to one thing. We already have an organisation called the South East Economic Development Council. That organisation is jointly funded by the ACT Government and the New South Wales Government to discuss and determine, where possible, cross-border issues. As part of its operation there is a range of subcommittees, not the least of which is a tourism and promotion subcommittee for the region. It does, I believe, substantially good work. I do not believe that at this stage, however, enough impetus has been given to that committee to lift its profile and promote more aggressively the ACT and south-east region.

I am concerned that a considerable amount of money is spent in funding the South East Economic Development Council, and I believe that, as a result of the recommendations contained in this report for the Government to consider funding mechanisms for tourism and tourism promotion, it would be an appropriate time to address the funding mechanisms and the appropriateness of

funding levels to the South East Economic Development Council, to see whether or not those funds could be used more effectively for ACT and south-east region promotion if they were directed specifically to that end as opposed to being filtered through the South East Economic Development Council.

I had much pleasure in participating in a number of trips into the region with members of the committee. They were extremely informative. In general, there is a very positive view about the relationship between Canberra - the largest metropolitan area in the region - and the region; but it is something that we need to work hard to build on, not only within the region but also with regional centres right around Australia. That may very well be - and it is discussed, although very briefly, in this report - one of the activities we can become more involved in.

In marketing and promoting the ACT, we have suggested that a joint campaign be undertaken by the ACT Government and the National Capital Planning Authority, that organ of the Federal Government that has responsibility for promoting the ACT as the seat of government. There are some specific words that can be used, not necessarily very complimentary, about the success or otherwise of what the NCPA has been able to achieve to date, but I do not wish on this day to go into that debate at any length.

In order to promote the relationship between the rest of Australia and the ACT and to encourage people to visit and participate in this their national capital, we need to identify ourselves more clearly with all the regions around Australia. We do so through initiatives of the Chief Minister in relation to the Lightning Ridge area and the Walgett Shire Council, and through promotion of such a simple thing as a horserace in the ACT, the Black Opal Stakes. That relationship is growing. The Chief Minister has announced already that next year there will be a period of activity leading up to the Black Opal Stakes called Opal Week. That is a very positive move to identify in a regional context an activity here in the ACT which will attract people from that region and with an interest in that region into the Australian capital, both in a tourist sense and, hopefully, in the long term in a business sense. If we can expand those types of activities to identify other regional associations with this the national capital, we not only improve the perception of Canberra as Australians' national capital but also promote economic activity here in the ACT.

I was fortunate enough, along with the Chief Minister and a number of members of the Opposition, to be present at a reception for Gabby Kennard on the weekend. Gabby is an internationally renowned aviatrix who is raising funds around Australia for the Royal Flying Doctor Service. The Chief Minister, on behalf of the ACT Government, presented a contribution to that campaign last Saturday. The Royal Flying Doctor Service, as an example, is one area where I believe that we in the Australian Capital Territory can help promote a greater understanding of its operation. We can help promote the essential role it plays in rural Australia and, by the same token, gain an acceptance that Canberra is a place in which you can achieve focus for issues and focus for particular events. We may be able next year, in cooperation with the Royal Flying Doctor Service, to promote the RFDS here in the national capital in an attempt to expose the activities of the RFDS. Again, it is another tool that we believe can be used to promote Canberra as a destination for all Australians.

A range of other issues are covered in this report in relation to the expansion of Canberra Airport and what needs to apply there. May I say that I am absolutely outraged at the perfidy of the Federal Airports Corporation, who in my view are economic vandals as far as economic development in the ACT is concerned. We have seen a concerted campaign by the Civil Aviation Authority to remove from Canberra Airport our own air traffic control and flog it off to Melbourne, to downgrade the significance of Canberra Airport. Quite frankly, a proposition has been put which promotes Canberra Airport as a focus for substantial economic activity in the ACT and the ACT region. The Federal Airports Corporation's board of management is more interested in promoting its own self-interest over the next five years, in doubling its asset base, as it calls it, as announced in the *Australian Financial Review*, than in promoting economic activity in the ACT and, dare I say, in other regional centres around Australia. It does not care that its actions are preventing markets from being opened up and opportunities from being availed of. All it cares about is its own bottom line.

That sort of economic rationalist approach to economic development in this country, in my view, is one of the things that have been holding back development of the international tourism industry, in particular, here in the ACT. The Federal Airports Corporation should be resoundingly condemned, not only by every citizen of the ACT but also by every member of the Federal Government. It is a government owned instrumentality. The Federal Airports Corporation occupies a very privileged position, a position of monopoly as far as airport operation around this country is concerned, and from that privileged position it takes deliberate decisions to dampen, to prevent economic activity, in a regional and global sense, in particular areas of Australia. It does it for what I regard as quite selfish and despicable reasons. I believe that, because of the perfidy of the Federal Airports Corporation's board of management, we should take them on, in any venue and at any time we can, and draw to the attention, not only of the people in the ACT and the region but of all Australians, the type of anti-business, anti-development activity that the Federal Airports Corporation have been involved in over recent history.

With those harsh words, I conclude my remarks. Nevertheless, I appreciate the depth of information and support we received from the tourism industry in putting this report together.

MS SZUTY (12.11): I do not wish to talk at length on this report because I believe that the chair, Mr Westende, and Mr Lamont have covered the issues quite extensively. This final report of the Standing Committee on Tourism and ACT Promotion has been a long time in coming before this Assembly. The committee released a discussion paper in November last year, following a call for submissions earlier in the year and a public hearing. In that time, as Mr Lamont has mentioned, the committee has also undertaken two tours of the region - to the Snowy Mountains and the coast during winter last year and to the Snowy Mountains, Cooma, Yass and Tumut in April of this year. Both tours proved to be of considerable value to the committee, and our views on the need to work cooperatively with tourist operators in the region have been strengthened as a result of our liaison with the many people we met. Our discussions culminated in a forum held in April of this year, which helped us refine and clarify our thinking on a number of issues and frame a series of what we feel are worthy recommendations for consideration by the Government and the Assembly.

I wish to comment now on a number of the committee's recommendations. Not surprisingly, the committee has called for an integrated tourism strategy for the ACT which incorporates regional factors and interdependence, to be undertaken by the Tourism Commission in consultation with the industry. I believe that it is essential that we look at the long-term needs of the industry, which is only now beginning to grow and flourish, and resist the temptation to specifically tax the industry, which is bringing the ACT ever increasing amounts of revenue. The 2020 study will, I am sure, address some tourism issues. However, a fully integrated strategy for the future, identifying particular landmarks such as the centenary of Federation in 2001, is an important task yet to be undertaken.

The committee noted that the Federal Government could do more to undertake necessary development and redevelopment of national areas, especially in the Parliamentary Triangle, as an investment in the national capital and our future as a city of distinction. A number of comments and recommendations have been made about signage to achieve consistency throughout the region and increased legibility, particularly through the use of international pictorial signage. A planned and coordinated approach to the provision of signage which will yield very positive results should be easy to achieve.

The committee has also commented extensively on important transport linkages between Canberra and the region, including the significance of direct international flights for Canberra Airport, to which Mr Lamont has referred, and road and rail links. A future Canberra will need permanent customs and immigration services at a Canberra Airport which is a major passenger and freight gateway to the region. Upgrading of the Federal Highway, the Kings Highway and the Canberra-Tumut road also has been called for.

Our potential for expanding tourism further is significant. The committee has identified that national institutions and attractions should adopt opening hours which are more visitor friendly and relevant to community needs, especially during the summer months, when there are more daylight hours available to people to undertake a range of activities, from viewing touring exhibitions at the National Gallery to strolling through the National Botanic Gardens. The establishment of an events calendar is recommended, which would feature major events in the region, from arts through to sporting events. A range of more specialised events calendars aimed at particular target groups and niche markets would also be a useful addition to the material available to promote the ACT and region.

Special mention is made of ecotourism and the significant impact it could make on tourism in the ACT. Consideration also needs to be given now to the impact on the environment of such tourism. The coordination of events should involve the region, and I am especially keen to see any development of a winter festival occur in conjunction with tourism operators in the Snowy Mountains. Such coordination would enable the ACT to participate in the development of a festival, perhaps based in the Snowy Mountains, rather than to coordinate it, as we tend to take on the coordinating role in most instances. The attraction to the ACT of particular niche groups with special interests will, I am sure, be an increasing tourism phenomenon. The importance of involving our local ethnic communities with visits by people from overseas could be encouraged much more extensively, in my belief.

In developing a positive image for Canberra and responding to Canberra bashing, the committee has recommended that an educative approach be taken, especially involving school students. I would like to comment in particular on the success of our own youth parliament earlier this year and the excellent work done by you, Madam Speaker, and members of the secretariat in putting together the youth parliament program, thus effectively promoting our own ACT Legislative Assembly and what we do.

I could have said a lot more today about the committee's report and recommendations. However, I conclude by sincerely thanking everyone who has participated in the committee's process in producing this report. I wish also to thank my fellow committee members, Mr Westende and Mr Lamont, and the former presiding member, Mr De Domenico, for their contributions. Finally, I thank Mr Bill Symington, the secretary of the committee, who has worked hard to enable the committee to present this report today.

MR DE DOMENICO (12.17): First of all, let me thank the three members of the committee for their kind remarks. I will make my remarks very brief. I note that on page 45 of the report there is an extensive description of the committee's deliberations on the Commonwealth Games and the Sydney Olympic bid. I congratulate the Chief Minister and the Government for taking the forward thinking view of supporting the Sydney Olympic bid by being sponsors to the tune of $25,000. There is no doubt that, should Sydney be successful in obtaining the Olympic Games for the year 2000, there will be enormous spin-offs for Canberra and the region.

I also note with great pride and support, I suppose, that the committee did report that Canberra ought to conduct a feasibility study into whether we are capable of attracting the Commonwealth Games here in 2002. As most members would be aware, when Mr Kaine was Chief Minister he kindly appointed me as chairman of the Commonwealth Games 2002 Committee, which I believe is still working very closely in making sure that it gets support from the private sector, and that is important. The private sector has supported that committee from day one and, should the Government take heed of this report and conduct a feasibility study, there is no doubt in my mind, notwithstanding what some elected members of another place might think from time to time, that Canberra has the necessary infrastructure and the ability, the knowledge and the know-how to conduct a very impressive bid for the 2002 Games and would go very close to succeeding.

There is mention in this report of the benefits for Canberra and the region, and I agree with Mr Lamont, from my brief reading of this report, that one thing that comes through is the importance of the region in terms of tourism potential. I note also with interest the intention of Rotary International to hold its international conference here in the ACT. Melbourne has recently held a very successful one; over 20,000 Rotarians from all over the world met in Melbourne, with enormous spin-offs to the Victorian Government and the Victorian taxpayer. There is no doubt in my mind that Canberra has the necessary accommodation, infrastructure and beauty in the region to attract such an eminent group of people. That would be fantastic. I commend Mr Westende and the committee for the work done on this report. I am quite happy to say what a wonderful thing it is to be debating it today.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Monitoring of Budget Supplementation

MR KAINE (12.20): I present report No. 3 of the Standing Committee on Public Accounts entitled *Monitoring of Budget Supplementation by the Legislative Assembly*, together with extracts of the minutes of proceedings. I move:

That the report be noted.

Members will recall that, at the last Estimates Committee, a view was expressed that the Public Accounts Committee could look into the ways in which a budget is supplemented and consider whether this is in the best interests of the ACT. On the basis of that recommendation, the Public Accounts Committee resolved to look at the matter. The Assembly currently scrutinises any expenditure proposals at program level through the medium of the examination of the Appropriation Bill, both on the floor of the house and in the Estimates Committee. However, during the year many changes occur, and the Assembly is advised of those changes after the event rather than before. Usually, the expenditure has already been made, and the reporting often occurs in the following fiscal year; so it becomes a matter of reporting history. The members of the committee were concerned that this ought to change.

There are, essentially, four ways in which an agency's budget can be supplemented. They can get additional money from the Treasurer's Advance or they can arrange a transfer between two different programs within the budget. In both of those cases, the Assembly has already appropriated the money. It is simply being used in a different way than was originally anticipated. The other two ways in which a budget can be supplemented are either by receiving additional Commonwealth payments - the simple onpassing of money coming from the Commonwealth - or by appropriations under section 5 of the Supply Act and the Appropriation Act, which essentially allows the Government to pay wage increases that were not foreseen at the time the budget was prepared. In those latter two cases, it is money additional to what was appropriated by the Assembly in the first place, although section 5 of the Supply and Appropriation Acts permits the Government to supplement their salary and wages bills.

We examined each of these four ways in which a budget can be supplemented. The one that attracted most attention from the committee was transactions on the Treasurer's Advance. The committee noted with interest that it was only in March of this year, some months after the inquiry had begun, that Treasury put out a paper entitled "Principles and Guidelines to Budget Supplementation". That paper changes the way in which supplementation from the Treasurer's Advance has been put into effect in the past, and I will deal with that in a minute.

The way this augmentation from the advance can be made is interesting. Subsection 47(3) of the Audit Act, for example, provides that there can be augmentation and that the appropriation to the Minister's Advance may be increased by an amount not exceeding 5 per cent of the total amount appropriated by the Appropriation Act. If you think about that for a minute, it refers to 5 per cent of the total amount appropriated by the Appropriation Act.

In this current fiscal year, that could be up to $60m, as the appropriation for this year was $1,295m. So, assuming that there is money available in the Consolidated Fund, the Minister can take on additional funds to the tune of $60m in a normal year.

In looking at how that has operated, and we had to look at 1991-92 because it was the most recent completed year, the original Treasurer's Advance was of the order of $8m, but it was augmented by a total of $12m during the year. So, it was augmented by an amount one-and-a-half times that originally appropriated by the Assembly, and I think those are figures that one should have in mind. So, there were questions about how this is done and whether the Assembly should be advised.

In terms of transfers between and within programs, this can be done not only between divisions, subdivisions or items within programs but also between the capital and recurrent budgets within any program. So, managers have a fair flexibility, with the endorsement of the Treasury, to move money about. We noted that in the year 1991-92 a total of just over $11m was moved across budget between programs. There is a certain amount of flexibility there. I will not comment on the Commonwealth payments because that is merely money coming from the Commonwealth. It is for a specific purpose. It is simply passed on to the agency head, and neither the Treasurer nor the Government can do anything about that. Section 5 of the Supply and Appropriation Acts, as I said, allows payment of unexpected salary increases. There is, essentially, no advice in the budget as to what that amount is, although we understand that there was a provision of approximately $12m in 1991-92, and about $7m of that was used. There were some questions about the amounts and how it is done.

Looking at this in total, the committee was concerned that there is no standard procedure for processing these things and there is no standard procedure for informing the Assembly in what we would consider to be a reasonable time. For example, for some of these things, the Government is obliged to tell us within six sittings days that they have done them. In 1991-92, a decision was made on the second last sitting day of that fiscal year. We were not advised until the August sitting, which is in compliance with the Audit Act, but it was four months later and was at that stage entirely historical data and not of great interest to us. The committee would like to have a more systematic approach to these changes; it would like to know at the time the changes are made, in particular, and what they are being made for.

I referred to the document of March 1993, circulated by the Treasury. What that does, in effect, is change the process by requiring a review of the budget in total in February-March of the year, rather than taking the changes on an ad hoc basis as they come up, and those changes would then be considered by the Executive and/or the Treasurer. That provides what one could describe as a supplementary estimates process, and we believe that that supplementary process should include referral to this Assembly for consideration of changes that are proposed to the Appropriation Act. Since the Government or the Executive or the Treasurer will have the proposals put to them at that time, it should be a very simple matter for those proposals to be put to the Assembly. The Assembly is in a position of approving the appropriations in the first place, and then being across the debate and the approvals process for any significant changes to the appropriations. That, in effect, is what the committee is recommending.

The recommendations of the committee are few, and I will not go through them. We believe that, if the Government adopts these recommendations, it will put a consistency into all of this, so that everybody clearly understands what the process is. There will be timely advice to the Assembly as to what is happening with the money originally appropriated and how the Government intends to change that around, and we will all have a clearer picture of how the appropriations are being managed and what the outcome is at the end of the fiscal year, as opposed to what we thought it was going to be when we approved the appropriations in the first place. I think these proposals are eminently sensible. They fit in with what the Treasury is now proposing to do. They extend that slightly to put the Assembly in the process, which I do not think the Treasury envisaged. It puts the information into that place where it ought to be, and that is the Assembly, where the appropriations are approved in the first place. I believe that, as an organisation, we should be oversighting what is happening and at least informing ourselves on all of that. I commend the report to the Assembly.

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

EUTHANASIA - SELECT COMMITTEE
Membership

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

> That Mr Lamont be appointed to the Select Committee on Euthanasia.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Reports

MR HUMPHRIES: Madam Speaker, I present report No. 11 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and also that committee's report on its visit to Darwin and Brisbane from 24 to 27 May 1993.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Ambulance Service - Overtime and Redundancy Payments

MRS CARNELL: My question is to the Minister for Health, Mr Berry. I refer the Minister to his department's press release, issued yesterday, regarding alleged overpayments to ACT ambulance officers, in which it is stated that overpayments amounted to $20,000. I ask the Minister why he has indicated that the overpayments were $20,000, when in fact they were closer to $70,000, as indicated in these ACT Health documents, which I am happy now to table. What new maths or inventive procedures did the Minister's department use to convert $70,000 worth of overpayments and penalty payments to the now stated $20,000?

MADAM SPEAKER: You will need leave to table that, Mrs Carnell.

Leave granted.

Mrs Carnell: It is rather a lot.

MR BERRY: What are these - the reports?

Mrs Carnell: They are wages sheets.

Ms Follett: With names on them? Oh, come on!

MR BERRY: With workers' names on them? Madam Speaker, this entire matter is a very interesting exercise. What occurred, Madam Speaker, was that there was a discovery that something was not quite right in relation to the payment of allowances, and there were inquiries in relation to it. I note that on 14 April this year Mrs Carnell was reported as follows:

> She called on the Minister for Health, Wayne Berry, yesterday to clear the air about the overpayment allegations and to make public any findings, adverse or otherwise.

I see that a media release has now been issued, which clears the air. It says that there was an amount of $20,000 paid without approval. It also says that ACT Health will institute recovery of $6,804. That clears the air. We have done exactly what you say. But it is too much, too little; too fast, too slow. We can never get it right as far as you are concerned. So, we have cleared the air.

Madam Speaker, I also observe that there was some complaint by Mrs Carnell about the publicity surrounding this issue, particularly in relation to those two ambulance officers, I think, who have been the subject of publicity. I have to say, Madam Speaker, that neither I nor my department have sought to publicise the two officers whose pictures appeared in the *Canberra Times* article of 10 April 1993 and who were quoted in other articles as well. I think that the officers themselves, or at least one of them, can bear some of the responsibility for the publicity. Of course, due process has led to a position where the air has been cleared as you requested.

What is grubby about this whole affair is how Mrs Carnell has fed off it. She has taken every opportunity to drag these two officers into the limelight and to make a public scandal about an issue which was being dealt with in the normal course of their employment. If you want to involve yourself in those sorts of grubby tactics in order to get your name in the paper, you go for your life. You will pay the penalty for it because people will wake up to those sorts of tactics. They are a wake-up to them, in fact. You complain that these officers have been dragged out in public and criticised. It is mostly your doing. My department has not chosen to publicise this issue at all. We have chosen to deal with this issue discreetly within the scheme of management, and deal with it we have. Because it has been a public issue, a brief press release was issued in relation to it on 16 June. In the normal course of events, that would not have occurred either. We would have discovered the difficulties and dealt with them. I should add that this matter has also been drawn to the attention of the Auditor-General, who will investigate processes within the Ambulance Service to ensure that everything is in order. That is the full picture. That is what you asked for; so smile.

MRS CARNELL: I have a supplementary question, Madam Speaker. Will the Minister provide all of the documentation of the breakdown of all over-award overtime and penalty payments with regard to this issue?

MR BERRY: No, I will not - - -

Mr Humphries: Oh; a cover-up.

MR BERRY: No, I will not because - - -

Mrs Carnell: You said that it was $20,000 - - -

MADAM SPEAKER: Order!

MR BERRY: No. I will tell you why. Again, I am not going to get down to the depth that you will go to in dragging the names of these officers into the public arena, when there is no need to do it. What you want to do is make a meal out of this. I suggest that you have had - - -

Mrs Carnell: You said $20,000. Show us how it is made up.

MR BERRY: You have not had just breakfast on this issue. You have had breakfast, dinner and tea. Why do you not leave the officers alone? A proper inquiry has been conducted. The department has made a discovery about some overpayment which will be recovered. The Auditor-General will investigate the matter and report on it. I suggest that you leave the officers alone to get on with their lives. Stop feeding off it, and allow the managers and the Auditor-General to get on with their jobs.

Kippax Library

MS ELLIS: My question is directed to the Minister for Urban Services. Is the Minister aware of rumours that the Government plans to close the Kippax library?

MR CONNOLLY: There have been rumours circulating about the Kippax library. A particular member of the Belconnen Community Council has been saying that the Government is going to close the Kippax library. I can assure you that the Government is not going to close the Kippax library. There was a consultancy undertaken by the Department of Urban Services into the future of the Canberra Library Service which suggested a range of management improvements, and it is true that that consultancy did suggest that the Kippax library could be closed as a savings option. However, that recommendation has been rejected.

Since that consultancy was commissioned we have come up with a better way of saving money in the Library Service, while continuing to provide excellent service and saving money, which is the process that Mr Wood and I have negotiated whereby the main central library, which is now located at Kingston, will be relocated into part of the Griffith Primary School campus. That will achieve an ongoing rent saving to the ACT Library Service approaching $300,000. That represents some 5 per cent of the current library budget.

So in one fell swoop we have moved the library to a better location, which will improve occupational health and safety conditions for the staff working there, provide easier parking and access to people wishing to use the Kingston library, and achieve a 5 per cent saving on the library budget, which means that the library can achieve its government savings targets without having to look at closure of any of the other libraries. In fact, we will be spending a small sum of money this year at the Kippax library to improve the access doors and the foyer area, which is a bit of a problem in wet weather at the moment - thus demonstrating our ongoing commitment to keeping that library open - and we are initiating discussions with the relevant library unions with a view to looking at not cutting back opening hours but in fact extending them.

Ambulance Service - Overtime and Redundancy Payments

MR DE DOMENICO: Madam Speaker, my question without notice is to the Deputy Chief Minister, Mr Berry. I refer to a question asked previously this afternoon by Mrs Carnell. Mr Berry, what is your Government's policy on recovering overpayments when pay sections make such payments? As you understand it, what are the procedures for getting back money that has been overpaid?

Ms Follett: Just like Mr Cornwell. Ask him. He would know.

MR BERRY: Yes; one of your own knows about it. You should have talked about this in caucus and he would have been able to explain it to you. He would have closer knowledge of it than I do.

Mr De Domenico: Tell the public about the Government's policy. The question was about the Government's policy.

MADAM SPEAKER: Order!

MR BERRY: I do not have it chapter and verse in front of me, but what I can say to you is that one of the most important things that you have to deal with is the ability to pay. You have to consult with people, where there is an overpayment issue, and discover the ability to pay. That is something that we would do in relation to anybody, where there had been an overpayment, whoever was responsible for the overpayment. There is not much point in trying to get blood out of a stone. This is an issue of dealing with the matter compassionately. I can say to you that, within the arrangements in the public service, this will be dealt with compassionately, the same as it would be for any other officer.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Mr Berry, have the officers concerned been told how much they have to repay, when they have to repay it and how it is going to be collected?

MR BERRY: In relation to how it will be collected, as I just said to you, there will have to be consultation with the officers on how that might be achieved.

Mrs Carnell: That would be the first time you have consulted with them on anything.

MR BERRY: Hang on a minute. You asked, and I have told you that there will be consultation with the officers. When are you going to get sick of this issue? The people involved in the recovery of the money, I can tell you, will be compassionate when it comes to the recovery of it. The officers might agree that it be paid back immediately. I do not know the exact share which is involved in relation to each of them, but I can say to you that responsible managers will take the issue up with the officers. If they choose not to pay it all back immediately or if there is some other dispute, that matter will be dealt with. If they choose to pay it back within a reasonable time and that is agreeable, then that is the way it will be dealt with. It is not something that one arbitrarily decides upon, given the circumstances.

Mulligan's Flat

MS SZUTY: Madam Speaker, my question without notice is to the Minister for the Environment, Land and Planning, Mr Wood. Can the Minister inform the Assembly as to what decisions have been made about the final boundaries of Mulligan's Flat, and when will the boundaries of the area be gazetted?

MR WOOD: Madam Speaker, final decisions are about to be made. I know that this has gone on for quite a long time. I think I indicated almost a year ago that we were close to determining that boundary. Because of approaches from various groups and because of the Government's own very deep interest in that area, we wanted to be as generous as possible in establishing those boundaries. In fact, tentative boundaries had been drawn up and then we had another look at it. We thought we had better do something about preserving the very large artificial pond or lake - whatever you want to call it - and prevent any urban run-off onto that at some stage in the future. That study took some time. It has been completed and I can tell you that a further significant area will be added to Mulligan's Flat. I have seen a boundary that I think is pretty final and it will not be long, I think, before I will be announcing that. I know that this has been a bit of a theme of mine, but I think it has been worth while. It will be quite a long time yet before there is any urban development in that area. The longer time than I had expected that has been taken to establish this boundary, I think, will be well worth while.

Ambulance Service - Overtime and Redundancy Payments

MR KAINE: Madam Speaker, I have a question to the Minister for Health. Minister, in connection with the matter of alleged overpayments to ACT ambulance officers, given that the second report has backed up the first one in exonerating - - -

Mr Lamont: Hello; three in a row.

Mr Humphries: It is a bit hard to get three answers.

Mr Lamont: This is breakfast, dinner and tea.

MADAM SPEAKER: Order! Mr Kaine has the floor.

MR KAINE: I would like the Minister to hear this question, Madam Speaker, because then he might answer it. Given that the second report has backed up the first one in exonerating the ambulance officers of any wrongdoing, does the Minister now concede that he has allowed those officers, quite unreasonably, to be exposed to months in the public spotlight, having their reputations and integrity questioned? Does the Minister not concede that he has allowed this to occur?

MR BERRY: Who drafted that question? I can see that you did not, Trevor. You would have more sense than to ask a silly question like that. This is the *Canberra Times* of 10 April, and the heading is, "TWU calls for AFP to check payments". It goes on to talk about the issue and it shows photographs of the officers. Of course, I did not draw that to the attention of the *Canberra Times* and neither did my department, so how on earth can you claim that I or any government officer has been responsible for dragging this thing out into the public arena? Mrs Carnell is mostly responsible for all of this. Even the Auditor-General, when he investigates these issues, does not mention the names of people.

Ms Follett: He did not mention Mr Cornwell.

MR BERRY: He did not mention either of two of your colleagues.

Mr Kaine: I did not mention any names, either.

MR BERRY: Neither should you. I would have thought you would have exercised better judgment in relation to these issues. Mrs Carnell has asked for the air to be cleared in relation to this matter. She has talked about a kangaroo court and talked about the officers - - -

Mrs Carnell: What is the date on that, Mr Berry?

MR BERRY: This is 14 April 1993.

Mrs Carnell: That is right; and what is the date today? June?

MR BERRY: And you are still going on about it. You have not stopped. You should take a breath. Here we go again - and I quote: "The superintendents" - obviously they have talked to the *Canberra Times* - "had said they were upset because the investigation into overpayments" was going on. It continues, "They had told the Leader of the Opposition, Kate Carnell" - it just goes on and on. It is the officers and Mrs Carnell who have drawn attention to this issue, but the one who has made the biggest meal out of it has been Mrs Carnell. I suggest that, at Mrs Carnell's urging, the officers have sought to - - -

Mr Humphries: How do you know?

MR BERRY: I have watched her operate. You do not have to be real bright to work out how she operates, after watching for a year or so. So, Madam Speaker, and Mr Former Leader of the Opposition, it was not I who drew any public attention to them. I am sorry, sir; it was all the fault of your leader. I suggest that she drafted the question for you. She has been a little absent-minded about the past on the issue.

MR KAINE: I have a supplementary question. Since the Minister clearly had the information and the responsibility to set this matter at rest some time ago, and given his commitment to social justice, does he intend to compensate these officers for personal and public suffering incurred, particularly given the fact that it was his own department which was responsible for the overpayments?

MR BERRY: There was never a public issue and there was no public disquiet about the matter until Mrs Carnell got into the act. You have mucked it up again and you have caused a great deal of unnecessary strain and tension for these officers. If you seek to make a political and public meal about these issues and you draw public attention to them, and if you feel that you have damaged them, then dig deep, because you are the one who owes them an apology, not the Government. The first public announcement in relation to this matter was made today in a press release by Mrs Belsham, and it clears the air, as you asked. Having asked for the air to be cleared, having drawn a lot of public attention to these officers, when will you be satisfied? We have done our bit, and all you have done is continue with the - - -

Mr Kaine: I raise a point of order, Madam Speaker. I seem to recall that it was I who asked this question. Would he mind answering me and not addressing his remarks to the Leader of the Opposition?

MADAM SPEAKER: Thank you, Mr Kaine.

MR BERRY: This is something that you would not do. Mrs Carnell has tabled the pay sheets and overtime sheets with the officers' names on them. So do not talk to me about dragging it out. Who drags it out?

Mr Kaine: I have not seen the pay sheets. May I have a look at them?

MR BERRY: Yes, you may. You might ask Mrs Carnell how much she thinks she owes them in compensation.

Rural Leases

MR LAMONT: First of all, I wish to thank the former Leader of the Opposition for exposing the current Leader of the Opposition's mistake in pursuing that matter. In fact, it was done almost as well as we could do it, Mr Kaine. My question is directed to the Minister for the Environment, Land and Planning. What steps is the Government taking to implement its rural leases policy?

MR WOOD: Madam Speaker, Mr Lamont is short and to the point. There has been some comment among the people occupying rural leases because there has been a fair period of time between the tabling of my response to the report of Mr Moore's committee and what they see as an outcome. That has been justified because there has been quite a deal of activity. We are looking at the position of withdrawal clauses. We are looking at whether we have one or two or three bands of terms for leases and some other significant matters. There have been a number of meetings with the rural lessees. We are considering the matter very carefully. We are listening attentively to what they say. I think matters are drawing to a conclusion, so that we will have a response for them next month, which was our original timetable. If it appears slow, it is because it has been very carefully examined, and, I might say, in full consultation with the rural lessees.

Child Welfare

MR CORNWELL: Madam Speaker, my question is to the Minister for Housing and Community Services, if I might use that latter term loosely. There was a story in the *Canberra Times* yesterday, Minister, about a 14-year-old girl who has run away from home and is now living with an adult male. The parents tried unsuccessfully to obtain help from welfare, who seemed more interested in raising and pursuing unsubstantiated questions about incest against the father than in addressing the real and current issue, namely, an under-age runaway girl living in a bedsitter with an adult unrelated male. I ask: What are you doing about both the dereliction of duty and the apparent incest bias of your welfare staff, or are they acting under orders to do nothing because the Labor Party platform here calls for the lowering of the age of sexual consent to 13 years?

MR CONNOLLY: Madam Speaker, while in America I learnt a phrase that is popular in the Texas Democratic Party. I think it was first coined by Lyndon Baines Johnson. It is, "From the gutter to you ain't up". That sort of a question really is something that the Liberal Party might contemplate. Unlike you people, we do not like engaging in revealing private information in this chamber - like revealing wages sheets. The claim in the *Canberra Times* that welfare did not intervene or did nothing in that case is totally wrong. The facts as presented by Mr Cornwell are very wrong. However, I am not, in this place, going to outline the individual family circumstances surrounding that girl and the father and the allegations of incest. It would be most inappropriate for me to do that in this place. However, I am prepared to offer Mr Cornwell a briefing on that from my departmental officers outside of this place.

To get in here and use that sort of a question to raise that stupid and grubby point about reducing the age of consent really does not do Mr Cornwell credit. I would, however, in relation to the age of consent, explain to Mr Cornwell what the law is in the ACT, which is precisely what the platform of the Labor Party refers to; that is, acts of sexual involvement between young people are not criminal offences in the ACT. That is what the Labor Party platform refers to. Where there is a two-year age difference, or less than two years, it is not a criminal offence for a 13-year-old and a 14-year-old to engage in heterosexual activity.

Mr Cornwell: We are not talking about 13- and 14-year-olds.

MR CONNOLLY: You are talking about allegations about a young person and an adult. Welfare is across this case; it has been involved in this case. There are very complex family relationships here, very nasty allegations on all sides. I am not going to air that dirty linen in this place. You pick an individual welfare case and make sweeping allegations, stupid statements, about pro-incest bias in the welfare authorities, denigrating welfare authorities. I would expect that every member of this Assembly - well, perhaps every member but you - would expect child welfare authorities to take allegations of sexual assault of children very seriously. To talk about the pro-incest bias of welfare authorities, suggesting that they are overzealous in being wary and prosecuting child sexual assaults, panders to the worst sort of biases out there in the community against the welfare sector. It does the Liberal Party no credit to have this sort of performance in the Assembly.

Madam Speaker, welfare was involved in that case. The facts of that case are not as stated in the particular newspaper report. I spoke to the journalist concerned, but I said to him, "You would understand that I cannot go into details of individual matters with you". Indeed, the journalist did understand that and did not expect me to do that. Nor will I do that in a public forum here. But, if Mr Cornwell is genuinely concerned about that case, I can arrange for an officer to brief him about it, as much as I have been briefed about it.

MR CORNWELL: I ask a supplementary question, Madam Speaker. I now quote from the *Canberra Times* article one of the people concerned in this: "I would advise no-one to touch welfare with a 40-foot pole. They didn't provide a service to the family". Would you like to comment further, Minister?

MR CONNOLLY: That may be the view of one individual. You refer to the circumstances about why welfare was wary of individuals. I am not going to go further into it. People can make allegations about welfare. I am satisfied that welfare handled that case properly. If Mr Cornwell is concerned about that case or other cases, I would urge him to raise them with my office. We will look at the individual circumstances and brief him. To come in here and run that sort of question, as I say, panders to that bias out there in the community about welfare and sexual assault matters. I expect my welfare officers to take any allegation of sexual assault of children extremely seriously. I know that a lot of people get annoyed about that; but that is the case, and it will be the case so long as I am responsible for the department.

Captain Cook Memorial Water Jet

MR MOORE: Madam Speaker, my question is to the Chief Minister and has to do with the expenditure of ACT money compared to the expenditure of Commonwealth money. It refers to page 300 of the ACT *Gazette* No. 14, in which we see two contracts arranged for the repair of the Captain Cook jet involving a total of $32,000 to $33,000. Can the Chief Minister explain to the Assembly whether these repairs were paid for by the Commonwealth Government or the ACT Government, and what should be the case?

MS FOLLETT: I thank Mr Moore for the question. I have had a long wait, Madam Speaker. Thank you very much.

Mr Moore: And for informing you.

MS FOLLETT: I also thank him for giving me a bit of notice of it. Madam Speaker, the short answer to Mr Moore's question is that the Commonwealth has provided funding for both of these projects. The ACT Government manages and maintains Lake Burley Griffin, including the Captain Cook jet, on behalf of the Commonwealth. On this occasion the two contracts that were tendered for were for essential repairs to the Captain Cook jet and some associated pipe work. The first, No. 211140, was for welding and repair of a hole in the main pipeline, at a cost of $12,250; and the second, No. 211141, was for the design, construction and installation of stainless steel components of that jet, at a cost of $20,385. I repeat, Madam Speaker, that, whilst the ACT manages these facilities, we do so on behalf of the Commonwealth and it was the Commonwealth who provided the funding. The contracts were prepared by ACT Public Works within the Department of Urban Services in the usual way.

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

SUBORDINATE LEGISLATION
Papers

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

The schedule read as follows:

Agents Act - Determination of fees - No. 53 of 1993 (S107, dated 15 June 1993).

Co-operative Societies Act - Determination of fees - No. 52 of 1993 (G24, dated 16 June 1993).

Electoral Act - Electoral Regulations - No. 24 of 1993 (S106, dated 11 June 1993).

Land (Planning and Environment) Act - Determination of criteria for direct grants of Crown leases - No. 54 of 1993 (S108, dated 16 June 1993).

DRUGS - SELECT COMMITTEE
Report on Benzodiazepines and Dependence - Government Response

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.01): Madam Speaker, for the information of members, I present the Government's response to the interim report of the Select Committee on Drugs entitled *Benzodiazepines and Dependence: 'A Tranquil Addiction?'*, and I move:

That the Assembly takes note of the paper.

I would like to thank the Select Committee on Drugs for its valuable report on benzodiazepines and dependence. The title for this report, *A Tranquil Addiction?*, reflects key elements of benzodiazepine addiction. The benzodiazepine group of drugs are designed to relieve stress, tension and anxiety, and in some cases induce sleep.

The nature of benzodiazepine dependence is complex and people experiencing problems are unlikely to beat down our doors seeking assistance. Withdrawal symptoms will occur in about 40 per cent of people using benzodiazepines regularly if their intake is reduced. Without expert advice and support on how to withdraw gradually, these symptoms can be extremely distressing. Yet, Madam Speaker, use of benzodiazepines appears to remove the will of people to insist on support or to identify its use as a major problem. In particular, the committee has identified that, for various reasons, prescribing these drugs for women is more common. This in itself has implications for the sort of education program and forms of therapeutic support that we should provide.

Madam Speaker, I commend the committee for bringing down a practical report which addresses relevant issues. The committee has made a series of recommendations relating to the assessment of needs, the monitoring of prescribing practices, and support services for people affected by benzodiazepine use. In responding to the recommendations, the Government is mindful of the competing priorities in the health budget. Madam Speaker, I believe that substantial progress can be made in implementing these recommendations even within this climate of restraint.

The first recommendation relates to obtaining data on usage within the ACT. It is essential to get a better picture of the extent of this problem. Data from both the Woden Valley Hospital and Calvary Hospital and records of presenting problems in non-government services will give some insight into the nature of the problem in the community. To conduct a fully fledged epidemiological study may cost in the vicinity of $125,000. The ACT Department of Health will be seeking this funding from an external source to commission the research study. The committee recommends that quarterly statistics be maintained about prescribing patterns and dose per 1,000 head of population. I understand, Madam Speaker, that the Health Department can set up systems to provide data on quarterly statistics. Regular reporting by pharmacies and subsequent analysis of data will have cost implications.

The Government supports the development of a management plan to deal with benzodiazepine problems. An essential precursor to this plan will be data obtained from the proposed epidemiological study and the collection of quarterly statistics. The implementation of a wide-ranging educational campaign, while supported by the Government, will depend on the results of the epidemiological study, to enable effective targeting of the campaign and assessment against competing health priorities. Access to services by people, particularly women, affected by benzodiazepine addiction is a key element of this report.

The report has made a number of recommendations concerning the maintenance and expansion of services. The Government is committed to responding positively where the need is clearly established and where budgetary constraints permit, taking into account overall health priorities. The Government is also committed to providing an appropriate mix of services through the Alcohol and Drug Service grants program in a time of contracting financial resources. A national decision to allocate some of these resources to assist harm minimisation initiatives by law enforcement agencies will further shrink the grants budget.

Mr Moore: Yes, that is a great shame.

MR BERRY: Win some, lose some. However, the Alcohol and Drug Service will review the "coming off pills entirely" program, or COPE program. This review will include access to the program, means of offering it more frequently, and publicising it to potential client groups.

Madam Speaker, governments are continually faced with tough decisions about priorities with the available financial and human resources. In this case, while there are cost implications, we are able to offer support to people suffering benzodiazepine dependence now. However, we need to know more. The select committee has provided a blueprint for action which can be implemented in a staged manner to build on knowledge about the nature and extent of benzodiazepine dependence in the Territory. This will allow us to develop services in a manner consistent with the strategic use of our limited resources. Madam Speaker, I present the Government's response to the select committee's report and I wish once again to thank the select committee for its work.

MR MOORE (3.07): Madam Speaker, because of the brevity of the report and the fact that the Government's response to it has been positive, I will take this opportunity to make a few comments. The most important finding, I think, of the select committee looking into benzodiazepines was that there simply was not enough information upon which to base sound decisions. That response has come through in Mr Berry's reply to the committee. The need for an epidemiological study to determine the needs is clearly important and has been accepted by the Minister, and, appropriately, we will be seeking funding for such a thing from where funding is quite readily forthcoming in Federal sources.

Madam Speaker, an epidemiological study of that type is likely to need to survey 3,000-odd people in the ACT to be able to get any reasonable data, so it will be a quite extensive survey. Clearly the committee, in making its recommendations, was very conscious of the budgetary situation in the ACT. I think this has been a characteristic of almost all committees in this Assembly. They have not made

recommendations just willy-nilly, saying, "You should do this and you should do this", without any consideration of financial constraint. Perhaps that is part of the reason why the Government, in responding, is able to take positive account of so many of the committee's recommendations. I think that the approach taken by the Minister, first of all to carry out the study and then to follow that with the other actions, is the logical and rational way. It pleases me greatly to see such a positive response from the Government.

Question resolved in the affirmative.

MENTAL WELFARE LEGISLATION
Exposure Draft

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.09): Madam Speaker, for the information of members, I present an exposure draft of mental welfare legislation, and I move:

> That the Assembly takes note of the paper.

Madam Speaker, the draft Mental Welfare Bill has been prepared as a result of the ACT Government's response to the *Balancing Rights* report of the ACT Mental Health Review Committee. The Labor Government has a strong commitment to improving the ACT's health services, and, in particular, improving the mental health legislation applicable in the ACT and mental health services. The Bill now before the Assembly demonstrates this Government's commitment to reform mental health legislation. It is released as an exposure draft for community consultation. The Bill is not set in concrete; it is the platform upon which we intend to base further discussions. The Government is indebted, Mr Deputy Speaker, to the ACT Mental Health Review Committee whose *Balancing Rights* report was the springboard from which this legislation was launched.

The central element of the Mental Welfare Bill is the establishment of a new mental welfare tribunal. My colleague Mr Connolly has been largely responsible for the development of this aspect of the legislation. In addition, Mr Connolly also has been responsible for the Crimes (Amendment) Bill which he will be tabling also as an exposure draft. These two Bills are a comprehensive package of reforms to give effect to the Government's commitment to social justice principles. The Bill will replace the Mental Health Act 1983. Many of the provisions of that Act have been carried over to this Bill. However, there have been some significant modifications to incorporate recommendations of the ACT Mental Health Review Committee.

In its report the Mental Health Review Committee noted in relation to mental health legislation that:

> A balance has to be struck between the individual's basic rights and those of his or her family and the community. To the extent that mental health legislation takes away rights, it must enshrine an individual's right to treatment in the least restrictive settings.

Mr Deputy Speaker, the Government wholeheartedly endorses this statement and we hope that this Bill will meet this ideal. This Government is committed to the principle of providing treatment and care in the least restrictive environment for mentally dysfunctional people and the preservation of their human rights. We have endeavoured to produce legislation that is more user friendly for mentally dysfunctional persons and relatives and carers. In particular, the tribunal will be a less formal and less threatening body to make decisions in relation to mentally dysfunctional persons. People with a mental dysfunction are often disadvantaged, as they experience difficulties in communicating effectively and having their needs addressed. This Bill, Mr Deputy Speaker, addresses this problem by ensuring that the Community Advocate is available to assist mentally dysfunctional people as necessary.

The tribunal will be specifically tailored to consider the needs of people affected by a mental dysfunction, as it will have a representative from the judiciary, the mental health profession and the community. The tribunal will also have the power to draw on the expertise of other professionals as necessary. The tribunal will have a much broader role than that currently being performed by a magistrate under the Mental Health Act. The tribunal will have jurisdiction over persons affected by a mental dysfunction, which will include people who are intellectually disabled or mentally ill or who may suffer from a personality disorder that creates substantial living difficulties. Unfortunately, Mr Deputy Speaker, the experience of the past has been that the mental health system has operated to make it inevitable that some people who are mentally dysfunctional are not provided with timely treatment or an appropriate management regime to meet their needs. This legislation, together with new services and facilities, will ensure that these people no longer fall through the gaps.

Applications or referrals to the tribunal may be made by relatives, friends, doctors, welfare agencies, concerned neighbours, the police, the court, the DPP, or the Community Advocate. The essential elements for an application are that the applicant has reasonable grounds for believing that, because of mental dysfunction, the person's health and safety is, or is likely to be, substantially at risk, or the person is, or is likely to be, a danger to the community. An application must be accompanied by a statement specifying the grounds on which the applicant has formed this belief. The tribunal will have jurisdiction to inquire whether a person who is referred to the tribunal needs to be assessed by a psychiatrist or a psychologist; to arrange or order assessments for persons who are apparently mentally dysfunctional; to make mental welfare orders which may include orders for psychiatric treatment, counselling, care or support or residence at a particular place; and regularly review mental welfare orders.

Mr Deputy Speaker, the tribunal not only will have jurisdiction to make decisions about civil patients but also will have a role in relation to people who have come into contact with the criminal justice system. The Government wishes to ensure that people do not become entangled in the criminal justice system if their needs could be more appropriately addressed within the health or welfare systems. The current Act does not deal with these issues. We have included provisions in this Bill to address these problems. In particular, the tribunal has functions in relation to assisting police to determine the best course of action for persons who have been arrested but are apparently mentally dysfunctional; determining whether a person who is charged with an offence is fit to plead; providing

assistance to the courts in the sentencing process when requested by the court; and regularly reviewing the cases of persons who have been found unfit to plead or who have been detained following an acquittal on the grounds of mental illness, and, where appropriate, to order their release.

The Mental Welfare Bill, Mr Deputy Speaker, together with the amendments to the Crimes Act, will ensure that mentally dysfunctional people are no longer inappropriately dealt with by the criminal justice system. I commend the exposure draft of the Mental Welfare Bill to the Assembly and I look forward to receiving the comments of the public and of my fellow Assembly members on these important issues. I present the explanatory statement.

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

CRIMES LEGISLATION
Exposure Draft

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.16): Mr Deputy Speaker, for the information of members, I present an exposure draft of the Crimes (Amendment) Bill. I move:

> That the Assembly takes note of the paper.

This Bill complements the Mental Welfare Bill which my colleague Mr Berry, the Minister for Health, has just tabled in the Assembly. The mental welfare tribunal established by that Bill will have an important role to play in relation to mentally dysfunctional people who come into contact with the criminal justice system. It has been clear for many years that some mentally dysfunctional people are inappropriately caught up in the criminal justice system. The provisions of the Mental Welfare Bill will allow police or the Director of Public Prosecutions to refer people to the tribunal to determine the best course of action for persons who appear to be mentally dysfunctional. The tribunal will have appropriate powers to assess these people and make orders for their welfare. We hope to ensure that people will not become entangled in the criminal justice system if their needs could be more properly addressed within the mental welfare system.

The Crimes (Amendment) Bill will amend the Crimes Act to provide for the courts to refer a mentally dysfunctional person to the tribunal in certain circumstances. At present, if a mentally dysfunctional person comes into contact with the courts it will usually be the Magistrates Court in relation to a summary offence. The magistrate may conclude that, having regard to the person's mental dysfunction and the minor nature of the alleged offence, it is appropriate that the charge be dismissed and the person referred to the mental welfare authorities. The Bill confers on magistrates the power to make such orders and ensures that they retain the flexibility to make other appropriate orders in these cases. Magistrates will be able to seek advice from the tribunal as to whether a person is mentally dysfunctional and recommendations as to how the person should be dealt with. The Magistrates Court will be able to refer mentally dysfunctional persons who have been convicted of a summary offence to the tribunal for the making of a mental welfare order.

The Bill also contains significant new provisions relating to mentally dysfunctional persons committed for trial in the Supreme Court for indictable offences. In future, the Supreme Court will refer a mentally dysfunctional person to the tribunal for a determination as to whether the person is fit to plead to a charge for an offence, for advice on the sentencing of the person if he or she is found guilty of the offence, for advice on how the court should deal with the person if he or she is found not guilty of the offence on the ground of mental illness, and for the tribunal to make mental welfare orders for the person if imprisoning the person would be inappropriate. The tribunal will have the important function of assisting the courts by making determinations as to fitness to plead. The Bill is based on the view that a function of this kind, involving as it does complex questions about the person's mental capability, is best determined by an expert body like the tribunal.

The Bill also involves a major change to the law in relation to the defence of insanity. The Bill introduces a statutory version of this defence. This will allow a broader range of people to use the defence and updates the law in this area. At present, persons who are found not guilty of indictable offences on the grounds of mental illness are detained indefinitely at the Governor-General's pleasure. This Bill will continue to require the imprisonment of such persons where the offence involved is a crime of violence, but in future the mental welfare tribunal will have the function of reviewing the cases of these persons on a six-monthly basis and determining whether they should be released. The Mental Welfare Bill sets out the factors to be considered by the tribunal in carrying out this function, which will include the nature of the offence, the nature of the person's mental dysfunction and whether the person is a danger to the community.

I commend the Crimes (Amendment) Bill to the Assembly and look forward to receiving the comments of members and the public on this very important legislation.

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

BRADDON HOUSING DEVELOPMENT INQUIRY
Papers and Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.20): Pursuant to the resolution of the Assembly of 18 May 1993 and for the information of members, I present the report by Mr Todd on the inquiry into section 22, Braddon, which includes both part 1, the report, and part 2, the submissions. I seek leave to make a statement.

Leave granted.

MR WOOD: Because there has been public speculation about this report in advance of its presentation to this Assembly, I thought I should begin the Government's response by describing the process by which the inquiry was conducted and the type of inquiry this Assembly established. I will then outline the Government's responses to the matters dealt with in Mr Todd's report.

To comply with the timeframe determined by the Assembly, Mr Todd adopted the following process: All involved were asked to lodge with his inquiry any suggested difficulties for examination. Mr Todd provided a list of accepted difficulties that fell within the terms of the inquiry. He then called for submissions on those difficulties and conducted interviews with the makers of statements or submissions. Appropriately, Mr Todd had access to all the files on the Braddon section 22 process and to all those within the ACT administration whom he wished to interview.

Turning to the nature of the inquiry, I think it is best illustrated by quoting paragraph 10 of Mr Todd's report. It reads:

> I am aware that at various stages of the matter allegations have been made or forecast of impropriety or worse having occurred in the course of the development proposals the subject of the inquiry. I am however firmly of opinion that, whatever may have been the intention of the framers of the motion, the wording of it is in no way apt to lead to a conclusion that the consideration of, still less the ruling upon, the truth or otherwise of such allegations is properly within the ambit of this inquiry. An inquiry into such matters would have to have very distinct terms of reference, legally drawn or settled, raising very specifically the need to consider and rule upon allegations of impropriety. Such an inquiry would need to be conducted in an adversarial manner, with the ability to compel the attendance of witnesses and for them to be able to be cross-examined. Those accused of impropriety would be entitled to know, with some precision, what allegations are made against them. There would necessarily of course have to be a right of legal representation. Innuendo and surmise are not enough, and can do great harm without an opportunity being available to those impugned to clear their names. I can say no more than that I found nothing in the material before me, or in the interviews that I conducted, to make me suspect any improper conduct.

There are some in the community who think we should have established a different form of inquiry. Again, because there has been public speculation in advance about consideration of this report and because the document is critical of this Assembly, I table a letter from the Conservation Council of the South-East Region and Canberra to Mr Todd, and Mr Todd's referral of that letter to me. I note that the council's letter refers to submissions having been returned to it, and I refer members to paragraph 53 of Mr Todd's report, which says that the council eventually decided not to lodge a submission. Mr Todd has indicated why he did not report on the allegations concerning "mates". While this may not be the outcome some expected in the Assembly debate on the matter, Mr Todd's statement at the end of paragraph 10 of his report, coupled with the vague nature of the claims put forward in that earlier debate, suggests that the nature of the inquiry was appropriate.

I now wish to comment on the recommendations and other suggestions or comments made in the report, many of which reflect on the nature of the legislation. The Government is committed to review the Land (Planning and Environment) Act. It is a piece of legislation enacted by the First Assembly and bears some of the quirks of that Assembly.

Those long-suffering members from that Assembly will remember the circumstances prevailing when the Act was passed. If my memory is correct, over 100 amendments were moved during the final debate, many in handwriting and with no input from the parliamentary draftsperson. Some members may recall that an amendment passed in the morning had to be revoked in the afternoon, after officials pointed out that it rendered one section of the Bill unworkable. Given these circumstances and the contentions raised in comment during the formulation of the Bill, the Government will give consideration to the details of Mr Todd's report in its review of the legislation. The Government indicated during the debate on the legislation that it would be reviewing the provisions of the Act after it had seen how they were operating.

There are three additional items in the Todd report that I wish to address. The first is the point made that the statutory processes were not followed completely by the applicant in relation to the lease variation. The Land Act requires that adjoining leaseholders be notified by post of any proposed lease variation. It is the responsibility of the applicant to provide such notification. The Department of the Environment, Land and Planning advises applicants of the processes to be followed, which include the advertising of the proposal in the *Canberra Times*. The department requires applicants to sign a statutory declaration to the effect that notice has been given by post to adjoining lessees; the proposal has been advertised in the *Canberra Times*; persons having an estate or interest in the lease to be varied have been notified; and signs detailing the proposal have been placed on the blocks in question.

A statutory declaration to this effect was signed by the proponents on 16 October 1992. The department started to receive objections from adjoining lessees less than a week later. It therefore seems reasonable for the department to conclude, given the statutory declaration and the almost immediate response from adjoining lessees, that the statutory process had been followed. In this regard, it is interesting to note that the reason for specifying "by post" in legislation dealing with such matters is to draw upon the provisions of the Interpretation Act, which states that, if evidence of posting is provided, a notice shall be deemed to have been received even if such receipt is denied.

I am certain that in most circumstances a prospective recipient of a notice would argue that it would be better to hand deliver the notice if evidence of posting is considered evidence of receipt. It may be within the strict letter of the law that the statutory process was not followed in this respect by the applicants, even though they declared that it was. However, the intent of the provision was clearly complied with, because it is evident from their response that adjoining lessees were aware of the proposal.

The next point I wish to address is the fact that the project is a joint venture between the Housing Trust and a private development company. This fact and the role of the Housing Trust are addressed specifically in Mr Todd's report. I would like to place on record two of his comments. The report states:

> The fact of the combination of public and private interests did not as I see it create any difficulties that have arisen.

I further quote:

> There is however nothing before me to suggest, as did one of the submissions, that total management control was handed by the trust to the developer. I accept that considerable care was taken by the trust to try to ensure that the project evolved successfully within the parameters that the trust had set.

Finally, I would like to address a statement in the Todd report that there does not appear to be a pattern of early positive consultation in the planning culture. Under the policies of this Government, the Planning Authority has constantly been refining the processes of consultation. The planning legislation passed by this Assembly requires that there be consultation and seeks to ensure significant and effective opportunity for the community to have its say and be heard. Moreover, the Planning Authority often undertakes extensive consultation before any formal variation process has begun. It also carries out briefings at the start of the formal consultation process. I note Mr Todd's comments on this matter and reaffirm the Government's commitment to consultation. I believe that pre-consultation is the rule rather than the exception.

In summary, the Government notes that Mr Todd indicated:

> I found nothing in the material before me, or in the interviews that I conducted, to make me suspect any improper conduct.

The Government has already indicated that it will be reviewing the legislation. The Todd report will be fully considered in that process, and we will continue to improve our consultation processes.

MR MOORE (3.31): Madam Speaker, I note that Mr Wood sought leave to make a statement rather than submit a motion. I seek leave to make a short statement on the report.

Leave granted.

MR MOORE: The issues Mr Wood raised are appropriate and his comments on Mr Todd's report are also quite appropriate, considering what Mr Todd did. It is important to note the restrictions of an inquiry of this nature. I have written to Mr Wood on a number of occasions seeking an inquiry under the Inquiries Act or under the planning Act. An inquiry under either of those Acts could well have brought a different result.

I have in front of me a series of questions that were presented to Mr Todd with reference to the inquiry into section 22. They were returned because Mr Todd realised that, in an inquiry without the powers of privilege and other powers given under those Acts, it would not have been possible for him to deal with those questions. If members wish, I will be happy to table those questions; I am also happy to leave it at this point. I think it is important for us to understand that if we wish to run an inquiry that is designed to clear the air - I believe that that is the term Mr Wood used - it must be an inquiry under one of those Acts, or a royal commission, of course. It does require that sort of protection for the inquirer and the people appearing.

I think one of the most important issues raised by Mr Todd is the question of section 7(3)(c)(ii) of the Act. It was during the original debate that Mr Wood said that, although there were many amendments, and he referred to 100 or so, moved to that Act, I had not moved an amendment to that particular section of the Act. The reason I had not done that was that it was part of defined land, and I had spoken long and hard about the section on defined land, objecting to defined land. In so far as I spoke against defined land, it was appropriate for that area to be removed because it was part of the same concept. I am pleased to see that Mr Todd also finds that part of the Act to be inappropriate, although he has clearly not gone to the same extent that I argued during the original debate.

We had expected that the planning and land management Act would require some modification after a short time. I think some of the difficulties that have been identified by Mr Todd in this inquiry will be very useful in terms of the modification of that Act, and will be helpful to the Planning Committee when they look at that Act.

Mr Lamont: But you agree that there was no improper conduct?

MR MOORE: I have an interjection from Mr Lamont about whether I agree that there was no improper conduct. The questions I raised in this Assembly could not possibly be addressed by Mr Todd with that style of inquiry. I think that is a most important part of understanding this inquiry. However, it does deal with strategic planning and issues along those lines. It is probably appropriate that the report be noted. If any other members wish to speak to it, and I understand that Ms Szuty does in due time, that would be an appropriate way to respond. Under those circumstances, I seek leave to move that the report be noted.

Leave granted.

MR MOORE: I move:

> That the Assembly takes note of the report.

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

NATURE CONSERVATION LEGISLATION
Exposure Draft

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.36): Madam Speaker, for the information of members, I present an exposure draft of the Nature Conservation (Amendment) Bill. I move:

> That the Assembly takes note of the paper.

Madam Speaker, the draft Nature Conservation (Amendment) Bill 1993 contains proposals that will put into effect the Government's election commitment to develop legislation to identify and protect endangered native plants and animals, and their ecological communities. The draft Bill will be released for public comment for a period of two months. The draft Bill is a significant nature conservation initiative by the Government in recognition that the wildlife of the ACT is part of our natural heritage - a heritage with substantial cultural, economic and ecological values which it is our responsibility to conserve for the benefit of future generations.

The provisions of this Bill allow the ACT Government to be well placed to meet its responsibilities under national schemes to conserve Australia's biological resources. In particular, as signatories to the intergovernmental agreement on the environment, the ACT Government will accept certain obligations in relation to a national strategy for the conservation of Australia's endangered species and ecological communities. Similarly, following ratification of the convention on biological diversity, the ACT Government will participate in implementation of a national strategy for the conservation of Australia's biological diversity.

The proposed provisions establish a flora and fauna advisory committee whose main task would be to provide independent and expert advice to the Government on the conservation status of the native plants and animals and ecological communities of the ACT. Should the committee determine that a species or community is threatened, that its extinction is foreseen if circumstances threatening its well-being in the wild continue to prevail, then the Minister may declare the species to be either vulnerable or endangered, depending on the degree of threat, or declare the community to be endangered.

This action would set in train a statutory process to provide greater protection for the species or community concerned. Firstly, a species declared to be endangered, that is, in immediate danger of extinction, would have extra protective provisions apply by also being declared to have special protection status. Secondly, the conservator would be required to prepare an action statement outlining conservation proposals for the species or community. The advisory committee would also be responsible for identifying and assessing the ecological significance of processes that are potentially threatening to the survival in the wild of native species and communities. The Minister may respond to a committee recommendation by declaring a threatening process. The conservator would be required to prepare an action statement outlining management proposals to control the impact of a threatening process.

It is also proposed to address broader objectives for conservation of the ACT's biological diversity by providing for the Conservator of Wildlife to prepare a nature conservation strategy for the ACT. This document would contain proposals for ensuring the continuing survival in the wild of the native flora and fauna of the ACT, with particular attention being given to the management of potentially threatening processes and the development of community programs, including education programs, to promote nature conservation. The nature conservation strategy would involve extensive public consultation.

I would also like to foreshadow an amendment to the Land (Planning and Environment) Act 1991 which is currently under development and relates to this Bill. It is proposed that there be a provision for ministerial orders to be placed on activities which affect the conservation requirements of a species or community which has been declared by the Minister to be vulnerable and endangered. Madam Speaker, this is the second very significant piece of legislation that I have presented to this Assembly in two days - this one for public discussion. Again, this reflects the highest priority that the Government gives to protection and care of the ACT environment.

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

CORONERS LEGISLATION
Draft for Discussion

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.41): Madam Speaker, for the information of members, I present a draft for discussion of the Coroners (Amendment) Bill 1993, together with the explanatory statement, and I move:

That the Assembly takes note of the papers.

Madam Speaker, members of the Assembly will recall that on 8 April 1992 the Chief Minister tabled the Government's response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The Chief Minister, in her tabling speech, noted the need for reform in the area of coronial responsibilities and the law governing coronial inquests which the royal commission's recommendations had identified, and foreshadowed amendments to the Coroners Act 1956 to implement those recommendations.

I have had a draft Coroners (Amendment) Bill prepared which contains proposals for the amendment of the Coroners Act to provide for coronial procedures in respect of deaths in custody. Subject to some minor technical changes identified in the explanatory material, these proposals implement the recommendations of the royal commission relating to coronial procedures in so far as they are capable of being implemented by the amendment of that Act. The draft Bill proposes that the office of Chief Coroner of the Territory be established and that the Chief Coroner be responsible for the orderly and expeditious discharge of the business of the court, in particular the holding of inquests into deaths in custody.

The Bill proposes a wide definition of a death in custody which will include the death of a person who dies in a remand centre, while carrying out a community service order, while detained or in care under the Mental Health Act or the Children's Services Act, or while in the custody of a sheriff or a member of the police force. Under the proposed legislation the Chief Coroner will be required to notify the immediate family of the holding of an inquest into the death of a person who died in custody and the immediate family of such a person will be given rights under the Act, subject to the interests of justice, such as the right to view the body of the deceased and to inspect the scene of the death.

Community involvement is desired as to the manner in which the recommendations of the royal commission relating to coronial inquests are addressed. Accordingly, the draft Bill has been prepared as an exposure draft to allow interested community groups and agencies to comment on the proposed provisions over the next few months. The Chief Minister made an undertaking that initiatives proposed in response to the royal commission's recommendations would involve Aboriginal people from the planning stage to final implementation. The Aboriginal Advisory Council is now established and I welcome the response of the council to the Bill.

In addition to implementing the Government's response to the royal commission, the Bill incorporates a range of amendments arising out of a general review of the Coroners Act. Among these amendments are stronger powers of search and entry given to a coroner, and stronger offence provisions and a revised contempt

of court provision. The draft Bill is accompanied by an explanatory statement which gives details of the Bill and explains which provisions deal with the relevant recommendations of the royal commission. To sum up, Madam Speaker, the amendments contained in this draft Bill will play a crucial role in the implementation of the Government's response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody. It is important that members and the general community take time to examine this Bill and comment on it.

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

RATES AND LAND TAX (AMENDMENT) BILL 1993

Debate resumed from 15 June 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR KAINE (3.45): The Bill presented by the Treasurer the day before yesterday is in fact a simple one. It merely amends the Rates and Land Tax Act 1926 to determine the levels of general rates to be levied on residential, commercial and rural properties for 1993-94; and it varies the basis for the levying of land tax for that same year - something that I presume you can expect to see every year while we are trying to balance our budget in the ACT. Along with that Bill, the Treasurer announced a few other increases in fees and charges, but of course she has not by any means announced all of the increases that the Government intends to put into place over the next year. I am sure that we will hear about the rest of them later. Of course, the question arises: How much later?

The changes proposed by the Treasurer, in themselves, are perhaps somewhat innocuous, although they reflect the sheer panic being experienced by the Government in dealing with their budget for 1993-94. In hard economic times, with high levels of unemployment, reducing retail turnover, stagnant car sales statistics, high levels of business failure and personal bankruptcy, we might have expected that the Government would restrict increases in rates and land taxes to the absolute minimum. Yet, with the CPI at around 2 per cent, the rates on residential properties are to increase by 8.7 per cent on average; and land tax, as it relates to commercial properties, is to increase by 50 per cent - from one to 1.5 per cent - on those properties you consider as residential properties.

Ms Follett: Ninety-three per cent are under $100,000.

MR KAINE: Yes, that is a 50 per cent increase. The media and others have already made some comment about some of these charges. People bearing the burden of these additional imposts will, I guess, make their own judgments about their fairness and the social justice inherent in them. One has to assume that the Government is clearly desperately searching for every possible dollar that it can rake up, irrespective of whether it is justified, whether it is fair or whether it is socially just. I am sure that my colleagues here, in their comments in this debate, will speak further about that.

The Government's desperation is reflected not only in this Bill or in its ad hoc approach to the revenue and expenditure solution for 1993-94. It comes out clearly in the presentation speech made by Ms Follett, which speech has been described by some journalists already as a mini-budget. Whether it is a mini-budget or not, I do not know. It is certainly a speech reeking of ambivalence. It is a very timid mini-budget, if indeed it is one at all. It is a Clayton's budget strategy statement. It is a plaintive plea to the Commonwealth for help. It is a "blame everyone else" document for a budget dilemma which is in fact of the Government's own making. It is a weak attempt to prepare the community for a budget which means higher taxes and lower standards of service delivery for them, but without actually explaining why.

It is a timid mini-budget, Madam Speaker, because - like Ms Follett's preceding budgets - it simply avoids mention of the significant changes that must be made in the way government is carried on in the ACT. After two years of Labor, the number of ACT Government Service employees has increased from 21,000 to 23,000. But what is Ms Follett intending to do to reduce the huge payroll costs and overheads incurred by this increasing number of employees? It is evident that Ms Follett remains incapable of making major decisions about the structure of government and about the number of people on the ACT Government Service payroll, and she persists in her nip and tuck approach, which she defined as the basis of budgeting about three years ago. The nip and tuck approach did not work three years ago, it did not work two years ago, it did not work last year and it will not work this year. Ms Follett simply has to lift her game and look at the big picture rather than at a conglomeration of minor ones.

As I said, it is a Clayton's budget strategy. Ms Follett is clearly bereft of ideas on, or solutions to, her budget dilemma. She is in such a blue funk that she has been unable even to produce the budget strategy statement that the community has come to expect. The best she can do is to restate what she describes as the key elements of her 1992 strategy, which in itself was no strategy but merely a restatement of long established budgeting principles, and I quote them - a balanced recurrent budget, minimising borrowings, increasing revenue collections and achieving expenditure reductions. Those principles, she states, are her budget strategy. They are not a budget strategy. I repeat that they are simply principles of good budgeting. Some strategy indeed! But where are the necessary courses of action to achieve these objectives articulated? Where does Ms Follett tell us, even in imprecise terms, what the community can expect in terms of changes in types and levels of service to be provided and where reductions in expenditure are likely to occur? None of them are identified. She uses all the platitudes, but she does not say anything that is positive or that you can put your finger on.

Madam Speaker, it is an attempt to blame everyone else for Ms Follett's own budget dilemma. It is the fault of the big bad Grants Commission, which has the temerity to point out yet again that we in the ACT spend a great deal more than any other community can afford on such government services as health and education. It is the Commonwealth's fault because they will not see what a disadvantaged place Canberra is and give us special consideration accordingly. It is the fault of the Premiers Conference because States - such as Tasmania, Victoria and South Australia - struggling with devastated economies, will not see how badly off we are compared to them. One could ask, of course, which political party put those States in their present economic situations.

But of course it is not the fault of the Follett Labor Government, which has consistently failed to confront the reality of our situation, which has seen an increase in the public sector payroll, which has consistently failed to contain budget blowouts, which has consistently avoided the imperative of restructuring the organisations of government to achieve major reductions in the cost of government, which has as a matter of policy consumed every available reserve dollar as the easy way out of budget shortfalls - $53m in reserve transitional funds from the Commonwealth, the $25m transitional reserve created by the Alliance Government, $20m-plus a year from ACTEW - and which by restructuring ACTTAB will get its hands on the $20m of reserves accumulated by that body, presumably to help it solve its 1993-94 budgetary shortfall.

It is no wonder that the Minister is in such a heck of a hurry to get it done. There is $20m there and that will go a long way to filling the budget gap, will it not? The Government has a clearly documented history of consuming such reserves in the short-term interest, without regard to tomorrow. Tomorrow has now arrived and the piper has to be paid. I do not believe that the ACT community is going to applaud the Government when they finally discover the price that has to be paid and who is going to have to pay it. It is the taxpayer out there who will have to pay, and we have already seen the first signs of that in what the Chief Minister said two days ago.

Madam Speaker, I said that the Chief Minister's speech is an attempt to prepare the community for the worst without really telling them what the worst is or what the Government really intends to do about it. It is full of suggestive imagining. I will quote just a few. She said, "We must make budgetary decisions that ensure that we do not get out of our depth". Like what? What sorts of budgetary decisions? Give us a few examples of the budgetary decisions the Chief Minister intends to make to make sure that we do not get out of our depth. She is long on rhetoric but dead short on positive statements about what is to be done. Next, she said, "The forward estimates outlook has significantly deteriorated". Has it? How has it? To what degree has it, and why has it? The Chief Minister does not explain any of that. We are supposed to take on faith that the forward estimates outlook has significantly deteriorated. The average person would not know what that means anyway.

Ms Follett: I hope that you would.

MR KAINE: I do, but I would like you to tell me how, what and why. But you have not. As usual, you do not tell us anything. You do not tell the community anything. The third point is: After talking about same-money guarantees, you said, "This same-money guarantee has not been afforded to the ACT". What is the effect of that? If it has not been given to us, what is the result? What is its impact on the budget and what does the Chief Minister intend to do about it? That is the bit that is missing. The next one is: "There is broad recognition of the enormity of the financial hurdles". That is actually attributed to our peak community groups, with whom she claims to have consulted. What is the enormity of the financial hurdles that we have to jump? Why not tell the wider community? Why just discuss it with half a dozen selected people who happen to be executives of peak organisations? Talk about community consultation! This is not community consultation. This community consultation bit is a one-way street anyway - and I will come to that in a minute.

Another quote is:

> The Government has no option but to continue and to some extent increase the efforts being made to reduce the cost of service delivery for all program areas.

What on earth does it mean? Where are they going to cut? Where are they going to continue and extend efforts to reduce the cost of service delivery? Who is going to suffer? Where are the services going to be cut, and by how much are they going to be cut? Another big vacuum. Words; but no solutions, no action. Finally, she said:

> The ACT must live within its means.

That is nice. I do, and I am sure that Mr Lamont does; but presumably it is news that the ACT has to live within its means. She went on:

> This will require major changes in the scope and cost of services previously provided ... It will require significant changes in the community's expectations ...

But we do not even tell them what the change in expectation is likely to be. Words, words, words! When it comes down to it, they mean nothing. As usual, the Chief Minister and this Government tell us nothing; they tell the community nothing.

I mentioned that I would come back to consultation. Where is this community consultation that Ms Follett so persistently lays claim to? She tells us that she has consulted with some peak bodies, but even that consultation is a one-way street. That consultation consists of those peak bodies telling the Chief Minister what they think she should be doing, and they get no feedback. It is a one-way thing. Consultation, by definition, is a two-way street - you tell me something; I will tell you something - but not with this Government.

Mr Lamont: Mrs Carnell wants to spend, spend, spend, spend. What is your view?

Ms Follett: "All it takes is money", she said.

Mr Lamont: "All it takes is money"; that is what she said.

MR KAINE: You represent the Government, Mr Lamont, and the Treasurer represents the Government. I am suggesting that it is your responsibility to tell me, to tell Mrs Carnell, to tell the members of the Assembly, to tell the community the answer to the question that you asked. That is your responsibility. Clearly, if you are not an executive member of a peak organisation, even that one-way process is not available to you. No member of the public out there could even get an appointment to talk to the Chief Minister about it. We know of many people who sought appointments with members of the Executive, not necessarily to talk about budgets but to talk about a whole range of very important subjects, and they cannot get an appointment. So what is this community consultation that we hear so much about? Where is the consultation with the racing industry in the grab for the $20m of TAB reserves that I referred to a little while ago?

Mr Stevenson: What about the animal farewell Bill?

MR KAINE: These are just examples. This Government is not involved in any consultation with anybody and, to the extent that they are in discussion with them, it is a one-way discussion. They tell the Government, but the Government does not come back with the other half of this so-called dialogue.

Madam Speaker, this is no mini-budget. It is not a strategy. It is simply part of a piecemeal, nip and tuck approach to a major budgetary problem. It is an attempt to get additional revenue without saying what the money is needed for, what it is to be spent on, how big the problem is or who is going to pay it. We will not know until the Government trickles out little by little what the revenue increases are to be, and then we will get only a suspicion about who is going to pay the piper; we will not know where the services are going to be chopped, how many more beds are going to be taken out of our hospitals, how many teachers are going to be sacked from our schools. I talked about full anaesthetic and surgery yesterday. This is more of the same - a lot of surgery, a lot of anaesthetic; and over the next three or four months we might start to get a picture of the nature of the problem, how much it is going to cost, where the services are going to be cut and who is going to pay. But we should know now. Madam Speaker and Madam Treasurer, it is not good enough.

MS SZUTY (4.01): I wish to speak very briefly to the Rates and Land Tax (Amendment) Bill.

Mr Kaine: Would you like my notes?

MS SZUTY: You have already delivered your speech, Mr Kaine. I think I will rely on mine. I wish to raise three issues. The first issue relates to the Chief Minister's description of budget priorities. I recall that when Mr Moore and I were speaking at length on the budget strategy last year we made the comment that the Government perhaps needs to look at savings in its lower order of priorities to a greater extent than it does in other areas of its budget. Ms Follett, in her closing remarks, said that she would take note of the comments that Mr Moore and I made in last year's debate and incorporate some of our ideas into this year's budget strategy. In re-reading Ms Follett's presentation speech last night, I found the following comment:

> Savings will also need to be found in areas of lower priority to provide scope to meet emerging community needs within the constraint of achieving an overall reduction in recurrent outlays.

Ms Follett may not have paid terribly much heed to Mr Moore's comments and my comments last year. She may have come to this conclusion herself. Mr Moore and I are very pleased to see that the Chief Minister made that comment in her presentation speech.

I would also like to refer to the sliding scale for land tax which has been introduced in the Rates and Land Tax (Amendment) Bill this year for the first time. This is an eminently sensible suggestion. It means that people who own a parcel of land with an unimproved value that exceeds $100,000 will pay more in land tax. This is in line with similar provisions in other States and applies the burden in our community where people can most afford it. I think it is a very sensible strategy which warrants applauding.

The final comment that I wish to make refers to the surcharge for payment of land tax by instalments. I did raise this issue with the Treasury people when I received a briefing from them on this Bill on Wednesday morning. When we approach members of the community about the payment of their rates or the payment of their land tax, we really need to approach the matter in a fairly positive light rather than a negative one. We do it with the payment of our rates instalments, for example. We give people incentives for paying the amount of revenue on time. We offer people a discount for the payment of the full amount of money on time. Perhaps, with a little bit more forethought, we could have taken the same approach to the payment of land tax by instalments. I think we give people a very negative message by saying to them, "If you choose to pay this way, you will have to pay an additional surcharge in so doing". I think that there are better ways of going about asking the community for payment of money that obviously the Government desperately needs.

MRS CARNELL (Leader of the Opposition) (4.05): The Liberal Party will obviously not be opposing this Bill, as it is a money Bill. We do, however, criticise this mini-budget of sorts for the fraud that it is and for the burden that it imposes on the residents of Canberra.

Ms Follett: Trevor said that it was not a mini-budget.

Mr Kaine: Of sorts.

MRS CARNELL: Of sorts, yes. That is exactly what he said. The timing of the Bill and its taxation increases indicate the degree to which this Labor Government's estimates would have been thrown into disarray.

Mr Connolly: The timing? This happens every year.

MRS CARNELL: I know. The presentation speech repeats the myths of balanced budgets and the minimising of budgets. It confirms the practice of increasing revenue collections as this Government's only method of making its budget stretch at all. It is evident that the Follett Government expects the worst from the Federal Labor Government and that it is simply unprepared for the looming day when the ACT will have to be self-reliant and additional funding from the Feds will not be forthcoming.

The announced increases will take effect from 1 July so as to provide for a full-year benefit from these changes of a full $12.8m. What other increases await us, to be announced by gazette during the winter recess? What other little gems await us in the budget in September? The ACT will again be a pacesetter in Australia for inflation and the rate of increases in taxes and charges.
The Government expects that the ACT will have a CPI increase of 3 per cent. Against that we have an average increase in rates on land of 8.7 per cent or $55 on the average non-commercial property. Whatever the rhetoric, the facts are the same - $9m less in the pockets of land-holders and ultimately renters as well, and rates up by three times the rate of inflation.

Mr De Domenico: That is social justice!

MRS CARNELL: Yes, that is social justice! Renters will pay more. The Auditor-General has highlighted millions of dollars in waste in ACT administration. This has not been addressed. The people are asked to pay more instead. In the 1992-93 budget speech the Chief Minister said:

> Canberra can be a very difficult place in which to live for the poor, the unemployed and those bringing up a family by themselves.

That is wonderful rhetoric, but the truth is that they are paying dearly for this Government's ineptitude. Look at the facts. Their rates will go up; they will pay 10 per cent more for their parking fines. They are the same number of dollars whether you happen to be rich or poor. That is regressive, pure and simple. Motor vehicle registration will rise by 3 per cent. Canberra is a city of the car, and the poor will pay more as they often live in the furthermost suburbs. If they use ACTION buses they will pay 3 per cent more for their fares. That is a brilliant strategy "to get bums on seats", considering that we are supposed to be encouraging public transport patronage to reduce greenhouse gas emissions. Of course, increasing fares will in no way address the horrendous losses made by ACTION. This Government is making commuters pay for the Government's lack of capacity to come to grips with the necessary micro-economic reform.

Mr Connolly: The Business Council has congratulated us on that.

MRS CARNELL: For putting the fares up, Mr Connolly? This Labor Party is blaming the Federal Labor Government, Keating Inc.; yet it has known of the end of the Federal rainbow and the pot of gold for some years and is making painfully slow progress in improving the ability of the ACT to provide services without their costing the earth. Alternatively, this Labor Government could have increased taxes on tobacco and alcohol - - -

Mr Kaine: They will.

MRS CARNELL: They probably still will. This is an area where the ACT has lagged behind some other places in the country. The deleterious effects on health and the road toll of these products - - -

Ms Follett: Where? Where did we lag behind?

MRS CARNELL: Have you not heard about the increases recently? The deleterious effects of these products give ample argument for the higher taxation on these products. Whilst there was a substantial increase in the tobacco franchise fee in 1992-93, a rise of some 3 per cent would have lifted the ACT to the average of the rest of Australia as it now is. A further increase in anticipation of inflation of 3 per cent would have raised some $2m in total.

But the Labor Party has increased public transport fares, in relation to which Canberra is second only to South Australia in the rate of increase in recent years. There has been a 14.4 per cent increase in the ACT in the last three years versus 11.3 per cent nationally. The increase in general rates and land tax of 8.7 per cent comes on top of a 9.5 per cent rise in expected revenue from these items in 1993-94. Unlike much of the rest of Australia, the ACT has a comparatively buoyant economy and is better placed to cope with reduced Federal largess and greater financial self-reliance. The Government does not seem to be able to exploit this fully.

The presentation speech referred to not maintaining inefficient and low priority services and to inefficient work practices and duplication. There is no substantial evidence that this Government has done anything substantial that is consistent with this rhetoric. The Auditor-General has identified virtually millions of dollars in waste and sloppy procedures, and either nothing has happened or changes have been occurring only exceedingly slowly. The delays add to the budget and to the debt and deprive other areas of funds. The delays are an issue in themselves. It could be argued that quantum leaps could be made in administration efficiency, particularly in the health area, rendering the need for such substantial rises in taxation and charges unnecessary despite the threat of reduced Federal support and despite threatened further reductions.

It would be reasonable to expect a host of other increases to be announced in the budget in September, especially if the comments that Ms Follett made about the budget in September are right - that it will be the hardest one ever. When we hear the line about a true Labor budget, social justice and all that, we could equally say that the so-called true believers have now become the true deceivers. They have abandoned the little people. They take them for granted, and I think they are taking all of Canberra for a ride as well.

MR MOORE (4.14): Madam Speaker, I rise to support this Bill, and not simply because in the election we made it very clear that we would support money Bills introduced by the Government - in fact, that undertaking applies to supply and appropriation Bills - but because I think it is important to accept that hard decisions are made by this Assembly. This Assembly does have the power to override this decision, and therefore everybody who votes for this Bill votes for an increase in rates and land tax. That is the ramification of this Bill.

Mrs Carnell: That is right - and rents and bus fares.

MR MOORE: That is right. Therefore, all of us are taking the responsibility for this quite hard decision. Nobody wants to see their rates lifted. The average increase will be just over 8 per cent. Nobody wants to be the person whose rates go up by 30 per cent, as somebody living in Curtin told me the other day was the case.

It seems to me, Madam Speaker, that we face quite hard times, but not as hard times as people face in Victoria and places like that. In Victoria that is the result of an irresponsible government and irresponsible budgetary arrangements. That has not been the case in the ACT. It was not the case when Mr Kaine was the Treasurer; nor has it been the case under Ms Follett as Treasurer. Madam Speaker, the point that I want to emphasise today is that, unless somebody votes against this Bill, as members of the Assembly we all accept the responsibility for raising the rates in this town. It is a hard decision, but it is one that is appropriately made by the Assembly as a whole.

MS FOLLETT (Chief Minister and Treasurer) (4.16), in reply: Madam Speaker, in closing the debate on the Rates and Land Tax (Amendment) Bill could I, firstly, thank members for their contributions. In responding to comments that have been made by the Liberal speakers, I would, first of all, like to refresh members' memories on the Kaine budget record, especially for the benefit of Mrs Carnell, who was not here for that budget. Madam Speaker, in Mr Kaine's budget he increased rates by 16.6 per cent. That compares with today's Bill which seeks an

increase of roughly 8.7 per cent. Mr Kaine's one and only budget increased rates by twice as much as I propose to do. Mr Kaine increased the land tax by 33 per cent, from 0.75 per cent to one per cent. I do not think that Mr Kaine can claim to be quite the magnanimous Treasurer that he would now like to paint himself as. Also in Mr Kaine's budget he indulged - and I use the word advisedly - in new borrowings of $85.6m. Just to round out the picture, not only did Mr Kaine preside over an increase in the public service but he also, at the end of that budget year, came out with a deficit of $8.8m. So I would say to Mrs Carnell, in respect of her reference to the myth of balanced budgets, that the only time a balanced budget was not achieved on the recurrent side was when Mr Kaine was Treasurer.

Madam Speaker, I would also like to point to the fact that successive budget years have seen reductions in expenditure across the range of ACT agencies, to the point where we have now brought the initial Grants Commission's assessment of a 12 per cent above average expenditure down to 4.5 per cent. I think that is a considerable achievement in only four years. But there was one year which was an exception to that downward trend, and that was the year of the Alliance Government, 1990-91, when the level of above standard expenditure actually increased. That is Mr Kaine's record; that is the Liberals' record. To hear them talk today you would never believe that they could make such hypocritical comments as we have heard today. I would not have believed it.

Madam Speaker, the Liberals ought to get their act together and put up just one credible spokesperson on Treasury matters. I do not care which one it is. We saw Mr Kaine and Mrs Carnell both on television last night talking about this matter. Both spoke today. In my personal opinion Mr Kaine was by far the better. I do not think Mrs Carnell added a great deal to the debate. Mr Kaine was also heard to respond to me on the ABC radio program on Tuesday. On that occasion Mr Kaine did make a few errors, and he has repeated some of them today. On the radio program he said that during his term as Treasurer he added $80m to reserves. That is just not so.

Mr Kaine: No, I did not; I said $25m.

MS FOLLETT: I think you did. Madam Speaker, on Tuesday the figure Mr Kaine used was $80m; today he has brought it down somewhat. There is no way in the world that Mr Kaine could have put together that quantity in reserves, especially when you bear in mind that he actually came out with a budget deficit. I think that what Mr Kaine was referring to - and he had his figures mixed up a bit, but not as much as Mrs Carnell - was the $53m in transitional funding which became available from the Commonwealth in the 1991-92 budget. It did not come from Mr Kaine; it came from the Commonwealth. They were not Mr Kaine's reserves at all and that money was not available to him. Madam Speaker, in his very confused interview, I think Mr Kaine was referring to that $53m of transitional funding, and I think that is what he was referring to today.

Madam Speaker, I would like to refresh members' memories again on the use of that money. That $53m was not got rid of, as Mr Kaine seemed to imply. In fact, of that $53m - and, as I recall, this was in my budget speech at the time - $37m was used to fund the capital budget to achieve savings in debt servicing.

If you have funds to spend that will save you from borrowing, then I think that is a very good thing to do. Mr Kaine, on the other hand, borrowed $85.6m. So obviously he does not agree with the modest borrowing approach. Madam Speaker, the remainder of that $53m was actually used for restructuring projects.

In the 1991-92 budget the use of reserves was limited to $30m, not the $80m that Mr Kaine claimed and not the $53m that he spoke about today. It was actually $30m. Of that $30m, $25m was used to retire debt. I think retiring debt is an eminently sensible use of reserves, because it saves debt servicing costs in future years. When you have that money available, it makes sense to me to protect future budgets and protect the community in future years from a high debt liability. Madam Speaker, the remaining $5m of that $30m came out of the Community Development Fund reserves and was used to fund some community assets. But, again, those reserves, that $30m, had nothing to do with Mr Kaine's budget. I think that he has made a claim that really cannot be justified.

Madam Speaker, Mr Kaine also mentioned the community consultation process. I would like to say to members that the bodies I have so far consulted in a formal fashion include the Canberra Business Council, the Trades and Labour Council and the ACT Council of Social Service. The Canberra Chamber of Commerce has made a submission to me. They did not feel that they needed a meeting, although they were invited to have one. I have consulted the Economic Priorities Advisory Council of the ACT and so on. These consultations will continue. Madam Speaker, in the majority of the discussions that I have had so far, the parties to those discussions have acknowledged that their ideas have been taken up in budgets. They have acknowledged that and they are grateful for it.

I think that Liberal members opposite really should try to put together a coherent line on budget matters. I would suggest that Mr Kaine take that line, because it gets very confusing for people when we see Mrs Carnell on television talking about the health budget and saying, "All it takes is money". What a brilliant statement! Madam Speaker, according to Mrs Carnell, all it takes is money. This is from the current Leader of the Opposition - and I use that term advisedly, too. This is her approach to budgeting in the future. I think she threw in a bid for more staff as well - doctors, anyway. Madam Speaker, I just do not believe that that is a responsible or credible approach to the ACT's budget position, and I suggest that she leave it to Mr Kaine.

Madam Speaker, Ms Szuty raised a couple of issues to do, first of all, with savings in lower order priorities. That is certainly a matter which Ministers are giving attention to at the moment, but it is a hard task to ask Ministers to identify what they might call a lower order priority. Nevertheless, that scrutiny is going on at the moment. Ms Szuty also asked a question about incentives for payment of land tax in a lump sum. At the moment, as I am sure Ms Szuty knows, the only incentive is that you do not incur the surcharge that you do incur if you pay by instalments. The reason for that is that the land tax becomes payable or becomes a liability at a particular date. For most of your other taxes - your income tax and all that sort of thing - you pay when it is due. There is no question about it. You pay it on the day it is due. Therefore, it is a considerable concession to allow people a period of time over which to pay this tax for which they are liable.

There is, of course, an administrative cost in administering the instalment program. At the moment, and I do not intend to change this in the foreseeable future, the incentive for people to pay up front - that is, to reduce their liability up front - is that they will not incur the necessary surcharge that instalment payments involve.

Madam Speaker, I would like to make just a couple of other general points, particularly about the land tax matter. Whilst members have not raised the issue, I think there are some points that need to be made. First of all, I think members ought to understand that the sliding scale of land tax is a marginal taxing scheme. Whilst for properties with an unimproved value of $100,000 or less we propose that the tax remain at one per cent - and I might say that about 93 per cent of residential properties and also a considerable proportion of commercial properties fall into that category - if values go over $100,000 it does not mean that properties immediately spring totally into the 1.25 per cent bracket. Mr Kaine's comments indicated that he might have felt that that was the case. I am not sure whether that is what he meant. Madam Speaker, what it does mean is that the first $100,000 worth of unimproved value is charged one per cent. Only the proportion that is over $100,000 is charged the higher rate. So it is a marginal scheme, and I think that is the correct way to go. It has a lesser impact than you might at first think.

Madam Speaker, I also draw members' attention to the fact that unimproved values of commercial properties have actually decreased over the past few years. That has been the pattern throughout the country as the recession has affected those values. I think that it is therefore entirely reasonable to balance the burden of rates and land tax by looking at a sliding scale of land tax for commercial interests. I have asked my Treasury people to do some calculations for me on the rates for which the major shopping centres have been liable in the past few years. Whilst I cannot, of course, refer to individual businesses or individual organisations, I can assure members that between 1991 and the proposed arrangements for 1993-94 there has been an averaging out of the combined rates and land tax charges at Canberra's four major shopping centres. The average result is actually a decline of 1.3 per cent in their liability. There has been an average decline of 1.3 per cent across the four of them.

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 that the question be put forthwith without debate.

Question resolved in the negative.

RATES AND LAND TAX (AMENDMENT) BILL 1993

Debate resumed.

MS FOLLETT: To those members who may have been concerned about the sliding scale of land taxes being passed on to small business in those big centres, I would say that they ought to draw to attention the fact that the liability of those major centres has actually fallen. So there can be no justification whatsoever for passing on an increase on the basis of rates and land tax. Madam Speaker, if you take that decline of 1.3 per cent and add inflation to it, it actually represents a decline in real terms of over 6 per cent. I think you really need to have the full picture there.

Madam Speaker, I commend the Bill to members. I repeat what I said earlier - that 93 per cent of residential properties still fall under the $100,000 valuation; and, of course, owner occupied residential properties are still exempt from land tax.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That this Bill 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	
Ms Follett	
Mr Humphries	
Mr Kaine	
Mr Lamont	
Ms McRae	
Mr Moore	
Ms Szuty	
Mr Westende	
Mr Wood	

Question so resolved in the affirmative.

Bill agreed to.

ESTIMATES 1993-94 - SELECT COMMITTEE
Membership

MADAM SPEAKER: I inform the Assembly that the membership of the Select Committee on Estimates 1993-94, as determined pursuant to the resolution of the Assembly today, is Mrs Carnell, Mr Cornwell, Mr De Domenico, Ms Ellis, Mrs Grassby, Mr Humphries, Mr Kaine, Mr Lamont, Mr Moore, Ms Szuty and Mr Westende.

PRIVATE MEMBERS BUSINESS

MR STEVENSON (4.34): Madam Speaker, I seek leave to move the motion standing in my name under Private Members Business, No. 6 on the notice paper.

Leave not granted.

MR STEVENSON: Madam Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Stevenson moving the motion listed as Private Members Business, notice No. 6, standing in his name.

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

> That the question be now put.

Mr Stevenson: Madam Speaker, does that mean that I am gagged?

MADAM SPEAKER: Yes. Sit down please, Mr Stevenson.

Mr Stevenson: That is appalling. What about the five minutes - - -

MADAM SPEAKER: Sit down, Mr Stevenson.

Mr Stevenson: That is appalling. How long is this going to go on for?

MADAM SPEAKER: Sit down, Mr Stevenson. There is a motion before this Assembly that the question be now put.

Question put:

That the question be now put.

The Assembly voted -

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

Question so resolved in the affirmative.

Question put:

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

A call of the Assembly proceeding -

Mr Berry: They do not mind bagging people under privilege.

Mrs Carnell: These people reckon that people have a right to speak.

Mr Berry: You have changed it since last time.

Mrs Carnell: We are only debating the motion.

Mr Connolly: You are giving him the opportunity to get up here and engage in some grubby little character assassination under privilege.

Mrs Carnell: We do not think we can shut him up.

Mr Berry: Grubby little character assassinations are not something they find particularly foreign.

Mr De Domenico: You cannot shut him up forever. He has a right to speak.

Mr Stevenson: You are right; they cannot shut me up forever. It will come out. Make no mistake - - -

MADAM SPEAKER: Order!

Mr Stevenson: And when it does - - -

MADAM SPEAKER: Mr Stevenson, order!

Mr Stevenson: Order? There is no order around here. It is an absolute, unadulterated farce.

MADAM SPEAKER: Order! Mr Stevenson, order!

Mr Stevenson: It is an absolute and unadulterated farce.

MADAM SPEAKER: Mr Stevenson, I am calling you to order.

Mr Stevenson: Hasta la vista.

The Assembly voted -

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

Question so resolved in the negative.

Mr Connolly: I raise a point of order. Mr Stevenson walked out of the chamber while a vote was still in progress, because the result had not been called, and also while he was being called to order by you, Madam Speaker. I question whether that is permissible conduct, or whether the Serjeant-at-Arms should have prevented him from leaving the chamber.

MADAM SPEAKER: I would have thought that it is entirely improper, but he has gone.

Ms Follett: It is contrary to standing orders. You cannot leave your seat while a vote is being taken.

MADAM SPEAKER: Members, to take up that point of order, it is entirely contrary to standing order 161, and I propose to deal with the matter when Mr Stevenson returns to the chamber.

CASINO CONTROL (AMENDMENT) BILL 1993

Debate resumed from 20 May 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR KAINE (4.41): In speaking to this Bill, I would remind the Assembly that I have 20 minutes allotted for this debate. Having said that, I advise that the Opposition supports this Bill. It is an eminently sensible Bill, and it is something which you would hardly expect this Government to acknowledge - that the commercial world has some realities which do not necessarily coincide with those of government. The Bill recognises that the company operating the casino has a fiscal year that runs on a calendar year basis and not on a financial year basis. It is a sensible Bill and we support it. Somebody else can use the other 19 minutes and 2 seconds.

MS SZUTY (4.42): I propose to take a further one minute, I think, in raising my point of clarification. This Bill seeks to change the financial year for the casino, the year in which their accounts are to be forwarded to the Treasurer. I note that in her presentation speech the Chief Minister expects those accounts for the calendar year ended 31 December 1992 to be forwarded to her some 21 days after the commencement of this Bill. I would like her to address this particular issue when she is summing up. Does she anticipate at this stage that the accounts will be forwarded to her at that time?

MS FOLLETT (Chief Minister and Treasurer) (4.43), in reply: Madam Speaker, I would like to thank members for their support for this Bill. It is a straightforward matter, as members say; merely to change the period of the financial year for the casino's operations. I am sure that all members will join me in expressing great pleasure that the permanent casino is now under construction and that in its seven months or so of operation the interim casino has rapidly become the second most visited attraction in Canberra, with some 450,000 visitors; so it is going very well.

Ms Szuty has asked a question about the financial statements and whether they will be audited as soon as practicable. I give Ms Szuty my assurance that, to the best of my ability, I will see that that is done. Given that it is a matter that is dependent on the commencement of this Bill, then, quite clearly, there is an obligation to ensure that the auditing arrangements are as anticipated by this Bill. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT) BILL 1993

Debate resumed from 20 May 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR DE DOMENICO (4.45): Madam Speaker, I am not trying to outdo Mr Kaine; but, once again, the Liberal Party will be supporting this Bill. We think it makes a lot of sense. I will be moving an amendment later on, though, Madam Speaker. The Bill, very basically, abolishes levies on apprentices' wages, but apprentices' terms will be considered in long service leave calculations. The Bill will allow contributions for training to be recognised for the purposes of the Commonwealth training guarantee scheme and will extend the scheme to cover part-time workers. The Bill also extends the limit of contracts the Long Service Leave Board may enter into without ministerial approval from $100,000 to $250,000. It changes the penalty for unpaid levies from 2.5 per cent to $50 a month and allows the board to write off bad debts. The Bill also changes the method of calculation of payments and removes gender specific language. Finally, it makes some very minor technical amendments. The Liberal Party will be supporting the Bill.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.46), in reply: Madam Speaker, I welcome the support of the members opposite for the Bill and I look forward to its speedy passage through the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 16, by leave, taken together, and agreed to.

Clause 17

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.47): Madam Speaker, I move:

Page 5, line 30, add at the end the following paragraph:

"**(d)** by omitting subsection (7) and substituting the following subsections:

'(7) The registration of a person under subsection (1), or in pursuance of an order of the Board under subsection (4), takes effect -

(a) if the applicant for registration was an employee on the prescribed day -

(i)on the day on which he or she commenced building and construction work with the employer with whom he or she was employed on the prescribed day; or

(ii) on 1 October 1981;

whichever is the later; or

(b) if the applicant for registration was not an employee on the prescribed day - on the day on which the applicant commenced building and construction work after the prescribed day.

'(8) In subsection (7) -

"prescribed day" means the day that was 12 months before the date on which an applicant for registration lodged his or her application.'.".

I present the supplementary explanatory memorandum, which I think has been circulated. Madam Speaker, the Long Service Leave (Building and Construction Industry) Act 1981 currently provides that credits for long service leave may accumulate only to a worker who is registered under the Act as an employee in the building and construction industry. This means that workers in the industry who are not registered are not able to claim any long service leave entitlements for the period worked in the industry. This amendment allows workers not previously registered under the Act to apply for registration up to 12 months from the last day they worked in the industry. It is a fairly straightforward arrangement to provide registration facilities for workers and recognition for service in the industry.

MR DE DOMENICO (4.48): Madam Speaker, the Liberal Party has had a chance to have a look at the amendment and has consulted with the industry. We will be supporting this amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 18

MR DE DOMENICO (4.49): Madam Speaker, I move:

> Page 6, line 2, after paragraph (1) insert the following paragraph: "(ab) by omitting from subsection (3) '2.5%' and substituting '1.5%';".

The amendment, very succinctly, aims to reduce the levy from its current 2.5 per cent level to 1.5 per cent. In introducing the amendment we are not on our Pat Malone. It has been suggested before. It was suggested as far back, I believe, as November 1990. Consultation on the amendment has been extensive, including CONFACT, the Master Builders Association, the Building and Construction Industry Long Service Leave Board and various other interested parties.

We need to go back to, perhaps, 1990, when John Ford and Associates reported. Mr Ford was a former Commonwealth Government Actuary and was well known to a lot of people here. He sat on various things like the NRMA Third Party Premiums Advisory Committee. On page 10 of his report in 1990 Mr Ford said:

> If there was a very large reduction below 2 per cent in contribution rate then a future increase would naturally be required more quickly than if the reduction was more modest. My preference would be for a contribution rate of 1.5 per cent (including an assumed .25 per cent levy).

He was assuming a 0.25 per cent levy as the cost of the training scheme. I quote again:

> Such a rate should be able to be maintained for many years into the future.

Mr Ford made those comments in November 1990. The next piece of history, Madam Speaker, is a letter to Mr Kaine, the then Chief Minister, from the chairman of the Long Service Leave Board, Mr Bob Yeomans. Mr Yeomans wrote to Mr Kaine and said a lot of things.

Mr Kaine: And it was all good advice, too.

MR DE DOMENICO: It was welcome advice and very good advice. I will table these documents later. Mr Yeomans said:

> The effect of both the reduction in the general levy and the elimination of the levy on apprentices wages would reduce the Board's income by $1.315m per annum. However, the Board has substantial surplus reserves which arose due to:

. the 2.5 per cent levy having been set at a very conservative level when the scheme began in 1981 ...

. the prevailing high interest rates in recent years had a beneficial effect on the Board's cash investments; and

. the tight control which the Board has always applied to its administrative overheads.

He went on to say:

> It could be expected that the $1.315m which the Board will be forgoing would be returned to the community in the form of reduced building costs and higher employment levels in the building and construction industry.
>
> When you have made your decision on the Board's recommendations the Board will write to individual employers and inform them of that decision.

That letter was signed by Mr Bob Yeomans and dated - this is important, Madam Speaker - 11 April 1991. So we have the actuarial report recommending the reduction to 1.5 per cent and we have the chairman of the board recommending 1.5 per cent to the then Chief Minister in April. It is important that that was in April. We know what happened in June of that year; the Alliance Government was voted out of office and the current Government took over. The response to Mr Yeomans was received on 14 October 1991 and was, obviously, from Mr Berry, the then Minister. He is still the Minister for Industrial Relations. I will also table this later on. The response to Mr Yeomans, on 14 October 1991, reads thus:

> Dear Mr Yeomans
>
> Thank you for your letter of 11 April 1991 to the then Chief Minister, Mr Trevor Kaine, in which you recommended a course of action following receipt of a report from the actuary who undertook the triennial review of the Building and Construction Industry Long Service Leave scheme.
>
> These long service leave arrangements arose from tripartite discussions between Government, unions and employers in the industry, and the issues raised affect a number of Government Departments. Proposals for significant changes to the scheme, such as a major change in contribution rates, require consideration of the issues by and consultation with all affected.

This was in October 1991. He continued:

> On this basis, and because of the relatively short time remaining in this current Assembly, it is unlikely that any final decision can be taken by Government during the remainder of 1991, particularly as amendment of legislation may be required. In the meantime I have referred the matter back to the Industrial Relations Branch to coordinate the appropriate consultation.

That is interesting. In October 1991 he said, in effect, "We do not have a chance to do it this year, in 1991; it needs some consultation. But thanks very much, and we will see what we can do". Next was a letter to Mr Berry from the Master Builders Association dated 7 May 1992, and that letter said:

> On 18 November 1991 you wrote to me concerning the level of the levy currently charged by the Building and Construction Industry Long Service Leave Board.

It went on to say this:

> At the most recent Executive meeting of the ACT Regional Building and Construction Industry Training Council it was resolved:
>
> > "That this Executive Committee sees no nexus between the proposal to institute a levy on building permits to fund industry training in the ACT and the matter of a reduction to the Long Service Leave Board levy, except in so far as funds from that levy may assist the operations of this Council".

It went on to say other things. So we have the historical situation. Mr Berry and this Government knew as far back as 1991 that the whole industry and the independent actuary's report had recommended a reduction from 2.5 per cent to 1.5 per cent, and Mr Berry had effectively said, "Well, yes, we are looking into this; it is going to take a little time, though" - as I said, we are talking about 1991 - "but we will do it when we amend the Act". That was virtually the response from Mr Berry.

The next thing to mention, Madam Speaker, is the Auditor-General's report No. 6 of 1992. It made some interesting comments as well. Once again, we have had the actuary's report, we have had a report from the chairman of the board, and now we have the Auditor-General's report No. 6 of 1992. It says the same thing. In fact it says, "Listen, the fund is overfunded. It is in fact earning more in interest now than it is taking in from the industry". The Auditor-General says:

> There is no doubt that in the interest of prudent financial management the board should maintain a reasonable level of surplus to ensure that the requirements of the Act can be met.

This is the Auditor-General. He continues:

> Taking into account however the level of the surplus and the current contribution rate, it would appear that the Board has more than sufficient funds for its purposes. In effect the contribution rate could be reduced from its present level without affecting the ability of the Board to meet its current statutory obligations. It is noted that the Actuary's recommendation in the 1990 report (dated January 1991) was that the contribution rate could be reduced to 1.5 per cent. The Board has advised Government of the Actuary's recommendation.

You would think it would stop there, Madam Speaker; but as late as yesterday in this Assembly the review of the Auditor-General's report No. 6 was presented by the Standing Committee on Public Accounts. That makes interesting reading as well, because once again one of the issues discussed was the Building and Construction Industry Long Service Leave Board. Let me read to you what it says. It says:

> The audit found that, taking into account the level of surplus funds and the current contribution rate, it would appear that the Board has more than sufficient funds for its purpose and that the contribution rate could be reduced from its present level ... without affecting the ability of the Board to meet its current statutory obligations.

It goes further. I know what the Government is now trying to think. I will read it all, Mr Berry.

Mr Berry: Oh, thank you.

MR DE DOMENICO: I will. It says:

> The Committee was advised that the issue of a reduction in the contribution rate was a matter for Government. Of the 2.5 per cent levy collected by the Board, 0.25 per cent is transferred to the Building and Construction Industry Training Fund.

So the training issue is not affected. It continues:

> The Committee was advised that work is currently being undertaken to develop an alternative means of funding training and both this and the issue of the long service leave contribution rate will be addressed by Government at the same time.

It goes on to say:

> The Committee was advised that the current time-frame is to have legislation drafted that could be introduced in early 1994.

It finally says:

> The Committee notes that the matter is one for Government to consider and also notes that the issue is being addressed.

It is being addressed, and it is being addressed right now, I am suggesting to you, Madam Speaker.

Mr Connolly: Everybody is happy, apart from you.

MR DE DOMENICO: No, not everybody is happy. Once again, had Mr Berry gone to the trouble of consulting with the industry and consulting with the chairman of the Long Service Leave Board he would have known that there is no reason whatsoever why, in amending this piece of legislation today, he cannot accept the Liberal Party's amendment to make sure that the levy goes down from 2.5 per cent to 1.5 per cent.

Based on the contribution levels during 1989-90 and assuming no pay or wage increases, the fund has continued to be overfunded by a minimum of $1.6m each financial year. Over the last three years the Government has got over $5m from the building industry, while at the same time the value of work in the commercial building industry has declined by 40 per cent. Given that the employee entitlement which the fund supports is, I believe, 13 weeks' long service leave after 15 years, and this is not fundamentally changed by Mr Berry's Bill, there is no benefit - I repeat, no benefit - to employees from the overfunded trust fund. So, if it benefits no-one and if it hurts the industry, as we have seen that it does, why does it remain? I am suggesting to you that this decision ought to have been made and would have been made by Mr Kaine had the Alliance Government been kept in office. Mr Berry has sat on it since 1991. This is his opportunity to make good of it now.

MADAM SPEAKER: Order! Your time has expired.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.59): I think the first thing we need to make clear is that, pursuant to subsection 37(3) of the Act, provision is made for the Minister to determine the percentage which applies in relation to payments to the board. The amendment moved by Mr De Domenico will not change that. Changing the words in the way you have suggested will not change it. The rate is still up to the Minister, according to my advice.

In relation to the position about training, there has been long consultation and advice to representatives of industry that the Government intends simultaneously to change the arrangements which apply in relation to the collection of the training levy and the payments to the Long Service Leave Board. We have chosen that course because there is a lack of trust out there in relation to this issue. We have said, "Look, honest broker, the Government's position is that we will change the way that we collect the levy and deal with the levy paid to the Long Service Leave Board at the same time, but it does involve some detailed work to develop legislation to provide for the building permit collection of a training levy". The employers, understandably, oppose that collection. The MBA, in particular, opposes that proposal to collect the training levy through the building permits. But the Government does not; and in fact work is proceeding now, as you are aware, on developing a proposal whereby the training levy will be collected through building permits.

Mr De Domenico: Why don't you reduce the levy in the meantime?

MR BERRY: Because I have given an undertaking.

Mr De Domenico: To whom?

MR BERRY: To workers in the industry.

Mr De Domenico: To the unions?

MR BERRY: Of course, because they are parties to this.

Mr De Domenico: They do not pay the levy.

MR BERRY: Their members are trained as a result of the collection of the training levy. We have given an undertaking to the industry as well. We have given an undertaking to the industry that we will deal with the issue of the levy paid to the Long Service Leave Board simultaneously with dealing with the collection of a training levy through the building permit system.

Mr De Domenico: What is the reason?

MR BERRY: Because we are the honest brokers.

Mr De Domenico: Because you have done a deal with the unions.

MADAM SPEAKER: Order!

MR BERRY: We are on the move. In the development of this legislation we have provided for relief for the industry in relation to the payment of the levy in respect of apprentices. That is a positive move from the Government, again. I can say to you that my advice is that the legislation will be before this chamber by the end of the year. It will be the subject of debate, we expect, early next year. That falls into line with the comment by the Auditor-General.

Mr De Domenico: No.

Mrs Carnell: No, he did not say that that should happen. He said that that is what you told him would happen.

MR BERRY: That is right. That falls into line with the comment which was reported by the Auditor-General. So action is in train.

Mr De Domenico: So it takes longer than three years to do it. All he has to do is make a decision.

MADAM SPEAKER: Order! Mr De Domenico, you were heard in silence.

MR BERRY: If you like, you could describe it as a smart pre-emptive strike for Mr De Domenico to come forward with this amendment at this point. Mr De Domenico, you know that agreement to do this simultaneously has been given by the Government to both the industry and the unions.

Mr De Domenico: Oh, no.

MR BERRY: Well, I am telling you; we have told the industry that we agree that it will be dealt with simultaneously. The industry is aware of it. In relation to the reserves of the Long Service Leave Board, one option for the Government is to deal with the distribution of those reserves back to the industry following an actuarial assessment of the situation. We are not going to just pick a figure out of the blue because it suits us. At the point where we simultaneously change the arrangements we will act on the actuarial report.

Mr De Domenico: You have had it for three years.

MR BERRY: We will achieve exactly what you claim to be setting out to achieve at a point which is acceptable to all the parties.

Mr De Domenico: Rubbish!

MR BERRY: The problem with you, Mr De Domenico, is that you seek to represent only one side of the argument.

Mr De Domenico: Who is on the Industry Training Council?

MADAM SPEAKER: Order!

MR BERRY: You ought to be able to sit there patiently and listen to what I have to say because that, indeed, was what I did; I just sat here and listened. We will proceed down the path of a simultaneous arrangement which provides for the collection of a training levy and changes the arrangements - I give you this undertaking - for the collection of the levy for the board. That is within my power in the Act and that will occur.

Not only have I given the unions that undertaking; I have given the industry that undertaking and I now give it to you. Madam Speaker, once the legislation which is now being developed is before this chamber and resolved, the simultaneous arrangements which we promised we would deliver will be delivered. Therefore, Madam Speaker, the amendment proposed by Mr De Domenico should fail because it is not necessary. It undermines significant consultation that the Government has had with the industry and the unions and it makes no difference in terms of the legislation, anyway, because it is entirely up to the Minister to set the rate.

MR DE DOMENICO (5.06): Madam Speaker, may I stand briefly and try to blow out of the water the arguments that Mr Berry attempts to put. It is very simple to do it when you just sit back and listen. I did sit back and listen; but I interjected, I must admit, and I apologise for that, Madam Speaker. I refer Mr Berry to the membership of the ACT Regional Building and Construction Industry Training Council. As Mr Berry would, or should, know, many of the members of that council represent the trade union movement. I also therefore refer Mr Berry to a letter sent to him, and I quote from it again:

> At the most recent Executive meeting of the ACT Regional Building and Construction Industry Training Council -

union representation on that is pretty heavy -

> it was resolved:
>
> "That this Executive Committee sees no nexus between the proposal to institute a levy on building permits to fund industry training in the ACT and the matter of a reduction to the Long Service Leave Board levy, except in so far as funds from that levy may assist the operations of this Council".

So the very people that Mr Berry has purported to consult were saying on 7 May 1992 that it does not matter about the training issue. You could reduce the levy now, Mr Berry, and it would have no effect at all. So, Mr Berry, for you to say that in order to make sure that all parties are satisfied you will wait until some time in the future is just humbug. The same people are asking you whether your argument is worth the paper it was written on for you.

Does Mr Berry realise the current state of play in terms of the levies? In the State of New South Wales, Madam Speaker, the levy is zero because the Premier, Mr Fahey, quite recently said that that fund was so flush with funds that the industry should not be paying anything for the next two years. So, New South Wales, over the border, pays zero. In South Australia the levy is 1.5 per cent. The South Australian fund has $23.5m. There are very many more builders registered in South Australia, as you can imagine, because of its population; yet the South Australian levy is 1.5 per cent and the fund has $23.5m. One should keep that in mind. That is the South Australian fund. In Western Australia the levy is 0.75 per cent and there is $26m in the fund. In Victoria the levy is 0.5 per cent. This is a State that is supposed to be going broke, Mr Berry stands up and says. In Tasmania it is 2 per cent. What is it in the ACT? It is 2.5 per cent.

What does the actuary say? He says that we are overfunded. The actuary said that in 1990. What does the Auditor-General say? He says that it is overfunded and we should bring it down to 1.5 per cent. The Auditor-General said that in 1992. What does the Public Accounts Committee remark on the Auditor-General's report? It says that it is overfunded, but it also says, "Listen, Mr Berry is going to be doing something about it in the future". The fact is that Mr Berry has been sitting on this issue since 1991. Why are we to believe Mr Berry now when he tells us that something that has taken him

three years to all of a sudden think about is going to take him any shorter time, for heaven's sake? We know that it has nothing to do with the issue that he raised, that is, the industry training levy, because, as Mr Berry would or should know, currently some of that money that is being collected right now is going straight into the industry training levy anyway. He does not need to put a levy on building permits in order to affect that.

I would like to comment on Mr Berry's remark about a lack of trust. Mr Berry did not tell us where that lack of trust is. We know that it is not with the union movement, because he panders to it every time, as he has this time; so it must be that he has a lack of trust in the building industry. That is a bit concerning, because Mr Berry from time to time has some very good things to say about the building industry. In his presentation speech for this Bill, for example, Mr Berry said:

> This is a positive and timely move by the Government to reduce the costs to industry of employing young people and is a practical demonstration of the Follett Government's commitment to address the problem of youth unemployment ...

When it serves Mr Berry he says, "What a wonderful industry this is; we are going to reduce costs". That was in May this year in his presentation speech. Today he says that there is a lack of trust. You cannot have it both ways. Quite obviously, what you are doing today in rejecting this amendment is what you have been told to do by your trade union bosses, Mr Berry. The industry knows all about that. That is exactly what you will do. You have been advised by someone not elected to this Assembly that this is what they want you to do, and you, as always, will follow and do what you are told in that regard. Your comment about wanting to make it easier for this industry to employ young people is humbug. If you really want to do that you have an opportunity now, when your legislation is before this Assembly, to go a little step further. When you bring legislation into this Assembly you should bring it in holus-bolus. You should do your research and your homework properly. If you had wanted to, you have had all the ammunition and all the support to do what my amendment attempts to do today. You cannot wait any longer if you are really going to be fair dinkum about reducing the costs to industry.

The other question I want to ask is this: What are you going to do with all these surplus funds that are in this long service leave fund? Will you give this Assembly and the people in the ACT and the people who have contributed to this fund an assurance that if you ever come to reducing the levy you will bring it back to the time when it should have been reduced - - -

Mr Berry: It is not ours.

MR DE DOMENICO: Hold on; I have not finished yet. Will you give it back to the people who paid the levy or will you put it into Consolidated Revenue? As you will recall, Mr Berry, the NRMA earlier this week did exactly that. It collected an amount over what it thought it needed to pay claims and returned premiums to the policyholders here in the ACT and elsewhere. Quite obviously, you will give an undertaking that you are going to do something before the end of the year. There is a lack of trust between you and the building industry, and there is a lack of trust between this Opposition and you because you have had three years to do it. But you can do it right now by supporting this amendment.

MR MOORE (5.13): I have listened to the debate on this issue, Madam Speaker. It is interesting that Mr De Domenico says something along this line: "So what is different? You have had three years to do something and now you tell us that you are going to do something about it". The difference is that the Minister in this house has given an assurance. That is a major difference indeed, Madam Speaker. The matter that Mr De Domenico seeks to achieve will be achieved. I am going to accept the Minister's assurance that that will be achieved in that way. I shall not support this amendment.

Question put:

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

The Assembly voted -

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

Question so resolved in the negative.

MADAM SPEAKER: Mr Stevenson, now that you are back in the chamber I wish to point out to you the requirements of standing order 161. I believe that your behaviour was not appropriate. I think that it would be appropriate for you to apologise to me and the chamber.

Mr Stevenson: Unfortunately, Madam Speaker, I believe that you and the other Labor members particularly in this Assembly are part of a cover-up of a senior - - -

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

Mr Stevenson: As I said, I believe that you are part of a cover-up - - -

MADAM SPEAKER: Mr Stevenson, I now name you.

Mr Stevenson: You will not allow parliamentary privilege to be used in this parliament. It is an appalling situation.

MADAM SPEAKER: Mr Stevenson, order! I name you.

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

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

A vote having been called for -

Mr Stevenson: Is this what is going to happen - - -

MADAM SPEAKER: Mr Stevenson, I remind you again of the provisions of standing order 161. You will come to order. We are about to vote.

Mr Stevenson: You talk about order and this place is run along cover-up lines.

MADAM SPEAKER: Order!

The Assembly proceeding to vote as follows -

AYES	*NOES*
Mr Berry	Mr Stevenson
Mrs Carnell	
Mr Connolly	
Mr Cornwell	
Mr De Domenico	
Ms Ellis	
Ms Follett	
Mr Kaine	
Mr Lamont	
Ms McRae	
Mr Moore	

Mr Stevenson: No, and you refuse to let me present the evidence about the head of the Department of the Environment, Land and Planning.

MADAM SPEAKER: Order!
Mr Stevenson: That is appalling, and sooner or later it will come out. Make no mistake.

MADAM SPEAKER: Order! Mr Stevenson, you are about to be suspended. You will come to order.
Mr Stevenson: Why, if I am about to be suspended? Give me a good reason.

MADAM SPEAKER: Order! Because the standing orders provide that you will be quiet.
Mr Stevenson: Is it not a time I should speak?

MADAM SPEAKER: The question has been resolved in the affirmative. The member is suspended.
Mr Stevenson: Have they been counted yet?

MADAM SPEAKER: You will leave the chamber.

Mr Stevenson: Is this a pre-emptory move on the count?

MADAM SPEAKER: You will leave the chamber.

Mr Stevenson: I am happy to leave the chamber because I have no respect whatsoever for this place.

MADAM SPEAKER: Order! You will leave the chamber.

Mr Stevenson thereupon withdrew from the chamber.

Mr Moore: May I have your attention, Madam Speaker? I believe that the vote was not called. I accept that you called the vote in the affirmative, but I believe that the numbers were not called at that stage, Madam Speaker.

MADAM SPEAKER: I think I muttered something, but I will try it again, Mr Moore.

Mr Connolly: You were being screamed at at the time. It was difficult for us to hear you.

MADAM SPEAKER: I was a little distracted.

Mr Westende: A few votes were not called.

MADAM SPEAKER: I am terribly sorry; we did not even finish the vote. I just took it that it had been resolved in the affirmative. Clerk, would you please continue the vote.

The Assembly voted -

AYES, 14	*NOES, 1*
Mr Berry	Mr Stevenson
Mrs Carnell	
Mr Connolly	
Mr Cornwell	
Mr De Domenico	
Ms Ellis	
Ms Follett	
Mr Kaine	
Mr Lamont	
Ms McRae	
Mr Moore	
Ms Szuty	
Mr Westende	
Mr Wood	

Question so resolved in the affirmative.

MADAM SPEAKER: The vote, which I did call in the affirmative, has been resolved in the affirmative, with the Ayes 14 and the Noes one. The suspension is for two sitting days. We return to clause 18.

Clause agreed to.

Clauses 19 to 21, by leave, taken together, and agreed to.

Clause 22

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

Page 8, paragraph (d), line 4, omit the paragraph, substitute the following paragraph:

"(d) by omitting subsection (8).".

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

PETROL PRICES
Paper

[COGNATE BILL AND PAPER:

FAIR TRADING (FUEL PRICES) BILL 1992
PETROL PRICES - WORKING GROUP REPORT]

Debate resumed from 26 November 1992, on motion by **Mr Connolly**:

That the Assembly takes note of the paper.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Fair Trading (Fuel Prices) Bill 1992 and the Petrol Prices - Working Group Report - Government's Position - Ministerial Statement? There being no objection, that course will be followed. I remind members that, in debating order of the day No. 4, they may also address their remarks to orders of the day No. 5 and No. 6.

MR HUMPHRIES (5.24): The Assembly is presently considering, in effect, three documents - the legislation which the Minister tabled back in the middle of last year, the report of the subsequently established working party on petrol pricing in the ACT and the response to that report which was handed down yesterday. The report of November 1992 was a fairly significant document, Madam Speaker. It presents, I think it is fair to say, some solutions to the problems which face the ACT in bringing down the price of petrol at bowsers in this town. Some of the suggestions made in that report, I believe, are sensible and sound; some could be broadly supported.

The Government's support for measures that are sensible is to be welcomed and is commendable, but the problems are more complex than the Government has given them credit for being. The central problem is the lack of competition in the ACT retail petrol market. The report itself identified several factors which contributed to that low level of competition, among them the fact that there was a lack of independent competitors or chains in the ACT. The number of independents has dropped in recent years.

Mr Moore: And it is so important to keeping a balance.

MR HUMPHRIES: I get the joke, Mr Moore. The planning policies of successive governments have restricted the siting and location of service stations in the Territory and have diminished competition. The number of operators in the ACT market has also dwindled, thereby relaxing the level of competition. Minimal incentive to competition is a serious problem for competition in the market and efficiency in the market. Thus, as the report quite succinctly puts it:

> ACT consumers are not getting the deals they could be.

Madam Speaker, the Government has decided to adopt the recommendations outlined in the report, including recommendations drawing independents into the markets through a number of artificial devices. The most significant of those devices is contained in recommendation 11 of the report. That recommendation calls for independents to be, as it were, introduced artificially into the Canberra market by inviting expressions of interest from independent operators in relation to sites at Gold Creek and Gilmore and other sites, up to a total of seven sites. It states that the sites should meet planning requirements recommended by this report and should be offered at market value by direct grant or restricted auction. The granting of those sites would take approximately six months, and eligible grantees would have to be owner-operators and not own more than three sites already in the ACT. That is obviously designed to encourage new people into the market.

Madam Speaker, creating competition is not easy. Creating it quickly is fairly described as impossible. The measures proposed, on their face, might seem to offer some chance of changing the character of the ACT market and generating some desperately needed competition; but the cost of doing so, in my view and my party's view, might be prohibitive. Let us look at the pitfalls that might accompany this course of action. First of all, the Government is creating a preferential entry into the market for new operators. Secondly, it is incurring a considerable loss of revenue, because the sites which are being sold under this arrangement will fetch less than sites sold in an open market by auction or by direct sale. The third problem is that with this course of action we are disadvantaging existing operators in the market. They can reasonably come back to the Government and say, "We paid this for this site or we paid that for this site in the ACT. Why is it that these other operators get a site of the same dimensions for much less?". The fourth pitfall is that with this policy we have no guarantee that petrol prices will indeed come down.

Madam Speaker, this is a risky strategy. The Government is trying to fix the market. It has no guarantee of success and it is therefore gambling with quite considerable sums of money of the ACT taxpayer. Certainly there is a cost to the ACT community in pursuing this policy, but there is no guarantee of a good return. Can the Government ensure, for example, that sole independents will not in fact be a front for the oil majors? Can they institute arrangements in the granting of leases to these operators, to these so-called independents, which in fact ensure that they remain independent? Can they prevent these operators from becoming part of the cartel which, I think it is fairly reasonable to say, operates in the ACT at the present time? If so, will the Government outline to the Assembly what measures it proposes to take which will do those things?

Let me make it quite clear that a number of things suggested in this report, based on changes in the planning arrangements for petrol stations in the Territory, are valuable and could be supported. They deal with things such as where we can put petrol stations - in car parks, adjacent to supermarkets or in conjunction with supermarkets of the kind we see very frequently in Sydney and Melbourne - and allowing more road signs to be put on major roads showing where petrol stations may be found. Those sorts of measures are supportable.

But the measures the Government is proposing to artificially create new competitors in the market are dangerous. Let us suppose, Madam Speaker, that the seven sites that we are referring to here sell for $1m each. We are talking about sites that might be compared with suburban shops in the sort of market they serve and in their location. I think $1m is a very generous price in those circumstances. Let us suppose that in an open auction, an auction not subject to the restrictions being referred to in this paper, the sites would fetch $2m each. That is not an unreasonable supposition. After all, a petrol station in Tuggeranong only two years ago sold for in excess of $3m, so that is not an unreasonable expectation at all. My colleague has just handed me a piece of paper indicating the sorts of prices that have been bid for service station sites in recent years.

Mr Connolly: One company owns two sites in Tuggeranong. That is the problem.

MR HUMPHRIES: Nonetheless, these prices are being paid for petrol stations in the ACT, and you could expect the same prices to be paid again in the ACT if there were an open market. The Government is going to close the market to get this new artificial competition in place, and the result will be that we will certainly suffer a loss of revenue to the Government. If we assume that the seven sites could fetch $2m each but in fact will go for only $1m, the cost to the Government and to the ACT community will be something in the order of $7m. Would it not be just as easy and a measure more capable of delivering a direct benefit to the taxpayer and to the motorists of the ACT if the Government were simply to directly subsidise the cost of petrol with that $7m? It would certainly be a surer and safer way of providing lower prices to Canberra consumers.

Madam Speaker, there is one sure-fire way, at least in the short term, of securing lower prices, and that is to go through with the Fair Trading (Fuel Prices) Bill which is before us today. When we look at the pitfalls and the problems inherent in that legislation, we see what a disaster this entire raft of legislation and other government policy facing us today will be - not just for petrol retailers in the ACT, but for the consumers as well. The Government is pursuing popularity at the expense of commonsense. There is no surer way for Mr Connolly to make himself a hero than by tackling the big bad petrol companies. But is he, or is he in fact targeting other victims of the petrol wholesalers in the ACT rather than the wholesalers themselves? There is no doubt that the principal victims of this Government's policies, both in this legislation and in the papers already presented, will be those men and women who operate petrol station franchises or leases in the ACT, who will be squeezed every time the Government cranks its price control legislation into operation.

This legislation, the Government seems to think, will see pressure placed on the major oil companies. Apparently a gun held at the head of the retailers will bring some concessions from the wholesalers. This assumes, of course, Madam Speaker, that the wholesalers have a more benevolent attitude to the retailers than they have to the rest of us Canberrans. All I can say is: Dream on, Mr Connolly. Madam Speaker, price control went out with commissars, Zil limousines and five-year plans. As a tool for social objectives, it is unfair and indiscriminate and, over a long period of time, undermines the very motivation for people being involved in job and revenue creating enterprise in this Territory, or anywhere else for that matter. People in this Territory have put often large sums of money into investments designed to put bread and butter on their tables. They have entered the retail petrol market under a certain set of conditions. Those conditions, at the whim of government, are about to change. I am saddened to think that this Government cannot understand how fundamentally inequitable and unfair it is that a change should occur in those circumstances.

It is reprehensible that this Government should proceed down a path which will result in so many people suffering such damage. The Government acknowledges, by the reference that the Minister made in his speech yesterday, that there is some question of compensation. There is a question of the loss that people already in the market will suffer by virtue of this Government's decision to introduce new competitors at artificially low prices. The Minister pointed out that some submissions argued that compensation should be paid to existing service station owners, but he went on to say that, in his view:

> ... it is not in the public interest nor is there any legal or moral obligation on the Government to make such payments -

that is, compensation payments -

> and, indeed, it is the Government's view that no such payments should be made ...

That, Madam Speaker, is intrinsically unfair. Maybe there is no legal obligation, but there certainly is a moral claim. Should players in a market have to cop any whim of government, any decision however arbitrary, however mandatory, the Government may care to make that affects their livelihoods? Surely the better decision is not to make those arbitrary and random decisions in the first place.

Madam Speaker, the Government's approach through this legislation does not address the real issues. There are, and there have been for some time, mechanisms in place for monitoring petrol prices, and indeed other prices paid by Canberrans for goods that they purchase. The principal mechanism is the Prices Surveillance Authority. From time to time the Prices Surveillance Authority examines petrol prices. The most recent comprehensive inquiry it made into petrol pricing in the ACT was in 1991. Its conclusions were summarised in a paper which it presented and in a press release which it produced at that time. Madam Speaker, it is worth just reminding the Assembly of the headline of that press release in August 1991: "PSA considers petrol price controls not desirable in Canberra". That was the view of the PSA in 1991.

My office was in touch with the PSA yesterday and asked them whether this situation had changed, and the view of the PSA was that they stand by the conclusions drawn in that report of August 1991. The chairman of the PSA, Professor Allan Fels, said, and I quote from his press release:

> The Prices Surveillance Authority has concluded after a detailed examination of Canberra petrol prices that intervention by the ACT Administration to control prices is, on balance, undesirable.

He went on:

> It would be highly undesirable to return to the days before the PSA when there were as many as five different governments in Australia involved in setting maximum wholesale prices.

The press release went on to say:

> He said the evidence also showed that the gap between average Canberra and Sydney prices had narrowed since the 1987 inquiry. Australian Bureau of Statistics figures for the year to the end of the March 1991 quarter showed average Canberra retail prices were 72.6 cpl compared to 70.63 cpl in Sydney. Adjusting for freight costs into Canberra and differences in local taxes [business franchise fees] the gap was an average of 1.67 cpl. The comparable gap for the year ended March 1988 was 4.62 cpl.

(Extension of time granted) Madam Speaker, the PSA at that time produced a table indicating that the differential between the Sydney price and the adjusted price for Canberra, taking into account things such as freight and franchise fees, was only 1.67c. It went on to explain at another time some of the reasons for that difference. Those reasons included the freight cost of 1.8c a litre, the higher site financing costs of up to 3c to 5c a litre more than in Sydney; higher site development standards imposed by the ACT Administration which added some 17 per cent to the total cost of building a petrol station in the ACT, construction costs in Canberra which were generally 6 per cent higher than in Sydney, and award wage differences resulting in an additional 0.3c to 0.4c a litre for Canberra service stations.

Most significantly, Madam Speaker, the PSA said, in respect of petrol prices in Canberra, that real profit margins had not been excessive over the long term. But, of course, profit margins are exactly what this legislation to regulate petrol prices attacks, not the factors that the PSA identified. It is not high site development costs; it is not planning costs; it is not the cost of wages in the ACT. None of those things are identified in this legislation. The Minister is attacking the one issue which was not mentioned by the PSA, and that is profit margins. Professor Fels did not say, "You have profiteering going on in the ACT".

Mr Connolly: Professor Fels was wrong on a lot of issues.

MR HUMPHRIES: Professor Fels is wrong. Here we go. Mr Connolly knows better than the Prices Surveillance Authority, whose business it is to make inquiries into whether prices charged in this country for goods are fair. Madam Speaker, that is just ridiculous. The PSA view is clear.

Mr Lamont: And wrong.

MR HUMPHRIES: You may think so, but I think the PSA is right, Mr Lamont. Let us assume for a moment that the PSA is wrong. Let us look at the Government's own processes for making a decision about what the fair way to regulate prices in the ACT should be. The Government commissioned the report of the ACT Government Working Group on Petrol Prices. In that report are a number of comments and a set of 16 recommendations. I wonder whether the Minister can tell us which recommendation says that you should have petrol price controls in the ACT. The answer, as the Minister's silence indicates, is none. Not once in this document is there a reference to price control legislation. That is because it is not considered to be a viable way of proceeding to bring down petrol prices. It is not the problem.

Madam Speaker, if the Minister had bothered to read carefully through this report he would have seen that the problem is other things. It is the lack of independent operators in the market; it is government policies affecting the location and siting of service stations; it is the dwindling number of operators in the market. Those are the things that this report says have brought us high petrol prices, and those are the things that the Minister must address in order to make the ACT market competitive and then bring down prices. It was misleading of the Minister in his statement yesterday to suggest, as I think he did, that these recommendations somehow give weight to his legislation. They do not. The report does not call for price control legislation. In fact, by implication it rejects it.

Madam Speaker, the reasons have been clearly stated. The PSA makes clear what those reasons might be. There may be some people in the ACT market who are profiteering. They would particularly be proprietors who were involved in obtaining service station sites some time ago, who have paid off their heavy investment and who now are charging the same as their peers when in fact that is not warranted in the circumstances. That is fair enough; but that would be, I dare say, only a minority of the market. Most of the people who have entered the market are still paying off their investment. They are paying off their investment at a level dictated by government policies. To force them now into a position where they cannot pay off that investment because government policy has changed is the grossest unfairness government can engage in. Madam Speaker, the Minister cannot shave petrol prices without cutting into the retailer's margin. It is that very margin which the PSA has already said is not excessive. To do so is grossly unfair.

The other disturbing feature of this Bill is the vagueness about when it will operate. Mr Connolly said yesterday something about "the legislation, even if only rarely used". Madam Speaker, the fact is that the Government seems to be intending to use this only on long weekends when petrol prices get to be a bit of a problem and Matthew Abraham is braying for some action.

Mr Connolly: It is at the long weekends that the prices leap.

MR HUMPHRIES: Madam Speaker, Mr Connolly does not seem to be aware that the petrol companies put up their prices at that time. The petrol wholesalers are taking advantage of the long weekends, not the retailers in the ACT. It was the petrol wholesalers who on 10 June put up petrol prices by 0.53c a litre, not the retailers. The retailers have held back three preceding price rises from the ACT consumer.

Mr Lamont: The Bill allows us to go after the wholesale price.

MR HUMPHRIES: Madam Speaker, you cannot get the wholesale price paid in Sydney. You might get it in Sydney, but you cannot get it in Canberra, and that is the price we are talking about here, Mr Lamont. Madam Speaker, let us assume that the Minister regulates petrol prices over a long weekend. What is to stop people, after that long weekend, putting up their prices to recoup that loss? You cannot use this legislation just on long weekends; you have to use it all the time. It will not work. Closed economies abandoned price control a long time ago. Look at the ACT. We are going down the path of doing that very thing.

Madam Speaker, nobody supports higher petrol prices, but we want to see real solutions to the problems. The Government's solutions are not solutions at all. You fly in the face of the Prices Surveillance Authority; you fly in the face of your own report on petrol pricing. For goodness sake, realise when you are on the wrong track.

MR MOORE (5.46): That was an interesting speech. It is interesting that the Liberals so often go for the free market solution and businesses so often go for the free market solution, until they are the ones on the receiving end. Then they are the first ones back in to say, "What can you do about so and so?". I have read with interest the report of the ACT Government Working Group on Petrol Prices. I have also read letters from various people. This one says that we ought not to proceed with this legislation. It is a letter from Shell, which says that Shell remains firmly opposed to the enactment of the Bill. This one from BP states:

> Accordingly, BP strongly recommends that the ACT Government does not proceed with the Fair Trading Bill 1992.

Mr Humphries is right in drawing attention to the fact that it seems that the retailers here are often caught in the middle. I am sure that that is something the Minister is particularly conscious of. I cannot quite put my hand on it, but my memory tells me that we are looking at petrol companies with a profit of some 43 per cent and the profit for a retailer being around 5 or 6 per cent. In fact, that is far less profit than they get on milk, which is at about 10 per cent, and most service stations in the ACT sell milk. The price of milk, of course, is rapidly closing in on the price of petrol; we would not be surprised to see some people attempting to drive cows.

The important thing here is that the Bill does provide for disallowance. Mr Humphries is suggesting that the Minister will use the power just on the long weekends. If there is any good time to use it, that would be the appropriate time. Quite clearly, what is happening is that, somehow or other, we can manage to put the prices up on the long weekends and then bring them back down again. We have seen it happen on many occasions. It seems to me that the real problem associated with the Bill is giving to the Minister the power to control the prices not just for petrol but also for the service stations, and this chamber may well wonder whether the Minister will use that power responsibly. The check, as in the checks we have for most things, is that on the very next sitting day somebody could move for disallowance and bring that into play. So the worst case scenario, if we think the Minister is acting irresponsibly, is that there will be eight weeks where prices would be controlled in an inappropriate way. That would be the worst case, because this Assembly is required to sit every two months.

It seems to me that the petrol companies, in particular, have had the opportunity to act responsibly. The Minister introduced the Bill a year ago. He waved it around and made it very clear to the petrol companies that the Bill was available. They have known that it was available; yet they are still proceeding along this way. It seems to me that the concentration of power in the Bill has to be directed at the oil companies rather than at the service stations, and the Bill does provide the Minister with the power to do that.

Mrs Carnell: It does not work.

MR MOORE: For those reasons, I am going to support the Bill. The Liberals say, "It does not work", and we have certainly seen in many places conservative approaches which simply allow monopolies to get further and further on. The power is clearly set out in clause 4, which states that the Minister may determine, by notice in the *Gazette*, the maximum base wholesale price of fuel and also the maximum retail price of fuel and the maximum retail margin. The Minister has the power to do each of those things, and the most important is the first.

Mr De Domenico: What if I buy my petrol wholesale in New South Wales? What can the Minister do then?

MR MOORE: Mr De Domenico, you would be most welcome; but it was your party, just the other day, that criticised the Minister for suggesting that that was a possibility. If the Bill proves inadequate and we need to provide tighter legislation because of the sort of thing Mr De Domenico is talking about, that is what we will do. I think that what we have is an appropriate approach.

It is very interesting that the Liberals so often are keen to say, "No; free market", until it comes to some issues. Certainly there are planning issues that need to be addressed as well. The Minister has already talked about how they are being addressed, and I presume that he will do so in his reply to this debate. The other issues that were raised by Gary Humphries also have appropriate replies. The reality is that anybody who has driven out of Canberra and looked at what goes on in other places is aware that the discrepancy between the price of petrol here and the price of petrol elsewhere is just too great. We know that there are reasons for that, and we have all read the report; but the discrepancy is too great. We also know that, when somebody is arguing a particular case, you can always put the best light or the best case scenario on it, and I think that comes through in the arguments presented by oil companies and others. Madam Speaker, I shall be supporting this Bill.

MR WESTENDE (5.54): Madam Speaker, I was not going to speak on this matter, but some of the misconceptions and untruths that are being purveyed should be answered. Firstly, the wholesale price is determined by the Prices Surveillance Authority. There is nothing we can do about the wholesale price; it is a national price. The retailers are making less than 5c a litre, even if they mark up to the fullest extent, which, at a price of 70c a litre, equates to about a 2.75 per cent mark-up. For heaven's sake, I have been in business for long enough to know that nobody can live on that sort of profit. For the Minister to say that the service stations are profiteering would be the greatest untruth that has ever been uttered in this place.

I have here a letter from a petrol company that says, "We increased the wholesale prices on 29 April by 0.2c, on 30 May by 0.3c, on 3 June by 0.5c and on 10 June by 0.53c, as agreed by the Prices Surveillance Authority". The poor old service station operator or proprietor is in the middle. He has absorbed 2c per litre since 29 April, and after 10 June, which was the straw that broke the camel's back, he could not resist any longer putting up his prices. Would you rather have all those service stations go broke and those people out of work? That is the sort of humbug you people purvey.

For heaven's sake, you have never put your last dollar on the line and fought for it and tried to build a business or do anything like that. You people over there ought to go out in the real world and fight for your dollar instead of having it handed to you. I know what it is to go and fight for a dollar. I can buy a bankrupt company losing $3,000 a day and have it profitable in a matter of six months. That is the real world. You people do not understand the real world. You are ideologues. You have ideological blinkers on. How can a service station operate on 2.75 per cent margin of profit?

Mr Berry: But it is not per annum.

MR WESTENDE: Per litre on price. At 70c - - -

Mr Connolly: They are operating at five-and-a-half.

MR WESTENDE: I am sorry, my dear friend, you cannot even do your sums. They are making 4.8c a litre at 70c a litre. That equates to a 2.75 per cent profit margin. Do your sums. I do. In the Minister's statement yesterday he said:

> ... it is necessary to encourage the strong independent petrol retailers into the market as they can extract discounts from suppliers because of the strength of their position ...

The Minister, by his own words, is admitting that he has to control the suppliers, not the poor old service station. I suggest to the Minister that before he controls petrol prices he have another think about what his statement said and do something about the supplier. The supplier's price is already regulated by the Prices Surveillance Authority.

I am sorry, Minister; I cannot agree with your assumption that we need the Fair Trading (Fuel Prices) Bill 1992 adopted in order to control prices. There are other ways. You should have thought of that when you accepted $3m or $4m for a service station site when the same site could be bought across the border in Hall for $100,000. What do you want us to do? Send everybody across to Hall? You miss out on your fuel excise. You miss out on the 3c that you were going to take off. If you are so damned adamant about reducing petrol costs, why do you not start with taking the 3c off? Why do you not start with reducing all the oncosts - payroll tax, workers compensation? It was not until Bjelke-Petersen reduced death duties to zero that all the other States in Australia followed. You should set an example. Lead and let the other States follow.

I am sorry, Mr Minister; you will not convince me - and I have had some experience in business - that people who operate at a margin of 2.75 per cent are profiteering. That is absolute humbug. They are not profiteering; they are barely surviving. I wish you would have second thoughts about this. I heard the

Chief Minister say, when she launched the Small Business Awards, that it is the small to medium sized businesses that have kept this country going. I know that it has kept me going. If I was a great big cartel, I could not have kept going. The small businessman will accept a temporary reduction in his profit and a reduction in his wages, a reduction in his income. He will want to hang onto his employees because they are his bread and butter, his lifeline, and he will be fighting for them.

What you are doing, Mr Minister, is killing the small business. You are not killing the giant oil operators; you are killing the small operators. If that is what you want to achieve, Mr Minister, go ahead. As somebody with some experience in this field, with experience in business for something like 45 years, I beg you: You are on the wrong track and you should have second thoughts. There is no way that I can support this Bill.

MRS CARNELL (Leader of the Opposition) (6.01): Very briefly, Madam Speaker, I want to relay a very interesting discussion I had the other day with a couple of petrol station owners. Contrary to what Mr Moore said about what petrol station owners would or would not be willing to accept, they were claiming that it was not the maximum retail price they had a problem with. It was not even the margin they had a problem with. They would be quite willing to accept that, if they could be confident that the wholesale price could be kept at the level at which the Minister would like it to be. They explained to me and others who were there what happens when petrol companies refuse to sell to them under certain circumstances. Their concern, and I think it has to be understood, is what happens if the petrol wholesalers refuse to sell in the ACT. It is fine if their margin is kept; but, if their retail price is capped and the petrol companies will sell to them only at New South Wales prices in Sydney, what happens to them? Will the Minister guarantee that the margin is maintained, even if they cannot buy petrol in the ACT at the price the Minister sets?

Interestingly, if the Minister would guarantee to petrol station owners in the ACT a margin that is acceptable to all, he would find that a lot of the complaints we have on this side would evaporate immediately. It is not that we oppose a retail petrol price. It is not what we would like. But, equally, we do not like petrol prices in the ACT, and we agree that it is totally inequitable for ACT people to be paying what they are in comparison to just about everywhere else. Our concern is that, unless you on the opposite side of the house can guarantee that margin to retail operators, they are going to go out of business. If you can do that, we will reassess our position.

MR DE DOMENICO (6.03): Mrs Carnell, Mr Humphries and Mr Westende said it all. The Government has to realise that, if it thinks it can control the big oil companies selling in New South Wales, it is wrong. For Mr Connolly to say, "Yes, we will broad-brush it, and there is the cross-border thing" is rubbish. Mr Connolly has a disconcertingly untrustworthy attitude to the Prices Surveillance Authority. If that is his attitude, he should lobby his colleague Mrs Kelly and the Government to change Professor Fels from that position. Perhaps that is what you ought to be doing, if that is what you think.

It is a fact, Mr Connolly, and Mr Westende said it, that the increase in petrol prices which occurred last Friday resulted from the accumulation of a series of price increases approved by the Prices Surveillance Authority. It was not approved by anybody else; it was approved by the Prices Surveillance Authority.

As Mrs Carnell quite rightly said, if Mr Connolly can guarantee ACT retailers enough margin for them to pay off their debts and to make their financial contributions, everybody will be happy; but Mr Connolly cannot do that. Well, he could do it, but he will not do it.

Mr Connolly stood up here in this house and said that, because the levy in New South Wales is higher than in the ACT, the 3c per litre cannot be taken off. That is not right. Be innovative, as Mrs Carnell said.

Mr Connolly: All I am saying is that that has no impact on the price in Canberra.

MR DE DOMENICO: Why will it not have any impact on the price in Canberra? Who pays the 3c per litre levy?

Mr Connolly ought to realise that in April 1984, for example, a site in Belconnen sold at $1.26m. Anybody who bought that, whether it was a big oil company or, more importantly, a local retailer, had to service the loan that could enable him or her to pay $1.265m in 1984. What amount of money is going to be paid into the ACT coffers now, with the Government's silly idea of saying, "We will get an independent guy. We will give him the prime site on the Tuggeranong expressway, for example, and hope to high heaven that he is going to charge a competitive price"? Do you know what he will do, Mr Connolly? He will charge a price that will set the market standard, and that price will probably be higher than anybody else is charging because of the volume of traffic that is going past, although he might sell at a lesser price for one or two weeks.

I will tell you what is going to happen, Mr Connolly. He will not be independent for very long. What will happen, Mr Connolly, is that you will give him the land for nothing, he will make a roaring profit for one or two years, and then he will be bought out by a big oil company. Mr Connolly will say, "Oh, no; we will put in the lease a little clause that says that you cannot buy it if you are a big oil company". Mr Connolly, I say to you that there will be 49 million lawyers who will pick so many holes in that sort of situation that you will not know what hit you. The only people that are going to miss out in this situation, if we support your Bill, are those local ACT retailers that will go broke.

What are you going to do? What is your alternative? Let us set a price and say, "You shall not charge any more than 76c per litre, or 77c, or 75c". Someone might be able to drive to New South Wales, get a price at a discount on what it is now, and still charge 75c a litre. Let me tell you that that is the history of what happened in Western Australia when rack prices were set, and also in Victoria, and I think you know that.

As far as I am concerned, this legislation will do nothing except make retailers in the ACT go broke and it will not bring down petrol prices in the long term. The ones we want to help are those local retailers, not the big conglomerates. There is nothing you or any other government has been able to do about it in the history of the world, I say to you, Mr Connolly. If you want to take on the big oil companies, we are right behind you. Let us take on the big oil companies, but tell us how you are going to take them on. That is where the problem lies, not with the local retailers. As we have been saying on this side of the house, the wholesale price is set by the Prices Surveillance Authority. If you want to abolish that body, go ahead and lobby for it, and we will be right behind you as well.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (6.08), in reply: I thank members for their contributions, particularly Mr Westende's very impassioned contribution. The Liberals, predictably, are opposed to government intervention in a market by price control, or intervention to attract independents into a market. They are opposed to any intervention in a market. That is a predictable response from the Liberal Party, and it would be a predictable response in relation to a government that was seen to be intervening in a free market. What was surprising in the Liberal Party's contribution, in particular Mr Humphries's contribution, was his acknowledgment that we do not have a competitive and free market in the ACT and that we have, in his words, a cartel. I am not sure that even I have used the word "cartel" in relation to the oil industry in the ACT, but it is an accurate assessment. I suspect that Mr Westende's impassioned opposition to this - and we acknowledge that he has operated very innovatively and successfully in business for many years - is because he has operated in a business environment which is a free market and which is not dominated by cartels. As such, he has done very well, and all strength to his arm.

The oil industry in Canberra is not a free competitive market. It is a market which exhibits all the hallmarks of the uncompetitive price fixing of a cartel. We see no distinction between the prices throughout Canberra. We are all familiar with the arguments. What does Government do to respond to that? This Government has taken a broad approach. We have, firstly, proposed price control legislation, which is now finally before the Assembly, that would give the Government power to intervene at each stage in the process to set a maximum wholesale price. The PSA approves a wholesale price. The legislation under which that is structured is not legislation, on the advice I have had and on the view of the ACT Government, that sets a maximum wholesale price. Therefore, on the advice before me, the ACT Government does have power to set a maximum wholesale price which differs from the PSA price. We do believe that we have that power and we may choose to exercise that. We clearly have power to set a retail margin and a maximum retail price.

An attempt to evade ACT laws by simply signing a contract in New South Wales for the supply of petrol into the ACT would be easily subvertible by ACT law. We clearly have power, as does every parliament in Australia, to pass laws for the peace, order and good government of the Territory, however they impact upon the Territory. Therefore a contract in New South Wales for the supply of goods to Canberra is amenable to ACT law. This Assembly has power to control such transactions.

Mr De Domenico: What about a contract overseas?

MR CONNOLLY: That would be more difficult to enforce. However, it would be impossible to physically arrange the supply of refined petroleum from Singapore to Canberra, other than at vastly great expense. We think we have the legal power to achieve what we want to achieve, but we have always said that we do not intend to have price control 365 days a year. This is very much a reserve weapon. There have been occasions when it would be most appropriate to use it, and I doubt whether anyone would have disputed my exercise of these powers, if I had had them, in April of 1991, when we saw the extraordinary

5c and 6c jump in prices in Canberra for four days, dropping back again afterwards. That Easter long weekend was an extortionate exercise in ripping off the ACT consumers. It is something that I suspect the oil companies now regret, because it irrevocably damaged their reputation in Canberra. It was an example of where we would feel absolutely justified in intervening.

Our approach is on two fronts: First, it is to provide price control legislation to allow us to intervene in a way which is accountable to the Assembly. As Mr Moore pointed out, any of those orders are disallowable. Our other thrust is to intervene to get independents into the market. Mr Humphries had two objections to that. One was that it was not a fair competition; we were not allowing everybody in. Of course we are not; we are restricting access to sites to independents. The *Canberra Times* editorial criticised us and said that we should allow everyone to enter the market for any of those sites. That is what happened in Tuggeranong, where one major oil company purchased the two sites in the Tuggeranong Town Centre.

Mr Moore: For a ridiculous amount of money.

MR CONNOLLY: For an outrageous amount of money. You can see their logos 50 metres away from each other. That is one of the reasons why we have an uncompetitive market. Clearly, we must restrict access to sites. Mr Humphries seems to suggest that by doing that we are forgoing sums of money and therefore it would be cheaper simply to subsidise the sale of petrol in Canberra. That is on the assumption that we are, for all time, losing those sites. As I have made clear, we are intending this to be a short-term process. We can get people into the market on a restrictive form of lease.

The working group report, if members have read it - and I have reason to believe that the Liberals did not read it - indicates that the declared lease technique would be a likely technique for making these sites available. One advantage of the declared lease technique, and I think Mr Moore would be encouraged to hear this, is that it requires instruments to be tabled in this Assembly and to be disallowable. Again, if the Government moves down this path, intervening in the market to attract independents, a very likely way of doing that gives the Assembly some control and accountability over what we do.

If we are doing dirty deals, it is accountable in this Assembly. So again, we have some control; and again, a declared lease gives the Government very extensive powers to control subsequent dealings with the lease and impose conditions on operations on the lease. We can control who is in the site; we can control who controls who is in the site - - -

Mr Kaine: How are you going to do that?

MR CONNOLLY: We can quite easily do that by lease conditions. We can achieve this. The Liberals' other claim was that all of this is unnecessary because the Prices Surveillance Authority said that everything is hunky-dory. If anybody believes what the PSA says - that it is all hunky-dory in the Canberra market - they are pretty isolated. The ordinary Canberra citizen does not think so, and Canberra business does not think so. I received a press release today saying that a certain group supports the Government's tough stance on petrol pricing. It goes on:

> ... called on other ACT business groups to take a stand on the issue to halt the "fleecing" of dollars from ACT businesses and consumers by oil companies.
>
> "It is scandalous that the ACT is being held to ransom. The disposable dollars available to hotels, restaurants and retail stores are being significantly reduced because of the actions by oil companies in charging unjustifiable prices for petrol ...
>
> "Times are tough enough for most families without this sort of practice occurring by multi-national companies who should know better ...

They were supporting the Government's action. That is a press release from the Australian Hotels Association, who are not noted for supporting measures attacking small business. All of the rhetoric from the Liberals is extraordinary. Here is a release from the AHA supporting the Labor Government for intervening in this market. You are really isolated over there.

I interjected during Mr Humphries's remarks that the PSA and Professor Fels were wrong. Mr Humphries was highly agitated when I said that Professor Fels was wrong, but basically this report documents where Professor Fels was wrong. It documents that the difference between the price of petrol in Canberra and Sydney through extensive periods in 1991 and 1992, after the Fels reports, was in the order of 5c a litre, not 2c a litre. At page 21 there is a 4c a litre price difference shown, taking into account the 2c freight cost. So in fact it is a 6c a litre difference.

It documents at the back of the report that all the factors that Fels quoted for saying why prices should be higher here - higher building costs, higher operating costs and higher labour costs - were wrong. Labour costs in Canberra are lower than those prevailing in Sydney. The award rates are quoted in this report at pages 64 and following. The workers compensation premiums are in many cases comparable. The water, electricity and operating costs are much lower, and building costs are very comparable. So, again, those justifications for a higher price are simply wrong. The finding in 1991 that the real difference in price between Canberra retail and Sydney retail was 2c, which is about the freight cost, which means that everything is hunky-dory, is simply not the case now. That has been documented in this report.

The Government must intervene in this uncompetitive cartel-like market we have in Canberra. Everyone seems to accept that, but the Liberals cannot offer any positive way of acting. They are prepared, as always, to carp and criticise, but they cannot propose a single positive move that the Government can take. The Government has proposed a range of moves to intervene in this market, which will, in the Government's view, result in a lowering of petrol prices and a fair deal for Canberra consumers.

Question resolved in the affirmative.

FAIR TRADING (FUEL PRICES) BILL 1992

Debate resumed from 25 June 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 8	*NOES, 5*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Ellis	Mr De Domenico
Ms Follett	Mr Kaine
Mr Lamont	Mr Westende
Ms McRae	
Mr Moore	
Mr Wood	

Question so resolved in the affirmative.

Bill agreed to.

PETROL PRICES - WORKING GROUP REPORT
Ministerial Statement

Debate resumed from 16 June 1993, on motion by **Mr Connolly**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

ADJOURNMENT
Assembly Staff

MR BERRY (Deputy Chief Minister) (6.20): I move:

That the Assembly do now adjourn.

Madam Speaker, before the house adjourns, may I take this opportunity, on behalf of the Government and, I suspect, all members, to thank the attendants for their diligence and hard work this morning in coping so well with the rapid-fire introduction of some legislation. Thanks, too, to the secretariat for all their efforts in assisting us to get through a very busy program on the day.

Question resolved in the affirmative.

Assembly adjourned at 6.21 pm until Tuesday, 17 August 1993, at 2.30 pm

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ANSWERS TO QUESTIONS

MINISISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 517

Hospital Chaplaincy Services

Mrs Carnell - asked the Minister for Health:

1. What funding does ACT Health provide for chaplaincy services in ACT hospitals?
2. Who is the funding provided to?
3. Are formal appointment mechanisms in place for chaplains?
4. Are performance indicators and reporting procedures in place?

Mr Berry - the answer to Mrs Carnells questions is:

1. ACT Health does not provide specific funding for chaplaincy services although both public hospitals provide an allocation from recurrent funding. Woden Valley Hospital provides $33 000 towards Hospital chaplaincy services.

Calvary Hospitals Pastoral Care service expenditure for 1992!93 year to date of $53 300 is for both Calvary Private and Public Hospitals. Of this amount some $45 000 is provided by the Private Hospital for the employment of a Pastoral Care Coordinator.

2. At Woden Valley Hospital payments include $20 000 to the Anglican Diocese of Goulburn and Canberra as a part contribution towards the Clinical Pastoral Education Program based at the Hospital. $10 000 is provided to the Roman Catholic Church, Archdiocese of Canberra and Goulburn to fund the Coordinator of Chaplaincy and Pastoral Care Services position. The balance is for associated administrative costs.

During 1992/93 to date Calvary Public Hospital have incurred direct costs totalling $53 300 for Pastoral Care services. All stipend payments are made directly to the Congregation for the works of its Sisters at the Hospital.

In addition a major voluntary contribution is made to the ACT Public Hospitals by members of some 40 denominations represented in the ACT.

3. - Formal appointment mechanisms are in place at both public hospitals. Nominations from religious bodies are forwarded to the Coordinator at Woden Valley Hospital and a panel which includes the Coordinator, a representative from the ACT Churches Council and the Hospital Administration is formed to interview the nominees. Recommendations are forwarded to the Hospital Administration.

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At Calvary Hospital nominations are forwarded to the Pastoral Care Supervisor with a recommendation forwarded to the Hospitals Administration and formal accreditation as a chaplain issued.

4. At Woden Valley Hospital, the Chaplaincy and Pastoral Care Department participates in the activities of the Division of Health Professionals, including its Quality Improvement Committee. Performance against accreditation standards, including staff appraisal, is assessed and reports provided to the Hospitals Quality Improvement Committee. Given the voluntary nature of service, nominating religious bodies determine additional performance indicators.

At Calvary Hospital, Pastoral Care is included in the quality assurance reports conducted within the Hospitals .Administration Services. Reporting lines are clearly defined and performance against accreditation standards is also reported. The Hospital works closely with the nominating faith and religious bodies, giving particular concern to the mostly voluntary nature of the service, to determine appropriate performance indicators.

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 600

Health Complaints Unit

Mr Moore - asked the Minister for Health:

(1) When will the autonomous Health Complaints Unit be operational

(2) Could the Minister provide statistics showing, through the current mechanisms

(a) the number of complaints received; (b) the number of complaints investigated;

and (c) the number of complaints found in favour of the complainant

(3) Who legally owns doctors patient notices.

(4) Who legally owns medical reports passed back to the referring GP subsequent to referral to a medical specialist

(5) Is it mandatory for doctors and hospitals record all known allergies and adverse drug reactions.

(6) What constitutes informed consent in relation to the prescribing of drugs and procedures to be performed.

(7) 1s consent given by a patient to one doctor transferable to a colleague.

(8) Can a doctor discuss the treatment of his/her patient, being an adult, with members of the patients family without obtaining the patients consent

Mr Berry - the answer to Mr Moores question is:

(1) It is envisaged, with a smooth passage through the ACT Legislative Assembly, that the Health Complaints Unit will be operational in September 1993.

(2) (a) Community Health implemented a formal complaints policy and proms in October 1992. Since that time 52 complaints have been received and, over the last three months Community Health have received 175 commendations. During 1992 Woden Valley Hospital received 318 complaints and 922 commendations. In the first quarter of 1993, 90 complaints have been received with 296 commendations. (b) All complaints have been investigated and finalised. (c) 34 complaints to Community Health were resolved in favour of the complainant or to the complainants satisfaction. In relation to Wades Valley Hospital, most complaints deal with situations and issues that are not measurable in this way. Very often complainants are satisfied with an explanation for why events occurred as they did. Likewise, the hospital often benefits from the feedback provided by complaints.

2089

(3-8)Ownership of medical records is a complex issue and advice could vary from case to case. The ACT Government Solicitor has advised that if Mr Moore requires advice relating to specific patients he should approach the Clerk and seek specific legal advice.

2090

QUESTIONS ON NOTICE NO. 627

Legislative Assembly - Mobile Telephones

MR CORNWELL: To ask the Speaker -

(1) Is it a fact that 6 mobile telephones are available for the long-term use of Assembly Members.
(2) Is it a fact that priority for use of these 6 telephones will be given to female Members of the Assembly.

(3) Why is this priority so given.
(4) Has a legal opinion been sought to ascertain if any discrimination law has been breached; if not, why not.

(5) Does this decision show undue favouritism toward female Assembly Members.
(6) Does this decision indicate Affirmative Action now applies in Assembly administrative procedures.

(7) Does this decision breach EEO guidelines. •
(8) Has a legal opinion been sought to ascertain if this decision infringes Human Rights legislation; if not, why not.

(9) What is the monthly cost of a mobile telephone.
(10) Why are mobile telephones simply not provided to all Members who wish to use one.

MADAM SPEAKER -the answer to Mr Cornwells question is as follows:

(1) There are 12 mobile telephones available for use by non-Executive Assembly Members in accordance with guidelines agreed to by the Standing Committee on Administration and Procedures. One Member has chosen not to utilise a mobile telephone provided by the Assembly.

(2) and (3) When mobile telephones first became available for long term use by nonExecutive Members, the Administration and Procedures Committee agreed that priority for long term use of the 6 telephones available at that stage be given to female Members. This followed approaches made to the Speaker by female Members.

(4) to (8) As all non-Executive Members have access to mobile telephones for official purposes no legal opinions have been sought on the matters raised.

(9) The monthly cost of a mobile telephone paid out of Program 1 is as follows: Rental $40.00 per month per mobile phone.
Calls are charged at an STD rate and costs are met by the Members from their general allowance.

(10) All Members who wish to use a mobile telephone are provided with one.

2091

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 672

Housing Trust - Student Rent Subsidies

MR. HUMPHRIES - Asked the Minister for Housing and Community Services - In relation to full-time students in the ACT -

(1) Are any ACT Government rent subsidies available to such students.

(2) Are such subsidies, if any, available to students who are not permanently resident in the ACT.

(3) On what basis are rent subsidies made available to students.

(4) Are such students eligible for ACT Housing Trust houses or units.

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

(1) TO (4) Students who meet the ACT Housing Trusts eligibility criteria for housing may apply to be registered on the waiting list for housing. The Public Rental Housing Assistance Program states that an applicant is eligible for assistance if "the applicant is resident or employed in the Australian Capital Territory". Students who are not resident in the ACT are not eligible for ACT Housing Trust assistance.

Once registered on the ACT Housing Trusts waiting list students may apply for rent relief whilst leasing accommodation in the private market.

Students who are tenants of ACT Housing Trust properties, may be eligible for rent rebate.

2092

MINISTER FOR SPORT
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 675

Bruce Stadium - Ticketing Contract

Mr Humphries - Asked the Minister for Sport .
(1) Has the Government awarded a.contract or other arrangement. in favour of the. _ . Canberra Theatre Trust for the retailing of tickets for the..Canberra Raiders matches held in the ACT in 1993:

(2) When was the decision made to award such a contract-or arrangement, and.
. by .whom? .

(3) What, process was used to assess the suitability of the Trust or other possible retailers in the awarding of contracts? , . -- ..

(4) What equipment or upgrading of facilities did the Trust engage in order, to obtain the contract? At what cost?

(5) From which outlets will the Trust sell tickets to Raiders matches? .

(6) : What. commission will be charged for the sale. of tickets by, the Trust . .:

(7) . If no commission is to be charged, how will the Theatre Trust recoup the -cost . of selling tickets? . : .

(8) For, what period does the contractor arrangement with the Trust run? .
(9) What are the terms of the-contract or arrangement? . -;

(10) What-arrangements are envisaged to allow inter-state visitors to _ purchase tickets outside the ACT? Do.those arrangements apply to persons.

Mr Berry - the answer to the Members question is as follows:. . . -.

(1) Yes, ...

(2) The decision for ticketing Competing at Bruce Stadium was -made on 15 January 1993 ;-. following the cessation. of the ticketing agreement -with Ticketek Pty Ltd on 31 December. The decision was made by officers of the Department of ...

It was decided to enter into a contract with the CTT without having to explore the market further on the basis that:

a) the CTT is an ACT Government Agency which would allow for a closer mutually satisfactory working relationship to be developed;

b) there. had already been an investment of public movies in the CTT Ticketing system;. -

c) there was a limited number of. ticketing contractors able to provide the scope of services required;

d) the CTT was able to provide a better service than that provided by Ticketek Pty Ltd; and

e) there. would be administrative and time savings in completing the negoiations with the CTT and entering into a contract without further exploration of the market.

(4) I understand the CTTinstalled ticketing equipment at Bruce Outdoor Stadium; Mawson Leagues Club, Queanbeyan Leagues Club and Government Shopfronts in order to service the contractual requirements at a cost of approximately .$20,000:

(6) The outlets from which a patron to a Raiders match may purchase a ticket are:

Canberra Theatre Centre
- ACT Government Shopfront Tuggeranong .
- ACT Government Shopfront Belconnen
- Raiders Leagues- Club, Mawson
- Queanbeyan Leagues Club -

through through visiting teams clubs.

(6) This information is commercial-in-confidence.

(7) . The commission retained by the CTT is enough to recoup the cost of selling tickets.

(8) It was agreed that. the CTT would be given a 3 year contract with.a.2 year option, however, here would be a performance clause that would be reviewed after the first 12 months.

(9) The terms .ofthe contract are commercial-in-confidence and are between the . y CTT and the Territory. .

(10) There is.a provision for a 008 number to.be rung direct and a system in place for visiting teams supporters to acquire tickets through,their respective clubs.. .

Pre-bought tickets-can be purchased by cheque or, money order if, they do -not . . have a credit card. - .

2094

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 678

Health Portfolio - Car and Mobile Telephones

Mrs Carnell - asked the Minister for Health:

(1) As at 31 March 1993, how many car and mobile phones were (a) owned; (b) leased and (c) rented by (i) the Ministers Department and (ii) any authorities for which the Minister is responsible.

(2) What were the same figures for 31 March 1992.

(3) What was the total expenditure on car and mobile phones during the periods (a) 1 July 1991 to 30 June 1992 and (b) 1 July 1992 to 31 March 1993 for (i) the Ministers Department and (u) any authorities for which the Minister is responsible. - .

(4) What guidelines exist for use of car and mobile phones by officers of (a) the Ministers Department and (b) any authorities for which the Minister is responsible.

(5) How many car and mobile phones were not allocated permanently to individual officers, or were allocated to general pool use, during the period 1 April 1992 to 31 March 1993 from (a) the Ministers Department and (b) any authorities for which the Minister is responsible.

Mr Berry - the answer to Mrs Carnells question is:

(1) At 31 March 1993,19 car and mobile phones were owned, 0 were leased and 1 was rented by the Ministers Department and none were owned, leased or rented by authorities for which the Minister has responsibility.

(2) At 31 March 1992,16 car and mobile phones were owned, 0 were leased and 1 was rented by the Ministers Department and none were owned, leased or rented by authorities for which the Minister has responsibility.

(3) The total expenditure for the Ministers Department on car and mobile phones for each period are:

(a) 1 July 1991 to 30 June 1992, $13454;

(b) 1 July 1992 to 31 March 1993, $14355.

2095

(4) No formal guidelines east for the use of mobile and car telephones within ACT Health It is expected that staff who have access to these telephones use them the same way they would office telephones. The accepted policy is that office telephones should only be used for personal calls in cases of emergency.

(5) 7 car and mobile phones were allocated to general pool use during the period 1 April 1992 to 31 March 1993 by the Ministers Department.

2096

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 682

Education and Training Portfolio - Reimbursables

MR CORNWELL - asked the Minister for Education and Training on notice on 11 May 1993:

In relation to the ACT Gazette No. 16 of 21 April 1993, what were the reimbursables totalling $2.175 million under purchase references 014121, 014125, 014127, 014129, 014180 and 014182 of your portfolio.

MR WOOD - the answer to Mr Cornwells question is:

Details of the reimbursables are attached.

2097

Electronic copy not available but included in printed Hansard

Electronic copy not available but included in printed Hansard

Electronic copy not available but included in printed Hansard

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 684

Government Schools - Special Education Places

MR CORNWELL - asked the Minister for Education and Training on notice on 11 May 1993:

In relation to the Ministers reply to question on notice No. 556 regarding excess places in ACT Government schools, what is the breakdown between colleges, high schools and primary schools of the 1226 additional spaces required for special classes: (Note 6)

MR WOOD - the answer to Mr Cornwells question is:

New college programs were introduced this year and require 57 places. Therefore 1283 additional places are required in ACT Government schools for special education classes, comprising:

- Colleges - 57

- High schools - 266, and

- Primary schools - 960,

2101

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 685

Housing Trust - Rent Relief Bond Loans

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to loans made by the ACT Housing Trust for bonds to rent relief tenants - .

(1) How many such bonds have not been repaid at all following the interest free 12 months moratorium (a) prior to 1990, (b) in 1991-92 and (c) 1 July 1992 to 30 March 1993.

(2) What was the value of such outstanding overdue repayments in (1) in each of those years listed.

(3) What is the value of outstanding loans currently being repaid from each of the years listed in (1).

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

(1) to (3) Information is not available regarding (1). In regard to (2) and (3), information is only available on the value of the loans for bonds and payments received for the financial years 1991-92 and 1992-93 as follows:

1991-92 - $277,729 - value of loans.
$38,462 - repayments received.

1992-93 - $400,329 - value of loans.
$48,984 - repayments received.

The bonds money received may include repayments for bond loans issued in a previous year.

2102

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION N0.688

Rousing Trust Properties - Non-Trust Tenants

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

(1) Are there any flats or blocks of flats occupied by other than Trust tenants.

(2) If so, how many properties.

(3) Where are they located.

(4) Why are they so occupied and by whom. _ .

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

(1) Under the Community Organisations Rental Housing Assistance Program, 46 Housing Trust properties are provided to organisations and other government agencies on a head tenancy basis, to provide accommodation for groups within the ACT community with special needs.

In addition, a flat in each of three complexes has been provided to community organisations, to be operated as a community room for the tenants. Community rooms are located at Burnie Court, Lyons; Condamine Court, Turner; and Bega Flats, Reid.

Refer to answer to Question 594 regarding flats occupied by Embassy staff at the Light Street, Griffith flat complex.

(2) Refer to (1) above.

(3) The 46 properties referred to in (1) above are located in:

Fraser Court, Kingston
McPherson Court, OConnor
Undoolya St, Hawker
James Court, Red Hill

Owen Flats, Lyneham
Condamine Court, Turner
Illawarra Court, Belconnen
Betaloo Court, Hawker
Northbourne Flats, Braddon
Windeyer Court, Watson
Bega Flats, Reid
Mawson Gardens, Mawson
Stuart Flats, Griffith
De Burgh St, Lyneham
Discovery St, Red Hill
Osborne Place, Belconnen

(4) Refer to (1) above.

2104

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 696

School Laboratory Assistants
Industrial Dispute

MR CORNWELL - asked the Minister for Education and Training on notice on 11 May 1993:

In relation to the school laboratory assistants dispute end the effective loss of tuition in most of Term One for some students :n accredited science courses

(1) How do you intend to allow for this disadvantage in the students assessments (Hansard, 23 March, page 5).

(2) How many students by year in (a) high school and (n; colleges, are affected.

(3) How many high schools and colleges, by name, are affected.

MR WOOD - the answer to Mr Cornwells question is:

(1) There was no loss of tuition in accredited science courses for students at colleges as a result of the school laboratory assistants dispute. Teaching staff did not take any industrial action. There were some effects as a result of the dispute and these varied from one college to another. In one college students suffered no effects at 311. In the other eight colleges students were affected as a result of the impact on organisational arrangements for practical science since the order in which certain topics were taught needed to be rescheduled. While this had some effect on the teaching of courses, I am satisfied that the certification requirements of the ACT Board of Senior Secondary Studies will be :net.

(2),(3) It is not possible to provide a precise figure for the number of high school and college students affected by the industrial action taken by the laboratory assistants, since schools and classes were affected differently.

2105

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 701

Gordon Primary School

MR CORNWELL - asked the Minister for Education and Training on notice on the 11 May 1993:

In relation to the new Gordon Primary School
(1) How is the school "designed for conversion to other community uses after the demographic tides of enrolment pass through".

(2) What was the construction cost.

(3j What was the extra construction cost; if any, to provide for conversion to other community uses.

MR WOOD - the answer to Mr Cornwells question is:

(1) The quotation in (1) was inadvertently attributed to the new Gordon Primary School in ,a Ministerial Media Statement, but correctly refers to the design of Bonython Primary School. Gordon Primary was not designed to allow for conversion to other community uses.

(2) Final construction cost of Gordon Primary School was $7.3m.

(3) Nil. Projections for Gordon Primary School indicate that the school will be needed long term, with enrolments in the vicinity of 300, so conversion for other uses was not a design consideration. However, in the case of Bonython Primary School which was designed for conversion to other uses, a small premium involving additional administrative, design and some construction costs was incurred. This premium has not been assessed. and would be most difficult to quantify.

2106

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 702

Ministerial Consultative Committee on Non-Government Schools

MR CORNWELL - asked the Minister for Education and Training on notice on 11 May 1993:

In relation to the Department of Education and Training Annual Management Report 1991-92 and the statement (p. 46) "Government Policy is to establish the Non-Government Schools Consultative C< Committee on a more formal basis."
Has this been done, and if so how.

(2) If not, why not.

(3) How many times has the Committee met in (a) 1992 and (b) 1993.

MR WOOD - the answer to Mr Cornwells question is:

(1) A Ministerial Consultative Committee on Non-Government Schools has not yet been established.

(2) Negotiations are continuing with interested groups concerning membership and terms of reference of the Committee.

(3) Not applicable.

2107

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 720

Schools Committees

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

How many times in (a) 1991 - 1992 and (b) to 30 April 1993, have the following met (i) ACT Schools Planning Committee; (ii) ACT Education and Training Forum and (iii) ACT New Schools Committee.

MR WOOD - the answer to Mr Cornwells question is:

(a) 1991 - 1992

(i) ACT Schools Planning Committee (now known as Schools Interagency Coordination Group) - 8;

(ii) ACT Education and Training Forum - 3; and

(iii)ACT New Schools Committee - 7.

(b) 1 January t0 30 April 1993

(i) ACT Schools Planning Committee (now known as Schools Interagency Coordination Group) - 0;

(ii) ACT Education and Training Forum - 3; and

(iii)ACT New Schools Committee - 0.

Note: ACT New Schools Committee is controlled by the Commonwealth and only meets when necessary to deal with ACT aspects of the National Program.

2108

SPEAKER OF THE LEGISLATIVE ASSEMBLY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NO 724

Speaker - Staff Training Course

MRS CARNELL- asked the Speaker:

In relation to expenditure incurred by your former Senior Private Secretary to attend a training course for the day on 8 July 1992

(1) What training course did this officer attend.

(2) Where was the course held and by whom.

(3) What was the cost of the course itself.

(4) What breakdown is available of all other costs to make up the total of $1935.00.

(5) Did you approve the attendance of this officer on this course.

(6) What benefit was supposedly gained for the expenditure by the taxpayer of $1935.00 on a one-day training course.

MADAM SPEAKER - The answer to the Members question is as follows:

(1) The officer attended the 21st Australian Conference of Economics, which was conducted over three days.

(2) The course was held in Melbourne by the Economic Society of Australia.

(3) Registraion fees for the conference amounted to $350.00.

(4) The other costs associated with the officers attendence at the conference are:

air fares $360.00
travelling allowance $485.00
salary cost $740.00*

Subtotal $1585.00

*Note: Under the requirements of the training guarantee scheme the staffs salary component for the period that training was underaken is a cost that is included in the calculation of the cost of training. In this case the salary component has been calculated for the 3 days of the Conference.

(5) On my recommendation, approval was given by the Clerk.

2109

(6) The Training Guarantee Scheme was established to encourage employers to invest in improving workforce skills and the officer who attended the conference over a period of three (not one) days was required under the scheme to make a report. In that report the officer indicated that he had gained skills which would increase the quality of advice and increase the speed of the analysis of political and economic issues and the level of understanding of complex issues.

2110

2

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 725

Woden Valley Hospital - Salaried Specialists

Mr Moore - asked the Minister for Health:

(1) Can the Minister confirm teat the following Rights to Private Practice (PPP) arrangements are currently. operating in Woden Valley Hospital (a) salaried hospital specialists article to gain additional income from the treatment of private patients; (b) they an elect to accept a loading of 16% on their salaries and forego any charging opts= -ate patients or they can charge private patients providing that they do no :am more than 17.5% on top of their salary and (c) the hospital bills the prevent parent on behalf of specialists.

(2) How many salaried specialists paid by the Woden Valley Hospital earn, during hospital paid hours, substantial amounts over and above the agreed 17S%.

(3) What arrangements have Been made at Woden Valley Hospital to cover work done by specialists while they are attending their private practice.

(4) What sanctions are in plate to limit these specialists from earning more than the agreed 17.5%

(5) What disciplinary procedures are currently in place for doctors who have a conflict of interest between their salaried job at Woden Valley Hospital and their earnings in private practices.

(6) What amount is currency held in the PPP Trust Account.

(7) For what purpose are tint :ids held in this PPP Trust Account.

Mr Berry - the answer to Ms Moores question is:

(1) Staff specialists in ACT public hospitals may be granted rights to private practice under one of two scheme.

Scheme : The practitioner is paid an allowance of 16% of their base salary. Any private patients seen bathe specialist are billed by the hospital and the revenue is retained by the hospital the terms of the private practice agreement.

Scheme : the specialist ray be paid up to 25% of their base salary if the specialist sees a sufficient - amber of private patients to generate this amount of net revenue. The hospital c!harzes the specialist a facility fee varying from 20-100%0

2111

of the schedule fee (depending on the service rendered to the patient) for the use of hospital facilities for the private patient. If the net revenue raised is greater than 25% of the staff specialists base salary, up to an additional 10% may be paid to the practitioner to cover private practice expenses and professional indemnity premiums. Any further revenue earned by the practitioner is retained by the hospital private practice fund which is administered in accordance with the private practice agreement. All billing of patients is done by the hospital and not by the specialist.

(2) As noted in (1), no salaried specialists earn amounts greater than either 16% or 35% of their base salary. Any revenue generated above these amounts is retained by the hospital.

(3) The arrangements described in (1) apply to private practice performed in ACT Health facilities -and hence the specialists are available for treatment of other patients. Some specialists employed during the 1980s were granted the right to practise outside the hospital, independent of the above schemes, for-up to one day per week. The hospital managers who granted this privilege were satisfied that other specialist staff were available to cover hospital activities.

(4) Private patients of salaried specialists are billed by the hospital. The specialist is then reimbursed by the hospital as described in (1) above. The terms of the private practice agreement prevent the hospital paying the practitioner in excess of their entitlements.

(5) See (4).

As at 28 April 1993 the value of the Private Practice Hospital Account was $6,921,788.42.

Payments from the Private Practice Hospital Account shall only be made for the following purposes, as detailed in section 11.1 of the private practice agreement:

(a) for the payment to full-time employed hospital staff, or research staff employed on a grant or allowance in the Hospital, of travel grants and other expenses necessarily incurred or to be incurred in connection with conference and study leave in the course of travelling or residing overseas for the purpose of increasing their professional knowledge or skill,

for reimbursement of expenses of visiting lecturers and other dignitaries invited to the hospital where the Hospital Account is maintained,

(c) for the improvement of hospital facilities provided to and used in or directly related to the practise of medicine in the hospital where the Hospital Account is maintained,

(d) for funding medical research,

(e) for such other special proposes as are approved by the Administration Committee and the Chief Executive, or

(f) for payment of the expenses connected with study leave granted for the purpose of pursuing such professional development programs and proposals as are approved by the Chief Executive from time to time.

Interest on the funds in the Hospital Account are held in a separate account under the Private Practice Agreement and may only be used for the purposes of funding research or the establishment of a scholarship or research fellowship.

2113

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 726

Housing Trust Properties - Vacancies

MR STEVENSON: Asked the Minister for Housing and Community Services -1n relation to dwellings under the management of the ACT Housing Trust and separated into categories of two bedrooms or less and three bedrooms or more (a) how many are there; (b) how many are vacant presently; (c) how many days have these vacant dwellings been vacant on average; (d) how many of the vacant dwellings are vacant due to maintenance or repairs; and (e) is it considered that delays due to repairs are longer than necessary; and if so, what action is proposed to rectify the situation.

MR CONNOLLY- The answer to the Members question is as follows:
As at the end of May 1993, -- -
(a) 12,374 made up of 5,190 dwellings of two bedrooms or less and 7,184 dwellings of three bedrooms or more.
(b) 275.

(c) 53 days (39 days in Maintenance and Repairs and 14 days in Allocation)
(d) 163.

(e) Yes. Building Assets Management Section GAMS) has redesigned zone management practices and contractual arrangements to meet peak demand. The Housing Trust is examining allocation procedures to significantly reduce time taken to achieve tenant allocation.

2114

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 731

North Watson - Native Grassland

Mr Moore asked the Minister for .the Environment, Land and Planning..

In relation to recent comments in. the- media responding to the North Watson Community Associations Landcare proposal, the Minister claimed to be totally .unaware of. any significant native grassland in the area - Can the Minister explain how he: can be unaware of this grassland when it appears in the ecology Section, page. 8,.of the ACT Governments Preliminary Assessment .for Public Notification, published.in November 1992.

Mr Wood.- the .answer to the members question is as follows:
The Preliminary Assessment for North Watson states at page- 8 that, on the site proposed for residential development, there are areas of well developed.Stipa tussock grassland which provide.low immoderate potential habitat for the; Striped Legless Lizard. The Assessment further states, on page 43, that these are areas of low significance from an-ecological viewpoint

In recognition of the potential habitat of the grasslandfor. the Striped Legless Lizard, a detailed.trapping- program was undertaken. in the area.. No specimens of thelizard.were found.My statement about the lack of significant native grassland.is.correct.

2115

3.1.3 ECOLOGY

The original vegetation of the North Watson area consisted of E. meffloddra - E blakelyi woodland on the footslopes of Mount Majura, grading into open woodland and possibly grassland on the western edge of the studyarea. Much of the area, however, has been extensively modified, such modification ranging from total replacement: of the original -vegetation, through tree and shrub clearing and groundoover modification as a result of pasture improvement, to understorey modification as a result of past or present grazing (see Figure 5). The extent of disturbance is greater to the west of AM Street than on the higher slopes to the east of Anthill Street

There are nevertheless several areas where the remnant vegetation displays aspects of rtsoriginal character and which may have some habitat potential for native species. West of AMD Street such vegetation includes the remaining.large woodland eucalypts;, many of which are still in good health and contain hollows suitable assessing sites, and areas of developed. Slips tussock grassland, which provide.laurr to moderate potential habitat for-the Striped Legless Lizard Delma impose The habitat potential froths lizard is being -assessed by a fourweek trapping exercise starting in late November 1992. The furdrngs, of this work must be fully considered during the outline planning of the site. .

The most significant vegetation east of Ante Street is the woodland which occurs. where the area managed as Canberra Nature Paris has _a frontage on Antoci Sheet,
- ie.. the area to the north of the double fenced equestrian route. Woodland and .native grassland extends through most of,
the area from here north -to the Federal

Highway, except for a pocket of.. improved pasture uphill of the former Australia Park (Canberra Fairy and south of Apex Park.-. -in particular the north eastern tip of this area-(on the FederalHighway east of Apex Park) isffidristically averse, with at least six locally uncommon plants being present, naively EoVum opinion, lea per, Acacia pawn I Openarlariff hlsplda, Thysanotis paterswp and Arthrolvodknn minus This area is outside the area contemplated for possible development

Further along Annual ShiK the understorey is heavily grazed .although mature woodland trees, wish ice. for nesting sites one found- throughout this" areas sirrillar to those west of Mill Street -

Lanwater features are also of value to-lpcal witdife (age frogs) and provide opportunities-for appreciation and nature study

43

IMPACT ON THE NON-HUMAN BIOLOGICAL ENVIRONMENT - ECOLOGY

The proposed North Watson development is located in areas. which are either totally modified, contain improved pasture or contain partially improved ($tipa- - Danthonia) pasture. These are areas of low significance from an ecological viewpoint, although in some locations there are mature woodland trees or patches of (Slips bfgeniculala) open tussock grassland.
Some of the mature trees contain hollows which provide nesting habitat for native - birds or mammals, and a large proportion. of .these trees (approximately 70%) should be preserved within the proposed-urban development The trees retained . would continue to provide nesting sites,. although probably for a narrower range of . spaces which can adapt to breeding within the urban environment

The development adjacent-to the present edge of Watson would result in the loss - of the Remainder areas -of - Steps grassland- and their potential habitat value, . however, this habitat value is considered to be lowers moderate. In the event of the striped Toeless lizard (Delta impugn being located in these these.ardas,.It is unlikely that the population of the lizard would be large enough in isolation to maintain long-term viability.
.

East of Anil Street, the proposed denrelopmentwould be located.almost entirely-. within improved pasture areas. The impact on native.grassland and woodland with native understorey would be. minimal and would not significantly affect the ecological. integrity of the Mount Major area. Should development result in the cessation of grazing .in the existing horse holding and stock. pound paddocks, this would assist in the nature! regeneration of those areas degraded by grazing to a - more diverse woodland

The area of greatest vegetation and. habitat interest identified in the field survey is loathe . Highway outside the area-affected by the . proposed development.

There are no significant wildlife movement corridors which would be affected by the proposed development:

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 732

ACTION - Bus Shelters and Toilet Blocks

Mr Cornwell = asked the Minister for Urban Services: . In relation to Purchase reference 014270 (Gazette No 19, 12 May 1993)

(1) How many (a) bus stops and shelters and (b) concrete pads and toilet block; were supplied and installed for $176,766.00

(2)What were the basic dimensions of the toilet blocks and what basic areas were contained in them (eg gender segregated-areas . comprising how many toilets . and how much wash space etc-).

(3) Where were the toilet blocks installed.

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

(1) (a) .16 aluminium shelters are to be supplied and installed and 10 concrete bus . shelters are to be relocated. (b) 27 concrete pads are to be constructed and 2 shelier/toilet blocks are to be relocated.

(2) 2 terminus facilities are to be relocated under this contract to meet new bus . . . route arrangements. - A single toilet with wash basin in an area approximately -. 2.4 x 1.2 metres is at the end of each of these shelterunits and is for bus.driver use only:

. (3) The locations of these units ate Block 1 Section 57 (Lambda Street) Farrer . . and Section 33.(Basedow Street) Torrens.

2118

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 744

Housing Trust Properties - Heating

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

How many ACT Housing Trust (a) houses; (b) flats or bedsitters and (c) aged persons units do not have any permanently installed form of heating.

MR CONNOLLY: The answer to the Members question is as follows -
(a) Nil

(b) 788. The Housing Trust provides a stand alone portable electric heater as a standard inclusion in these units.
(c) Nil

2119

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION No 745

Government Service - Shellcard Discount

Mr Cornwell - asked the Minister for Urban Services:

(1) Is a petrol discount given to the holders of a Shellcard in the ACT Government; if so, how much per litre saving does this represent.

(2) What is the total approximate saving per annum to the Government.

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

(1) Yes. Fuel purchased with a Shellcard costs 62.2 cents per litre plus 25 cents per transaction for unleaded fuel. The 25 cents per transaction equates approximately 0.5 cents per litre per fill, compared with the current retail price of 74.9 cents per litre.

(2) $100,000.

2120

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 746

Government Advisory Bodies - List of Nominees

MR CORNWELL- Asked the Chief Minister upon notice on 15 June 1993:

In relation to the advertisement (Chronicle 31 May 1993) seeking names for the ACT Governments List of Nominees under a policy of "equal representation of men and women on Government advisory bodies" -

(1) Why is the contact point the Womens Information and Referral Centre?

(2) Is this contact point to discourage men from applying?

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

(1) The Womens Information and Referral Centre was the contact point in the advertisement in the Chronicle of 31 May 1993 because it is the functional area of the Social Policy Branch of my Department with responsibility for administering the List of Nominees. This reflects that historically women have been underrepresented on Government advisory bodies and particular efforts have been needed to ensure they are not discouraged from applying for positions. Mindful, however, of concerns such as those which you outline, the contact point was changed in subsequent advertisements to the Social Policy Branch.

(2) The original contact point was not intended to discourage men from applying. I am advised that since the start of the advertising campaign in late May, ten men and five women have lodged completed nomination forms for the List of Nominees, so it appears the early advertisements did not discourage men from applying.

2121

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 747

Forrest Conservation Area Conservation Plan

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

Has the study to produce a ,conservation plan for the Forrest Conservation Area been completed; ifs, where can copies be obtained; if not, why not?.

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

A conservation plan has been completed for the Forrest , .Conservation Area and is available from the architect who completed the study, John Armes and Associates, and from the ACT Heritage Unit.

2122

MINISTER FOR HOUSING AND COMMUNITY SERVICES FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 749

Office of Rental Bonds

MR CORNWELL - Asked the Minister for Housing and Community Services upon notice on 15 June 1993:

In relation to the Office of Rental Bonds
(1) _ How many landiordttenant disputes were referred to the Board from 1 July 1992 to 31 May 1993.

(2) How many of these disputes were (a) resolved by the Board; (b) referred to the Small Claims Court for resolution; or (c) withdrawn or otherwise resolved.

(3) Who are the members of the Rental Bond Board, by name, and what are their qualifications for the position.

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

(1) The Director of Rental Bonds was notified of 282 rental bond disputes under Section 62AQ of the Landlord and Tenant Act 1949 from 1 July 1992 to 31 May 1993.

(a) Rental bond disputes are not resolved by the Director of Rental Bonds. The Director is not empowered to provide legal advice or make recommendations as to how a particular dispute should be resolved or a particular party should act and, as such, the Director has no role in the resolution of disputes except to make payments in accordance with the provisions of the Act.

Under Section 62AG of the Act, the Director of Rental Bonds referred 282 disputes to an approved mediator, the Conflict Resolution Service, from 1 July 1992 to 31 May 1993.

(b) Of the 282 disputes notified to the Director from 1 July 1992 to 31 May 1993, 34 were more the subject of applications to the Small Claims Court. Applications to the Court are made by one of the parties to the dispute. The Director has no role in referring disputes to the Court.

(c) Of the 282 disputes notified to the Director from 1 July 1992 to 31 May 1993, 138 were resolved as of 31 May 1963.

(3) A Ministerial Advisory Committee for the Office was established in October 1991. The Committee is comprised of 4 members. The appointments were for a period of 2 years.

Mr Ken Horsham is the representative of government. Mr Horsham is the General Manager of the Housing and Community Services Bureau.

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Ms Margot Hughes is the representative of tenants. Ms Hughes is the President of the ACT Tenants Union.

Mr Bruno Yvanovich is the representative of landlords. Mr Yvanovich is the General Manager of the Real Estate Institute of the ACT.

Professor Jane Marquee was the independent chairperson. Professor Marquee is Professor of Public Policy at the Research School of Social Sciences, the Australian National University. Professor resigned the chairpersonship in April 1993 due to other obligations and the chair is now vacant pending a new appointment.

2124

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 751

ACTTAB - Funds Allocation Review

Mr Cornwell - asked the Minister for Sport

(1) Is a review being conducted into the percentage allocation .of TAB funds to (a) gallops; (b) harness racing And (c) greyhounds.

(2) If so; when is a report expected and will it be .. available to interested persons, including myself.

Mr. Berry - the answer to the Members question is as . follows:

(1) Yes:

(2) The review will commence once I have . appointed a suitable person to conduct it. I am unable to indicate when a report is expected. The report will be made available to race clubs and other interested parties, including members of the Legislative Assembly.

2125

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 770

Reading Recovery Teachers

MR CORNWELL - asked the Minister for Education and Training on notice on the 15 June 1993:

(1) What is the estimated cost of one full-time Reading Recovery teacher in the ACT Government school system.

(2) How many children per annum at (a) primary and (b) high school would such a teacher work with.

MR WOOD - the answer to Mr Cornwells question is:

(1) $38,000.00

(2) Reading Recovery is a daily 1:1 literacy intervention program for Year 1 students only. On average a full-time Reading Recovery teacher would provide assistance to 20 children over a twelve month period.

2126

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0. 773

Housing Trust Properties -
Energy Efficiency Monitoring Instruments

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

In relation to the contract with purchase reference no.- 311153 .($15,00.0) as listed in the Gazette No. 21, 26 May 1993

(1) What instruments are to be-purchased and installed in two ACT Housing Trust homes under this contract.

(2) Are these new or established houses and how long have they been owned by the Trust. .

(3).What is the purpose of installation. of such instruments in Trust properties.

(4) Why is the installation of instruments into Trust properties being undertaken by the Ministers Department rather than the Housing and Community Services Bureau.

Mr Wood - the answer to the Members questions as follows:

(1) The instruments. are. associated .with. energy efficiency.monitoring of thermos houses, necessary to establish ACT based data on energy budgets. The instruments comprise temperature sensors, energy consumption monitors and digital readout equipment.

(2) The house/land packages were completed and available for tenancy in October.1992. They.were designed to enhance their energy efficiency, in line with advice from an energy consultant. .

(3) The instruments were installed to.evaluatesolar energy,use and energy efficiency of. houses under. ACT. climatic conditions. The data will enable the calibration of energy models and. ensure efficiency In.relation to energy considerations in ACT housing development and control.

(4) .The. ACT Housing Trust.funded the cost of construction of the two houses,.. with specific-.design features-to enhance their. energy efficiency, but was: unable. to fund .the instrumentation -monitoring -component-of the project.. . -With the agreement of the Housing Trust, the ACT Planning Authority funded the instrumentation, as part .of its . . responsibilities for. . planning - and building siting control. Information provided by the evaluation-will be . made publicly available.

2127

**MINISTER FOR URBAN SERVICES -
LEGISLATIVE.ASSEMBLY QUESTION**

QUESTION NO 774.

Holder High School Tennis Courts

Mr Cornwell asked the Minister for Urban Services:

In relation to the old Holder High School

(1) Are the tennis courts still in use and, i£ so, by whom.
(2) If so, who pays for maintenance.
(3) Is it intended that these courts will be retained for community use when the future of the Holder site is determined
(4) If so, who will be responsible for maintenance. .

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

(2) Responsibility for the courts has rested with the Department of Education and Waiving although no work hasbeen undertaken in the last 12 months.

(4) The ACT Planning Authority is currently undertaking a cove planning won to assns the potential community benefits of appropriate alter uses the Holder site. The future of the tennis courts will lie

2126

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 775

North Duffy-Holder Development

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

(1) .Does the Government plan to develop any new suburbs in the Weston Creek Area.

(2) Is-the proposed North puffy/Holder urban .extension to constitute a part of existing suburbs or will it _ constitute a new suburb.

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

(1) No. .

(2)..If. -it:. proceeds the proposed development in North. puffy/older. would constitute an extension -to : the existing suburbs.

2129

MINISTER FOR. THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 778

Rural Property Licences

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

(1) How many rural properties are under licence in the ACT.

(2) What is the maximum time a property has been under licence in the ACT.

(3) Why are properties under licence in .the ACT.

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

(1) There are currently 45 properties held under licence in the ACT.

(2) Agistment licences have been in effect since July 1989.

(3) Properties are under licence because:

. they are awaiting arrangements for leasing, subject to finalisation of the rural leasing -policy;

. they are available only for short term grazing purposes, for example, where.land is likely to be required in the .

. near future for a public purpose; or . .

. the land is unsuitable for long term lease as there are significant environmental constraints by reason of close proximity to a Nature Reserve or where there are identified

specific, sites in the area. If a problem is identified,. .

agistment arrangements; are more easily discontinued or modified, whereas a lease requires formal variation. .

2130.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0. 779

Mount Rob Roy - Fire Management Works

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

(1) Is it a fact that some $200,000 was spent to incorporate Mt Rob Roy into the ACT nature park system.

(2) What was the money spent on and why was it so spent.

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

(1) An amount of $200,000 was spent on the,Rob Roy Range which. includes MountRob Roy and other areas identified,in the draft Territory Plan as Public Land (Nature Reserve) surrounding Mount Rob Roy including rural leases. Although this area has not been easily.accessible in the past because of adjacent rural land, the proximity of new suburbs will mean increased visitation and places a responsibility on the ACT Parks and Conservation .Service to manage the area to both protect its natural and cultural resources,, and to protect surrounding land,uses-: - ,

(2) The money was spent on the following:

construction of fire trails to improve fire suppression capacity by linking the Rob Roy Range trail to the existing Tuggeranong Hill trail, the Massaro Highway and the property Bellviewl; upgrading of existing fire trails - grading. and drainage works to address.current soil erosion problems .and to increase the standard for heavy and light four wheel. drive management vehicles; replacement of.gates with larger gates to allow access for bulldozers, fire tankers and other fire fighting equipment .(the old gates are being recycled within the ACT Parks and. Conservation Service); erection of.new fencing.and upgrading of existing fencing. including the replacement of some netting fencing with stkand.wires to Allowfreer wildlife movement and to manage stock movement-from adjoining leases and adjustment areas.(removed netting fences have been made available.for reuse elsewhere); construction of water filling points for fire suppression vehicles.

The work was required for-effective management of the area, especially in relation to fire management to meet the ACT Parks and Conservation Services responsibility as land managers under the Careless Use of Fire Act 1936. The ACT also has responsibility.to m,inimise,the potential for fires to enter New South Wales. With the expansion of suburban Canberra southwards it is expected that the incidence of fire will increase in the Rob Roy Rangearea, hence the need for the implementation of measures to reducefire hazard.

2132

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 780.

Agricultural and Landcare Services Review

Mr Cornwell - asked the Minister for the Environment, Llandudno Planning.

(1) What is the Synapse.Report.

(2) Can ,a copy be provided to interested parties, including myself.

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

(1) In 1990, the Parks and Conservation Service commissioned a review of its Agricultural and Landcare Services. The review was conducted by Synapse Consulting.Pty Ltd, and the report has come to be known within the Department as the "Synapse Report". The title .of the report is "A.Review of Agricultural and Landcare Services in the Australian Capital Territory" and. it was. delivered in December 1990.

(2) The report was commissioned as an internal management review. I am, however, happy to provide . you with a copy. I can also arrange a briefing with appropriate Departmental officers to outline the changes implemented following the.report.

2133

MINISTER FOR TEE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0. 781

National Capital Open Spaces Report

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

(1), What is the National Capital Open Space System Plan -otherwise .known as the Bush Capital Report.

(2). Can a copy be provided to interested parties, including myself.

Mr Wood - the answer of the Member. s question is as follows:

(1) The full title of the report is "Our Bush Capital -Protecting and Managing. the. National Capitals Open Spaces". It was produced in 1992 by -the Commonwealth Parliaments Joint Committee on the National Capital.

(2) .A copy of the report has been placed in the Legislative Assembly library for access by Members. I -have also arranged for a copy to be provided to Mr Cornwell.

2134

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 783

Housing Development - Weston Creek

Mr Cornwell- asked the minister for the Environment, Land and Planning

(1) Apart from the North Duffy/Holder development proposal, what other infix -sites, by block and section, have been identified in Weston Creek?

(2) What is the current status of the sites?

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

(1) Stirling Part Section 24 is the only site other than North Duffy/Holder identified for release in the Land Development Program. The ACT Housing Trust is proposing .to develop Holder Section 37 Block 23 and a small development in.WestonSection 46 Block 19.

(2) All of the sites have a residential.polidy in place. The sites in Weston and Holder are owned by the ACT Housing Trust. Approval has been granted for the erection of 20 housing units. in. Holder Section. 37 Block 23 though no. specific approval .has .been gien for Wesson Section 46 Block 19..The site in Stirling is within a Residential Policy area in the draft Territory Plan and is scheduled foresail in October 1994. .

2135

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 791

Housing Trust Properties - North Duffy-Holder Development

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the proposed development at North Duffy/Holder -

(1) Are there plans to include ACT Housing Trust premises within this development.

(2) If so, what type of housing will be provided for Trust tenants and how many of each type.

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

(1) Yes. The Housing Trust already owns twenty five houses in this area. It will consider further holdings in this area at the appropriate time.

(2) A decision on the type and amount of housing will be made once the development proposal has been agreed to and will be dependent on the level of resources available at the time.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 792

Housing Trust Properties - North Watson Development

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the proposed development at North Watson -

(1) Are there plans to include ACT Housing Trust premises within this development.

(2) If so, what type of housing will be provided for Trust tenants and how many of each type.

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

(1) Yes. The Housing Trust will consider its needs in this area at the appropriate time.

(2) A decision on the type, and amount of housing will be made once the development proposal has been agreed to and will be dependent on the level of resources available at the time.

2137

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 793

Rural Leases

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

(1) How many rural leases are held in the ACT.

(2) At 16 June 1993, are any rural leases. not currently held and which are available to be leased.

(3) How many ACT rural leases are held by employees of the Ministers Department under either their own name, their relatives names or their company names.

(4) How many of the above in (3) hold more than one rural lease under the ^ .
above conditions.

(5) How many employees of the Ministers Department graze stock on or have use of "plantation paddocks" or other reserved areas of land no longer formally leased.

(6) Is use of land at (5) considered an entitlement of certain employees of the Ministers Department.

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

(1) There are 200 rural leases in the ACT.

(2) At 16 June 1993, one rural parcel is available to be leased.

(3) Officers of the Department of the Environment, Land and Planning hold 10 rural leases.

(4) Of these officers, three hold more than one lease.

(5) Five Agriculture and Landcare employees currently have use of horse paddocks, four of which ate attached to Government houses occupied by those employees.

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(6) Departmental employees are not entitled to use of land as part of their employment.

In past years, some rangers were required to maintain a horse for work purposes. Rangers were paid an allowance for the horse and used horse paddocks next to their Government house or nearby paddocks. Payment of this allowance ceased in April 1992. Use of the horse paddocks will continue until the horse is disposed of, or the Ranger moves to other employment.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 795

Lake Burley Griffin - Electric Outboard Motors

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

Has an application been received to allow electric outboard motors on Lake Burley Griffin; if so, what was the decision and why was such a decision made,.

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

There have been quite a number of requests for use of electric outboards on Lake Burley Griffin, particularly since they were permit Plating Lakes Ginninderra and Tuggeranong in 1992. These lakes. are subject to: Territorial-legislation, the Lakes Act 1976: -

The applications for. Lake Burley.Griffin have been refused because this activity ,is not permitted.under the relevant legislation. .

The A.C.T. manages Lake BurleyGriffi4 on behalf of,the Commonwealth Government, with the National -Capital Planning Authority (CPA) being the responsible Commonwealth agency. Commonwealth legislation,.the Lakes Ordinance 1976, controls Lake Burley Griffins use.. A. draft Plan of Management for the Lake is being prepared for the CPA and will be released for public comment on completion. In view of this planning process, it has been.agreed. between this Government and the UCLA that: it would be inappropriate to implement inappropriate in policy regarding use of the Lake except in the-context of outcomes; from the Plan of Management and its associated public comment.

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE NO. 799

Tuggeranong Swimming Centre - Building Code

Mr Cornwell - asked the Minister for Urban Services - In relation to the Tuggeranong Indoor Swimming Centre

(1) What number of people has the Centre been designed to accommodate, including swimmers, observers, staff, etc.

(2) How were the figures calculated and by whom.

(3) Do the number of toilets, showers and any other sanitary provisions comply with the building code for a facility of this kind.

(4) Do fire escapes, fans, stair widths and heights all comply with accepted safety codes.

(5) What class of building under the Building Code is the Centre.

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

(1) 843.

(2) Because the Building Code of Australia is silent on the question of swimming pools, the Design Manager used the NSW Department of Tourism calculations for estimating the pool populations which provides a basis of calculating both swimmers and observers.

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The calculations were carried out by the Design Manager, Daryl Jackson Alastair Swain Pty Ltd.

(3) The Building Code of Australia allows for interpretation where a specific use building has not been defined. The ACT Appendix for swimming pools does not cover sanitary provisions. Therefore, other relevant Australian codes and standards were applied to generate a reasonable level of provision.

(4) Yes

(5) Class 9b - assemble building.

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE NO. 800

Tuggeranong Swimming Centre - Building Code

Mr Cornwell - asked the Minister for Urban Services - In relation to the Tuggeranong Indoor Swimming Centre - Clause ACT Gl.l(d) (i) in the Building Code is part of a specific ACT Appendix to the section of the code addressing swimming Pools -

(1) Why is adherence to this item entered specifically to apply to swimming pools built in the ACT not considered necessary in this public facility.

(2) How does the pool not comply with this clause.

(3) Does the pool comply with all other items specified in the Clauses relating to swimming pools, both generally and in the ACT Appendix to Clause ACT G1.1.

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

(1) The item refers to the slope of the pool floor. In this case changing the slope gradient to 1:15 does not cause a safety problem and has been agreed to by the ACT Building controller. Special textured non-slip tiles were used in shallow water areas as an additional pre-caution.

(2) The slope gradient to a minor part of the main pool sad the floor to the family pool adjacent to the beach entry does not comply.

(3) Yes, generally and the ACT Appendix to Clause ACT G1.1.

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE NO. 801

Tuggeranong Swimming Centre - Building Code

Mr Cornwell - asked the Minister for Urban Services - In relation to the Tuggeranong Indoor Swimming Centre

(1) Why was Exemption No. 51 of 1993 under the Building Act granted to ACT

Public Works and Services Group on 6 May and gazetted in Gazette No. S100, Monday, 7 June 1993.

(2) Why was such an exemption not applied for, if necessary, and granted before building commenced. .

(3) On what date was the Centre opened.

(4) On what dates were inspections undertaken by the Building Controller in

accordance with the regulations for the granting of an occupancy certificate.

(5) On what date was an occupancy certificate granted for the Centre.

(6) As a regular practice, at what stage of the design and construction of a building is

an exemption from Clauses of the Building Code sought, and is it permissible for construction of a structure which does not comply with such clauses to go ahead without an exemption.

(7) If such non-compliant construction does go ahead without an exemption, is the

builder or the owner liable to any penalty.

(8) What is the purpose of each of the clauses covered by Exemption No. 51 of 1993.

(9) Do any relate specifically to items which may affect the well-being of users of the facility daily (eg provision of sanitary fixtures) or in emergency (eg exits or smoke extraction during a fire).

(10) Specifically, what is Clause ACT D2.103.

(11) Do any parts of the structure known as the Tuggeranong Indoor Swimming Centre not comply with Clauses as listed on Exemption No. 51 of 1993; if so, which clauses and how do they not comply.

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

(1) The Building Act 1972 requires ACT Government agencies to comply with

the requirements of the Building Code of Australia. The Government may seek to not comply with various sections or all of the Code provided an exemption is granted through a disallowable Instrument. The gazettal was required to formalise the Instrument and revoke an earlier Instrument owing to drafting errors.

(2) The identification of items and the process of seeking exemption commenced

in the design stage however, because the project was being fast tracked in construction the matter was not concluded until after construction started. The exemptions were initially published as Determination No.166 of 1992 and published in Special Gazette No. S 213 dated 24 November 1992 but because of errors in the drafting of the original Schedule it was necessary to revoke that Determination and publish a corrected Determination.

(3) 15 May 1993.
(4) The ACT Building Controller has not undertaken any formal inspections

because he is not required to do so. The issue of a Certificate of Occupancy is not required for Australian Capital Territory owned buildings. However, staff from the office of the ACT Building Controller inspected the building on a number of occasions.

(5) The issue of a Certificate of Occupancy is not required for Australian Capital

Territory owned buildings.

(6) The need for exemption usually arises in the design stage of a project.

Building work must comply with the requirements of the building Act.

(7) Penalties do not apply to Government Agencies.

(8) A summary of the five exemptions and the specific Clauses of the Building Code of Australia (BCC) which are affected is as follows:

Item 1- To permit a reduction in the number of toilet facilities in the complex. Toilet provisions are determined under the BCC by applying an area per person to the overall area of a building according to its classification type. (eg Class 9b)

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The requirements of the BEGA would generate sanitary fittings for a calculated building population of 479 males and 479 females, if all are regarded as participants, as follows:

	Male	Female
WCs	24	48
Urinals	48	-
Basins	48	48
Showers	48	48

This level of provision of toilets is excessive and beyond the needs of a facility of this nature.

An alternative method of calculating the population is to regard users of the pool as patrons and this would generate the following sanitary fittings:

	Male	Female
WCs	2	6
Urinals	5	-
Basins	3	3
Showers	Not required	Not required

This level of provision is clearly insufficient.

Thus in assessing the sanitary requirements for this building, the requirements of the BEGA have not been used. It was determined that the design criteria for pools set out by the Australian Department of Tourism and Recreation, and the sanitary fitting requirements for swimming pools set out by the Health Department of NSW should be used instead, as it is believed that these criteria better reflect the actual situation with respect to public swimming pools.

Sanitary fitting required using the above criteria are as follow:

	Male	Female
WCs	7	11
Urinals	7	-
Basins	7	7
Showers	11	11

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The current design for the Tuggeranong Indoor Swimming Centre allows for the following sanitary fittings:

	Male	Female	Disabled/ Family	Staff
WCs	5	11	2	2
Urinals	7	-	-	-
Basins	8	7	2	2
Showers	12	11	2	2

Concourse Showers - 2 cold water (to serve the Steam Room) External Showers - 4 cold water Child Minding Centre includes 2 toddlers WCs in addition to the above.

Exemption from the requirements of the following; Clause D1.13, Table D1.13 and Clause F2.3, Table F2.3 Class 9b Buildings.

Item 2 - To permit a relaxing of the maximum gradients applying to the floors of the pools. The ACT requirement for gradients of pool floors is for a maximum gradient of 1 in 20 in water depths of 1.5 metres. The Tasmanian supplement to the BCC (Tom Gallic) (iii) requires a maximum gradient of 1 in 15 in such instances. No other State or Territory has specific requirement for the gradients of shallow water areas of pools.

If the ACT requirement was applied to the Tuggeranong Indoor Swimming Centre a substantial area of the pool would be devoted to extremely shallow water at the beach entry to the Family Pool. In addition, to maximise the programmed usage of the 50m pool, the transition from shallow to deep water was minimised by using the 1:15 slope.

Exemption from the requirements of the following; Clause ACT GLI(d) (i).

Item 3 - To permit the deletion of a mechanical smoke ventilation system. Under the BCC classification this building is a Class 9b building. The application of the Code however, does not adequately take into account the nature of indoor swimming centres. The Centre, by virtue of its construction and the fact that it is a swimming centre, with large expanses of water area which pose little or no significant fire load, does not present as significantly high a fire risk as other Class 9 buildings. All surfaces are non-combustible materials.

2147

In relation to smoke and fire provision has been made for the following:

(i) Automatic smoke and thermal detectors;
(ii) The Administration areas have a separate ventilation system from the

pool halts;

(iii) A natural smoke reservoir has been created by the high curved volumes of the pool halls; and

(iv) Ventilation louvres at high level are provided at both ends of the pool Gall, which activates during a fire alarm.

Exemption from the requirements of the following; Clause E2.1, Table E2.1.

Item 4 - To permit the deletion of thermal and smoke detectors over the water areas. Application of the code would require a combination of thermal and smoke detectors be installed to provide coverage to the entire pool hall ceiling area. This would result in detectors being located over the water areas. In consideration of the tow fire risk over the pool areas and the difficulty of servicing detectors over the water area, it was agreed that no detectors be located over the actual swimming pool. However beam coverage over the central water area from detectors located at either end of the pool halls has been provided. This provision was acceptable to the ACT Fire Brigade.

Exemption from the requirements of the following; Clause ACT E1.7.

Item 5 - To permit the deletion of the requirement for testing of slip resistance of paving in public areas. The standard referred to in the BCC is titled "Laboratory Polishing of Aggregate using the Horizontal Bed Machine" and requires the polishing of surfaces prior to testing. It is recognised by testing agencies and the Standards Association of Australia that it is not possible to accurately replicate the weathering process of surfaces by polishing.

During the design stage the Design Manager was advised by the Standards Association of Australia that a new draft standard entitled "Slip Resistance of Pedestrian Surfaces, Part 1Requirements" would be released. This will describe more accurate and appropriate methods for slip resistance of surfaces than the present standard.

2148

Testing has occurred in accordance with the new draft standard and the performance of the selected flooring exceeds the minimum requirements.

Exemption from the requirements of the following; Clause ACT D2.103.

All of the exemptions were examined by ACT Public Works and Services and endorsed by the ACT Fire Brigade, ACT Building Controller and the ACT Office of Sport and Recreation.

(9) see answer to question 8.

(10) "ACT D2.103 Paving surfaces in public areas
Paving and floor surfaces in public areas, such as colonnades, arcades and entrance lobbies, must have a non-slip finish which meets the requirements of AS 1141.41, excluding clauses 10(g) to 10(k), and has a minimum polished frictional value of not less than 40."

This clause is in the process of being revised to more accurately describe the testing method requirements for slip resistance of flooring materials and surfaces. AST refers to road surfaces.

(11) No.

2149

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APPENDIX 1:
(Incorporated in Hansard on 17 June 1993 at page 1984)

1993

THE LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

GAMING MACHINE (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by authority of the Chief Minister and Treasurer
Rosemary Follett, MLA

2151

GAMING MACHINE (AMENDMENT) BILL 1993

PRESENTATION SPEECH

MADAM SPEAKER, THE GAMING MACHINE ACT 1987 PROVIDES A LICENSING SYSTEM FOR CLUBS AND OTHER BODIES TO OPERATE APPROVED GAMING MACHINES IN THE A.C.T. THE ACT ALSO PROVIDES FOR THE REGULATION AND TAXING OF LEGAL GAMING MACHINE OPERATIONS IN THE TERRITORY BY THE COMMISSIONER FOR A.C.T. REVENUE.

GENTLY, HOTELS, MOTELS AND TAVERNS MAY INSTALL ONLY THE NUMBER CLASS OF MACHINE PERMITTED UNDER THE ACT. FOR EXAMPLE, HOTELS MOTELS AND TAVERNS THAT PROVIDE AT LEAST TWELVE ACCOMMODATION ROOMS MAY INSTALL UP TO TEN DRAW CARD MACHINES AND

UP TO THREE MACHINES OFFERING A RESTRICTED PAYOUT. CLUBS ON THE OTHER HAND, MAY.INSTALLAN UNLIMITED NUMBER OF DRAW CARD, KENO AND POKER MACHINES, SO LONG AS CERTAIN CONDITIONS ARE MET WITH REGARD TO THE SAFETY AND COMFORT OF PATRONS.

MADAM SPEAKER, THE COMMISSIONER HAS RECEIVED INFORMATION ABOUT UNAPPROVED GAMING MACHINES OPERATING ON PREMISES NOT LICENSED FOR GAMING MACHINES UNDER THE ACT AND, IN CONJUNCTION WITH THE AUSTRALIAN FEDERAL POLICE AND THE DIRECTOR OF PUBLIC PROSECUTION HAS BEEN ACTIVELY INVOLVED IN ATTEMPTING TO CONTROL THESE UNLAWFUL ACTIVITIES.

ESTIMATES ARE SHAT THE OPERATORSOF UNLAWFUL MACHINES ARE ABLE TO PROFIT BY UP TO $2,000 PER MONTH FROM EACH OF THESE MACHINES. WHILE SECTION 58 OF THE GAMING MACHINE ACT REQUIRES THE PAYMENT OF GAMING MACHINE TAX ON THE MONTHLY GROSS REVENUE OF LICENSEES, OPERATORS OF THE UNLAWFUL MACHINES HAVE SO FAR AVOIDED THE PAYMENT OF TAX TO THE TERRITORY.

2152

THE GAMING MACHINE (AMENDMENT) BILL PROPOSES TO ALLOW THE COMMISSIONER TO RETROSPECTIVELY IMPOSE GAMING MACHINE TAX, WHERE UNLAWFUL MACHINES ARE FOUND TO BE IN OPERATION ON THE SAME BASIS AS IF THE MACHINES WERE LAWFUL.

MADAM SPEAKER, CONSEQUENTIAL AMENDMENTS ARE ALSO PROPOSED TO THE TAXATION (ADMINISTRATION) ACT 1987. THE PROPOSED AMENDMENTS WILL COMPLIMENT-THE REGULATORY FEATURES OF THE BILL BY ALLOWING AUTHORISED TAX OFFICERS AND POLICE OFFICERS TO ENTER PREMISES AND SEIZE UNLAWFUL, AND SUSPECTED UNLAWFUL, GAMING MACHINES.

MADAM SPEAKER, THE BILL CONTAINS A NUMBER OF OTHER INITIATIVES ETCH WILL ALSO BENEFIT THE INDUSTRY. LICENSED CLUBS IN THE TERRITORY MAY PRESENTLY ONLY OPERATE LINKED JACKPOT SYSTEMS WITHIN THEIR OWN CLUB. HOWEVER THE BILL PROPOSES TO ALLOW CLUBS OPPORTUNITY TO OPERATE LINKED JACKPOT SYSTEMS WITH OTHER AND GIVE PLAYERS ACCESS TO A LARGER POOL OF "JACKPOT"

TO ENSURE FAIR AND EQUITABLE ARRANGEMENTS FOR PLAYERS IN EACH CLUB INVOLVED, LINKED JACKPOTS WOULD ONLY BE APPROVED BY THE COMMISSIONER WHERE ALL MACHINES IN THE LINKAGE ARE OF THE SAME DENOMINATION, CLASS AND TYPE, RETURN THE SAME PERCENTAGE RATE TO PLAYERS AND PROVIDE THE SAME CHANCE TO ALL PLAYERS OF WINNING THE MAJOR PRIZE.

MADAM SPEAKER, UNDER CURRENT ARRANGEMENTS GAMING MACHINES CAN ONLY BE PURCHASED BY THE COMMISSIONER ON BEHALF OF LICENSEES OR BY LICENSEES FROM EACH OTHER, WITH THE COMMISSIONERS APPROVAL. THE BILL, MADAM SPEAKER, PROPOSES TO ALLOW LICENSEES TO NEGOTIATE THE PURCHASE OF GAMING MACHINES DIRECTLY WITH SUPPLIERS IN At:!CE WITH ARRANGEMENTS APPROVED BY THE COMMISSIONER. MORE FLAB FLING Arrangements FOR THE PURCHASE OR LEASE OF THE MACHINES WILL BE PERMITTED, ALLOWING THE COMMISSIONER TO APPROVE ARRANGEMENTS WITH REGISTERED CREDIT PROVIDERS AND FINANCE BROKERS.

2153

THERE HAVE BEEN SIGNIFICANT DEVELOPMENTS IN GAMING MACHINE TECHNOLOGY OVER RECENT TIMES WHICH CLUBS IN NEW SOUTH WALES HAVE BEEN ABLE TO EMBRACE TO THE DISADVANTAGE OF CLUBS LOCATED IN THE TERRITORY. ONE SUCH INNOVATION IS IN RELATION TO THE NUMBER OF COINS PERMITTED ON A MULTI-STAKE MACHINE. AT THE MOMENT THIS IS 5 IN THE A.C.T. WHEREAS NEW MACHINES CAN ACCEPT UP TO 50 COINS AT THE ONE TIME. THE BILL PROPOSES TO REMOVE THE RESTRICTION ON THE NUMBER OF COINS ACCEPTED ON LOWER DENOMINATION MACHINES BY INTRODUCING THE CONCEPT OF MULTISTAGE MACHINES DESIGNED TO ALLOW SINGLE OR MULTIPLE STAKES TO A MAXIMUM VALUE PRESCRIBED BY THE REGULATIONS FOR EACH GAME. ALSO THE REQUIREMENT THAT MACHINES OF THE SAME CLASS AND DENOMINATION MUST BE SET AT THE SAME PERCENTAGE PAYOUT WILL BE REMOVED. THESE PROPOSALS WILL PLACE A.C.T. LICENSEES IN A COMPETITIVE POSITION WITH NEW SOUTH WALES LICENSEES BY PERMITTING THEM TO TAKE ADVANTAGE OF TECHNOLOGICAL ADVANCES AND ENABLE ALL MACHINES DEVELOPED FOR THE NEW SOUTH MARKET TO BE SOLD IN THE TERRITORY.

-PRESENT ARRANGEMENTS THE COMMISSIONER MUST CONDUCT A BALLOT (F ALL MEMBERS OF CLUBS SEEKING THE GRANT OR CANCELLATION OF A GAMING MACHINE LICENCE. THESES BALLOTS ARE COSTLY AND ADMINISTRATIVELY CUMBERSOME AND ARE BORNE ENTIRELY BY THE TERRITORY.

MADAM SPEAKER, THE BILL PROPOSES THAT AN APPLICANT CLUB NOW BE RESPONSIBLE FOR ALL COSTS AND FUNCTIONS INVOLVED IN THE BALLOT AND THAT BALLOTS WILL BE CONDUCTED IN A MANNER WHICH IS AUTHORISED BY THE COMMISSIONER. THE ONLY FUTURE ROLE OF THE REVENUE OFFICE WILL BE TO PROVIDE AN AUTHORISED TAX OFFICER AS SCRUTINEER AT ALL BALLOTS.

IN 1992 LEGISLATION CAME INTO EFFECT LIMITING LIFE MEMBERS OF A CLUB TO NOT MORE THAN 5$ OF THEIR OVERALL MEMBERSHIP. THIS PROVISION IS INTENDED TO PREVENT "STACKING" OF CLUB MEMBERSHIPS T19 ENABLE SECTIONAL INTERESTS TO GAIN CONTROL.

THE REQUIREMENT HAS HOWEVER PROVED ONEROUS FOR A NUMBER OF OUR ETHNIC AND SPORTING CLUBS THAT HAD ALREADY EXCEEDED THE LIMIT AT THE TIME THE PROVISION WAS INTRODUCED.

2154

MADAM SPEAKER, THE BILL THEREFORE PROPOSES TO ALLOW CLUBS WITH MORE THAN 5$ LIFE MEMBERSHIP, AS AT 1 JANUARY 1992, TO RETAIN THAT EXCESS LIFE MEMBERSHIP. THEY WILL NOT BE ALLOWED HOWEVER TO APPROVE MORE LIFE MEMBERS UNTIL NATURAL ATTRITION OR INCREASED OVERALL MEMBERSHIP REDUCES THE LIFE MEMBERSHIP RATIO BELOW THE LIMIT.

2155

APPENDIX 2:
(Incorporated in Hansard on 17 June 1993 at page 1984)

1993

THE LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by authority of the Chief Minister and Treasurer
Rosemary Follett, MLA

2156

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1993

PRESENTATION SPEECH

MADAM SPEAKER, THIS BILL AMENDS THE TAXATION (ADMINISTRATION) ACT 1987.

THE ACT PROVIDES A CONSOLIDATED SYSTEM FOR THE ADMINISTRATION OF ACTS DEALING WITH TAXATION IN THE TERRITORY, COVERING SUCH

RS AS ASSESSMENT, COLLECTION, RECOVERY, PROSECUTION AND S RELATING TO A.C.T. TAXES, DUTIES, LEVIES AND FEES.

1M SPEAKER, WHILST PROPOSED AMENDMENTS TO THE GAMING MACHINE ACT HILL PROHIBIT THE OPERATION OF UNLAWFUL GAMING MACHINES, NO PROVISIONS CURRENTLY EXISTS THAT WOULD ALLOW THE SEIZURE, HOLDING AND EXAMINATION OF UNLAWFUL MACHINES. IN MOST INSTANCES THESE MACHINES ARE REPRESENTED AS AN AMUSEMENT MACHINE SIMILAR TO THOSE FOUND IN ANY AMUSEMENT PARK OR VIDEO ARCADE. WITHOUT EXAMINING ITS INTERNAL WORKINGS IT IS DIFFICULT TO PROVE THAT SUCH A MACHINE IS A GAMING MACHINE AND WITHOUT THAT EVIDENCE IT IS VERY DIFFICULT TO SUSTAIN A SUCCESSFUL PROSECUTION.

CONSEQUENTIAL AMENDMENTS ARE THEREFORE PROPOSED TO THE ACT TO ALLOW AUTHORISED TAX OFFICERS AND POLICE OFFICERS TO ENTER PREMISES AND SEIZE UNLAWFUL, AND SUSPECTED UNLAWFUL, GAMING MACHINES. LIKE THE OTHER A.C.T. TAX LAWS INCLUDING THOSE RELATED TO TOBACCO AND X-RATED VIDEOS, THE SEIZED MACHINES WILL BE TO THE TERRITORY AND DISPOSED OF IF THE OFFENDER IS CONVICTED ..

2157

APPENDIX 3:
(Incorporated in Hansard on 17 June 1993 at page 1985)

1993

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

FOOD (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by authority of
Wayne Berry MLA
Minister for Health

2158

MADAM SPEAKER, THE INTRODUCTION OF MODERN FOOD LEGISLATION INTO THE TERRITORY HAS BEEN THE SUBJECT OF MUCH DISCUSSION AND HAS LED TO MANY PROPOSALS OVER A LONG PERIOD OF TIME.

THE FOLLETT GOVERNMENT HAS TRANSLATED SUCH PROPOSALS INTO ACTION BY OUR PROGRAM TO COMPLETELY OVERHAUL FOOD LEGISLATION.

THE FIRST STAGE OF THE OVERHAUL RESULTED IN THE FOOD ACT WHICH WAS PASSED BY THE ASSEMBLY IN AUGUST 1992 AND IS NOW IN FORCE.

THAT ACT PROVIDED THAT ALL FOOD FOR SALE IN THE A.C.T. MUST COMPLY WITH NATIONAL COMPOSITIONAL LABELLING AND PACKAGING STANDARDS CONTAINED IN THE FOOD STANDARDS CODE.

I-AM PLEASED TO PRESENT THE SECOND STAGE, THE FOOD (AMENDMENT) BILL 1993.

THE TITLE OF THE BILL I AM NOW INTRODUCING, THE FOOD(AMENDMENT)BILL 1993, BELIES ITS PURPOSE.

ALTHOUGH THE BILL AMENDS THE FOOD ACT IT DOES SO BY INSERTING KEY PROVISIONS RELATING TO THE SAFETY OF THE FOOD WE EAT.

THE BILL PROHIBITS THE SALE OF FOOD THAT IS INJURIOUS TO HEALTH, UNFIT FOR HUMAN CONSUMPTION OR CONTAMINATED WITH FOREIGN MATTER

THE AIM OF FOOD SAFETY IS TO ENSURE THAT THE FOOD WE EAT IS NOT LIKELY TO CAUSE FOOD POISONING OR OTHER ILLNESS.

A FOOD MAY MEET ALL THE REQUIREMENTS OF THE AUSTRALIAN FOOD STANDARDS CODE BUT THE FOOD MAY CONTAIN BACTERIA OR CHEMICALS THAT MAY MAKE A PERSON ILL.

2159

EXCEPT IN A FEW CIRCUMSTANCES THE AUSTRALIAN FOOD STANDARD CODE DOES NOT ADDRESS FOOD SAFETY REQUIREMENTS AS IT CONCENTRATES ON THE COMPOSITION AND LABELLING OF FOOD.

IN SOME PEOPLE FOOD POISONING MAY CAUSE ONLY A MILD ILLNESS BUT FOR OTHERS IT MAY MEAN MORE THAN A FEW DAYS INCAPACITATION.

FOOD POISONING MAY CAUSE SEVERE ILLNESS AND EVEN DEATH PARTICULARLY IN YOUNG OR ELDERLY PEOPLE.

WHAT MUST ALSO BE CONSIDERED 1S THE COST OF TIME LOST FROM EMPLOYMENT, THE COST OF MEDICAL TREATMENT, THE INDIRECT COSTS OF PAIN, SUFFERING, AND LOSS OF LEISURE TIME AS WELL AS COST OF POSSIBLE LITIGATION AND RECALLING OF PRODUCTS.

R IS ALMOST IMPOSSIBLE TO ESTIMATE THE COST OF ILLNESS CAUSED BY CONTAMINATED OR UNSAFE FOOD IN AUSTRALIA BECAUSE ONLY A SMALL NUMBER OF SUFFERERS LODGE A COMPLAINT.

THE BILL ALSO MANS PROVISION FOR FOOD THAT IS NOT NECESSARILY INJURIOUS TO OUR HEALTH, BUT DOES NOT FORM PART OF OUR DIET AND AS SUCH IS CONSIDERED UNFIT TO EAT. FOR EXAMPLE; FOOD THAT CONTAINS PARTS OF ANIMALS SUCH AS THE SPLEEN WHICH WOULD NOT NORMALLY BE SUPPLIED FOR HUMAN CONSUMPTION.

THE BILL ADDRESSES FOOD THAT IS UNSAFE TO EAT BECAUSE R IS SO CONTAMINATED BY EXTRANEOUS MATTER THAT IT WOULD BE - UNREASONABLE TO EXPECT ANYONE TO EAT R. FOR EXAMPLE; IF FOOD IS FULL OF GRIT, THE POINT BEING IF GRIT HAS BEEN ALLOWED TO GET INTO THE FOOD WHAT ELSE MAY BE PRESENT? ANYWAY, ANY FOREIGN MATERIAL IN FOOD IS SOCIALLY UNACCEPTABLE..

2160

THE BILL PROVIDES FOR SAFE FOOD BY PROPOSING THREE MAIN STRATEGIES TO TACKLE AREAS WHERE FOOD SAFETY PROBLEMS ARISE.

THESE STRATEGIES ARE;

THE LICENSING OF FOOD PREMISES

CODES OF PRACTICE

IMPROVEMENT AND PROHIBITION NOTICES

FIRSTLY, LICENSING;

THE FOOD (AMENDMENT) BILL REQUIRES A LICENCE TO BE HELD TO USE A FOOD PREMISES OR CARRY ON A FOOD BUSINESS IN THE A.C.T.

THE LICENSING SYSTEM WILL ENABLE FOOD PREMISES AND FOOD TYPES TO BE IDENTIFIED AND WILL ALSO PROVIDE FLEXIBILITY SO THAT ALL FOOD IS SAFELY PREPARED, HANDLED AND SOLD.

THIS FLEXIBILITY WILL ENSURE THAT ALL FOOD PREMISES WILL ONLY BE SUBJECT TO THE NECESSARY FOOD SAFETY CONTROLS THAT ARE APPLICABLE TO THAT PARTICULAR PREMISES OR BUSINESS.

THE LICENSING SYSTEM WILL ENABLE ALL IMPORTANT FOOD SAFETY REQUIREMENTS TO BE CONSIDERED WHEN ASSESSING A LICENCE APPLICATION.

THESE CONSIDERATIONS INCLUDE THE DESIGN, SITING AND CONSTRUCTION OF THE PREMISES, THE DESIRABILITY OF IMPLEMENTING A FOOD SAFETY PLAN, THE COMPETENCY AND EXPERIENCE OF THE PROPRIETOR OR MANAGER AS WELL AS COMPLIANCE WITH ALL RELEVANT CODES AND REGULATIONS.

THE PROPOSED LICENSING SYSTEM IS AN EXPANSION OF THE CURRENT SYSTEM WHEREBY ONLY CERTAIN FOOD PREMISES SUCH AS RESTAURANTS THAT DO NOT HOLD A LIQUOR LICENCE, BUTCHER

5

SHOPS, AND SHOPS THAT SELL PREPARED MEATS, ARE REQUIRED TO BE LICENSED.

INCLUDED IN THE LICENSING REQUIREMENTS ARE LICENSED CLUBS AND HOTELS WHICH ARE CURRENTLY NOT LICENSED UNDER HEALTH REGULATIONS. THE LICENSING OF ALL PREMISES, INCLUDING LIQUOR LICENSED PREMISES, IS CONSIDERED ESSENTIAL IF THE FOOD SAFETY PROVISIONS CONTAINED IN THE BILL ARE TO BE EFFECTIVE.

FURTHERMORE, LIQUOR LICENSED PREMISES NOW PROVIDE A LARGE PROPORTION OF MEALS CONSUMED AWAY FROM THE HOME.

NON PROFIT ORGANISATIONS SUCH AS SCHOOLS AND CHURCH GROUPS WILL ALSO BE REQUIRED TO BE LICENSED

HOWEVER, PREMISES THAT ONLY SELL LOW RISK FOODS SUCH AS NEWSAGENTS THAT SELL PREFACED SWEETS WILL NOT REQUIRE A LICENCE.

THE BILL ALLOWS ME TO DETERMINE LICENSING FEES SO I INTEND TO PRESCRIBE A ZERO FEE FOR NON PROFIT ORGANISATIONS

ALTHOUGH LICENSING OF FOOD PREMISES IS REQUIRED IN MOST STATES AND OVERSEAS COUNTRIES, IT SHOULD BE NOTED THAT NSW. DISCONTINUED ITS LICENSING SYSTEM A FEW YEARS AGO.

THE LICENSING SYSTEM IN NSW. WAS REPLACED BY A FEE FOR SERVICE WHEREBY OFFICERS CHARGE AN INSPECTION FEE EACH TIME A PREMISES IS VISITED.

BUT THE FEE FOR SERVICE SYSTEM ONLY ADDRESSES THE COST RECOVERY PROBLEM AND FAILS TO ADDRESS THE IMPROVEMENTS IN FOOD SAFETY THAT CAN BE ATTAINED WITH A COMPREHENSIVE LICENSING SYSTEM AS IS PROPOSED UNDER THIS BILL.

SECONDLY, CODES OF PRACTICE;

THE BILL PROVIDES FOR THE MINISTER TO APPROVE CODES OF PRACTICE RELEVANT TO FOOD SAFETY.

2162

THE CODES WILL CONTAIN MANDATORY MATTERS REQUIRING FOOD BUSINESSES TO OPERATE IN A MANNER CONDUCIVE TO ENSURING THE SAFETY OF FOOD.

THEY WILL ALSO CONTAIN ADVICE AND EXPLANATION, WRITTEN IN PLAIN ENGLISH (OR IF NECESSARY ANOTHER LANGUAGE) AND ACCOMPANIED BY DIAGRAMS WHERE APPROPRIATE, TO ASSIST COMPLIANCE AND UNDERSTANDING BY PROPRIETORS.

AS AN EXAMPLE, IT IS ANTICIPATED THAT ADVICE ON IMPLEMENTING PROGRAMS TO DOCUMENT FOOD SAFETY MEASURES SUCH AS CLEANING SCHEDULES AND TEMPERATURE MONITORING OF CHILLED AND HOT FOOD WOULD BE CONTAINED IN A CODE OF PRACTICE.

THE FLEXIBILITY THAT SUCH CODES PROVIDE ENABLES IMPROVEMENTS IN DESIGN AND MATERIALS TO BE READILY INCORPORATED WHICH WILL REDUCE FOOD SAFETY PROBLEMS AND ENABLE PROPRIETORS TO USE NEW PRODUCTS.

THIRDLY, IMPROVEMENT AND PROHIBITION NOTICES;

MADAM SPEAKER, I NOW WISH TO DRAW ATTENTION TO PART III OF THE BILL WHICH PROVIDES POWERS TO DIRECTLY IMPROVE CONDITIONS AND PRACTICES IN FOOD PREMISES.

WHERE THERE ARE SITUATIONS IN A PREMISES THAT CONTRAVENE THE ACT, OR CONTRAVENE APPROVED CODES OF PRACTICE OR REGULATIONS AN IMPROVEMENT NOTICE CAN BE CANNYACED THE

PROPRIETOR

PROPRIETOR NOTIFYING HIM OR HER OF THE CONTRAVENTIONS AND GAINING HIM A TIME LIMIT TO REMEDY MATTERS.

AN MOVEMENT NOTICE WILL PROVIDE THE MECHANISM TO REMEDY DEFECTS IN A FOOD PREMISES WITHOUT RESORTING TO LEGAL ACTION

2163

A SITUATION MAY EXIST IN A FOOD PREMISES THAT INVOLVES OR MAY INVOLVE AN IMMINENT RISK TO HEALTH AND THERE ARE PROVISIONS IN THE BILL TO DEAL WITH SUCH HAZARDOUS SITUATIONS.

IF AN INSPECTOR BELIEVES ON REASONABLE GROUNDS THAT THE MANNER IN WHICH THE FOOD BUSINESS IS BEING CARRIED ON, OR THE USE BEING MADE OF THE PREMISES OR THE STATE OR CONDITION OF THE PREMISES IS SUCH AS TO POSE AN IMMINENT RISK OF INJURY TO HEALTH HE OR SHE CAN SERVE A PROHIBITION NOTICE.

THIS NOTICE WILL DIRECT THAT THE FOOD BUSINESS MUST CEASE, OR THE OPERATION THAT IS CAUSING THE PROBLEM MUST BE MODIFIED OR THE PREMISES ONLY CONTINUE TO OPERATE IN ACCORDANCE WITH.THE.TERMS OF THE NOTICE.

THE NOTICE TAKES EFFECT IMMEDIATELY AND FAILURE TO COMPLY WITH THE NOTICE IS AN OFFENCE.

IT IS IMPORTANT TO REALISE THAT A PROHIBITION NOTICE CAN ONLY BE USED WHERE THE PREMISES ARE DANGEROUS; THAT IS, THERE IS AN IMMINENT RISK TO PUBLIC HEALTH.

THERE ARE APPEAL PROVISIONS TO THE ADMINISTRATIVE APPEALS TRIBUNAL AGAINST DECISIONS MADE UNDER THE BILL.

THERE IS ONE MORE STAGE IN THE FOOD LEGISLATION REVIEW AND I INTEND TO BRING THIS BEFORE THE ASSEMBLY LATER THIS YEAR.

THIS FINAL STAGE WILL COVER ENFORCEMENTAND ADMINISTRATION.

MADAM SPEAKER, I WOULD LIKE TO REITERATE THE IMPORTANCE OF THE BILL NOW BEFORE THE ASSEMBLY.

THE INNOVATIVE APPROACH TO FOOD SAFETY BY INTEGRATING A FOOD PREMISES LICENSING SYSTEM, THE USE OF CODES OF PRACTICE AND IMPROVEMENT AND PROHIBITION NOTICES INTO A FOOD SAFETY PROGRAM, WILL ENABLE THE STANDARD OF FOOD SAFETY IN THE A.C.T. TO EQUAL ANY IN THE WORLD.

APPENDIX 4:

(Incorporated in Hansard on 17 June 1993 at page 1985)

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

PHARMACY (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by Authority of the Minister for Health

Wayne Bony MLA

2165

MADAM SPEAKER, THE PHARMACY (AMENDMENT) BILL 1993 IS THE SECOND IN A SERIES OF A.C.T. HEALTH PROFESSIONALS REGISTRATION LAWS TO BE AMENDED IN LINE WITH THE AUSTRALIAN HEALTH MINISTERS AGREEMENT TO ADOPT CONSISTENT STANDARDS IN RELATION TO THE REGULATION OF HEALTH OCCUPATIONS.

THE PHARMACY (AMENDMENT) BILL 1993 PROVIDES FOR NATIONALLY AGREED UNIFORM STANDARDS AND ARRANGEMENTS FOR REGULATING PHARMACISTS AND FOR UNIFORM DISCIPLINARY SANCTIONS WHICH CAN BE IMPOSED.

IN PARTICULAR THE BILL RECOGNISES THE ENTITLEMENT OF A PERSON WHO IS REGISTERED AS A PHARMACIST IN A STATE OR ANOTHER TERRITORY TO REGISTRATION IN THE A.C.T. AND PROVIDES FOR CONDITIONS WHICH MAY BE IMPOSED UPON A PHARMACISTS . REGISTRATION IN ANOTHER JURISDICTION OR DISCIPLINARY ACTION TAKEN AGAINST A PHARMACIST IN ANOTHER JURISDICTION TO BE APPLIED IN RESPECT OF THE PERSONS REGISTRATION IN THE TERRITORY.

THESE PROVISIONS ARE INTENDED TO BE CONSISTENT WITH THE MUTUAL RECOGNITION PRINCIPLE RELATING TO OCCUPATIONS AS SET OUT IN SECTION 17 OF THE COMMONWEALTH MUTUAL RECOGNITION ACT 1992.

THE APPLICATION OF THAT PRINCIPLE TO THE TERRITORY AND TO OTHER JURISDICTIONS HAS GIVEN RISE TO THE DESIRABILITY OF ADOPTING AGREED MINIMUM REQUIREMENTS FOR REGISTRATION AS A PHARMACIST.

UNLESS ALL JURISDICTIONS, WHERE MUTUAL RECOGNITION APPLIES, HAVE THE SAME STANDARD FOR REGISTRATION OF A PERSON AS A PHARMACIST, A JURISDICTION WITH A LOWER STANDARD WILL PROVIDE A MEANS FOR A PERSON WHO SATISFIES THAT STANDARD, BUT NOT THE HIGHER STANDARDS REQUIRED IN THE OTHER JURISDICTIONS, TO GAIN REGISTRATION IN THOSE OTHER JURISDICTIONS UNDER THE MUTUAL RECOGNITION PRINCIPLE.

2166

3

INTRODUCTION OF UNIFORM QUALIFICATIONS FOR REGISTRATION;

TO BE ELIGIBLE FOR GENERAL REGISTRATION APPLICANTS MUST BE GRADUATES OF AN ACCREDITED COURSE OF STUDY AND TRAINING IN PHARMACY FROM AN AUSTRALIAN INSTITUTION OR AN OVERSEAS INSTITUTION WHO HAVE SUCCESSFULLY COMPLETED AN EXAMINATION CONDUCTED BY OR ON BEHALF OF THE BOARD; AND

IF REQUIRED BY THE BOARD, HAVE UNDERTAKEN THE REQUIRED TRAINING OR GAINED EXPERIENCE IN THE PRACTICE OF PHARMACY IN AUSTRALIA FOR A PERIOD SPECIFIED BY THE BOARD, BUT NOT EXCEEDING TWELVE MONTHS.

INTRODUCTION OF UNIFORM CATEGORIES OF REGISTRATION;

THE NEW REGISTRATION ARRANGEMENTS DISTINGUISH INITIAL REGISTRATION FROM SUBSEQUENT STREAMLINED RECOGNITION PROCEDURES FOR REGISTERED PHARMACISTS FROM PARTICIPATING JURISDICTIONS UNDER THE MUTUAL RECOGNITION ARRANGEMENTS.

REGISTRATION MAY BE GRANTED WITHOUT CONDITIONS, OR WITH CONDITIONS TO LIMIT THE PERSONS ABILITY TO PRACTISE IN A WAY THE PHARMACY BOARD CONSIDERS SAFE OR APPROPRIATE FOR THAT PERSON OR FOR PROTECTION OF THE PUBLIC.

THE PHARMACY BOARDS DISCIPLINARY POWERS HAVE BEEN EXPANDED TO PROVIDE FOR A UNIFORM RANGE OF SANCTIONS TO BE IMPOSED EITHER SINGULARLY OR IN COMBINATION IN RESPECT TO DISCIPLINARY ACTION OR IN CASES OF IMPAIRMENT.

THESE POWERS ARE SIMILAR TO THOSE OF BOARDS IN OTHER JURISDICTIONS AND THEREFORE WILL BE RECOGNISED IN PARTICIPATING JURISDICTIONS FOR THE PURPOSES OF MUTUAL RECOGNITION.

2167

THE TRANSITIONAL PROVISIONS WILL ENSURE CONTINUATION OF REGISTRATION, FOR PHARMACISTS REGISTERED UNDER THE PHARMACYACT 1931 ON THE SAME TERMS AND SUBJECT TO THE SAME CONDITIONS AS APPLIED TO HIS OR HER REGISTRATION IMMEDIATELY BEFORE THE COMMENCEMENT OF THE NEW PROVISIONS.

PROVISIONS ARE ALSO MADE IN RESPECT TO PERSONS WHO APPLIED FOR REGISTRATION, WERE GRANTED PROVISIONAL REGISTRATION OR FAILED TO PAY THE ANNUAL FEE UNDER THE PRINCIPAL ACT.

TRANSITIONAL ARRANGEMENTS PROVIDE FOR THE CONTINUATION OF INQUIRIES AND REVIEWS OR THE INVESTIGATION OF COMPLAINTS IN .RELATION TO PREVIOUS CONDUCT WHICH ARE PENDING OR UNDERWAY IMMEDIATELY PRIOR TO THE ENACTMENT OF THE PRESENT AMENDMENTS. _ .

DECISIONS BY THE PHARMACY BOARD IN RESPECT TO REGISTRATION, DISCIPLINARY AND IMPAIRMENT MATTERS WILL BE SUBJECT TO APPEALS TO THE ADMINISTRATIVE APPEALS TRIBUNAL.

IN ADDITION, THE BILL PROVIDES FOR A NUMBER OF AMENDMENTS OF A HOUSEKEEPING NATURE TO REMOVE SEXIST LANGUAGE AND REDUNDANT PROVISIONS DEALING WITH REGISTRATION OF INTERSTATE PRACTITIONERS AND PERSONAL ATTENDANCE REQUIREMENTS WHICH WILL NOW BE DEALT WITH UNDER THE MUTUAL RECOGNITION LEGISLATIVE FRAMEWORK.

I COMMEND THE PHARMACY (AMENDMENT) BILL 1993 TO THE ASSEMBLY.

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APPENDIX 5:
(Incorporated in Hansard on 17 June 1993 at page 1985)

1993

THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

TOBACCO PRODUCTS (HEALTH WARNINGS) (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by Authority of
Minister for Health

Wayne Berry MLA

2169

MADAME SPEAKER

IT ALMOST-GOES WITHOUT SAYING THAT TOBACCO SMOKING IS THE SINGLE GREATEST CAUSE OF PREVENTABLE PREMATURE DEATH IN OUR COMMUNITY TODAY.

IT CREATES HORRENDOUS COSTS TO INDIVIDUALS, TO FAMILIES AND TO THE COMMUNITY AS A WHOLE.

THIS GOVERNMENT HAS TAKEN STRONG ACTION TO DISCOURAGE TOBACCO SMOKING AND TO LIMIT THE EFFECTS OF SECOND-HAND SMOKE ON OTHERS.

THE BILL NOW BEFORE THE ASSEMBLY INTRODUCES A STRONG NEW SET OF HEALTH WARNINGS ON TOBACCO PRODUCTS.

THE WARNINGS ARE CLEAR, EASY TO READ, REFLECT THE REAL RISKS OF SMOKING AND ENCOURAGE PEOPLE TO STOP SMOKING.

ON WALKING THROUGH THE LOCAL SHOPS, WHEN THE BUSINESS OF THE ASSEMBLY GIVES ME TIME, I NOTE ANY NUMBER OF PRODUCTS WITH CLEAR WARNINGS ABOUT THE RISKS OF USAGE, WHAT TO DO IF MISUSED AND SO ON.

THESE WARNINGS APPEAR CONSPICUOUSLY TO ENSURE THAT USERS ARE AWARE OF THE INFORMATION.

I BELIEVE SMOKERS HAVE NOT HAD THE BENEFIT OF THE CLEAR, EXPLICIT AND COMPREHENSIVE WARNINGS WE EXPECT TO BE PROVIDED TO CONSUMERS OF ALL OTHER DANGEROUS PRODUCTS SOLD IN OUR COMMUNITY.

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IN 1973, THROUGH TOBACCO PRODUCT LABELLING, AUSTRALIANS WERE INFORMED THAT SMOKING IS A HEALTH HAZARD. IN 1987, THAT WARNING WAS REPLACED WITH FOUR MORE POINTED WARNINGS RELATING TO LUNG CANCER, HEART DISEASE, LUNG DAMAGE AND REDUCTION OF FITNESS.

HOWEVER, TOBACCO IS ONE OF THE VERY FEW PRODUCTS - IF NOT THE ONLY PRODUCT - IN OUR SOCIETY WHICH, WHEN USED EXACTLY AS THE MANUFACTURER INTENDS, WILL KILL ONE-THIRD OF ITS USERS -AND A SIGNIFICANT NUMBER OF NON-USERS, AS WELL, THROUGH THE WELL DOCUMENTED EFFECTS OF PASSIVE SMOKING.

THOSE WHO ESCAPE THE SENTENCE OF PREMATURE DEATH WILL INVARIABLY HAVE SOME LUNG DAMAGE AND OTHER ADVERSE HEALTH CONDITIONS RELATED TO THEIR SMOKING. EMPHYSEMA AND LOST LIMBS FROM VASCULAR DISEASE ARE EXAMPLES OF THE SERIOUS AND DISTRESSING COMPLICATIONS OF SMOKING.

IN THESE CIRCUMSTANCES IT IS ESSENTIAL THAT PEOPLE ARE WARNED, IN THE MOST EFFECTIVE WAY POSSIBLE, ABOUT THE DANGERS OF SMOKING TO THEMSELVES AND TO OTHERS.

THE PROPOSED SYSTEM WHICH WAS ENDORSED BY THE MINISTERIAL COUNCIL ON DRUG STRATEGY IN APRIL 1992 DOES EXACTLY THAT: IT PROVIDES CLEAR AND OBVIOUS HEALTH WARNINGS.

THE SYSTEM COMPRISES 12 EXPLICIT WARNINGS WHICH WILL BE PRINTED IN BLACK LETTERS ON A WHITE BACKGROUND ON THE FLIP TOP OR TOP QUARTER OF THE PACK.

THREE OF THE FOUR OLD WARNINGS WILL BE RETAINED:

SMOKING CAUSES LUNG CANCER
SMOKING CAUSES HEART DISEASE
SMOKING REDUCES YOUR FITNESS ,

THE NINE NEW WARNINGS ARE:

SMOKING CAUSES EMPHYSEMA
SMOKING IS A MAJOR CAUSE OF STROKE
SMOKING CAUSES PERIPHERAL VASCULAR DISEASE
MOST SMOKERS DEVELOP PERMANENT LUNG DAMAGE
YOUR SMOKING CAN HARM OTHERS
SMOKING IS ADDICTIVE
STOPPING SMOKING REDUCES YOUR RISK OF SERIOUS DISEASE
SMOKING IN PREGNANCY CAN HARM THE UNBORN CHILD
SMOKING KILLS

THESE WARNINGS REFLECT THE MAJOR HEALTH RISKS FOR SMOKERS, AS WELL AS ADDRESS PASSIVE SMOKING AND THE EFFECT ON CHILDREN.

ON THE BACK OF THE PACK THERE WILL BE SHORT EXPLANATIONS OF THE FRONT OF PACK WARNINGS, A MORE GENERAL HEALTH MESSAGE AND REFERENCE TO A NATIONAL QUITILINE TELEPHONE NUMBER WHICH WILL REDIRECT LOCAL CALLS TO THE A.C.T. QUITS SERVICE.

SOME PEOPLE HAVE QUESTIONED WHETHER TERMS LIKE EMPHYSEMA AND PERIPHERAL VASCULAR DISEASE, OR PAVED., WILL BE UNDERSTOOD.

RESEARCH HAS SHOWN THAT PEOPLE. INCLUDING CHILDREN, QUICKLY LEARN WHAT THESE TERMS MEAN WHEN THEY READ THE BACK OF PACK MESSAGE.

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FOR EXAMPLE, WITH "P.V.D.", THE WARNING SAYS:

TOBACCO SMOKING CAUSES NARROWING OF THE BLOOD CARRYING ARTERIES. WHEN BLOOD CANNOT FLOW PROPERLY IN THE LEGS IT IS CALLED PERIPHERALMASCULAR DISEASE. IN SEVERE CASES, A BLOCKAGE CAN DEVELOP IN THE LEGS. THIS IS VERY PAINFUL AND A LEG MAY HAVE TO BE CUT OFF. THIS OCCURS MAINLY IN SMOKERS.

MADAME SPEAKER, I APOLOGISE TO THE ASSEMBLY FOR THIS IMPROMPTU MEDICAL LECTURE.

HOWEVER, I WANT TO REINFORCE THAT THESE NEW HEALTH WARNINGS WILL EDUCATE AND INFORM SMOKERS OF THE REAL NATURE OF THE PRODUCT THEY ARE USING.

IN ADDITION, ON THE SIDE OF THE PACK, THE MAJOR TOXIC CONTENT LEVELS OF SMOKE, BEING TAR, CARBON MONOXIDE AND NICOTINE, WILL BE SHOWN WITH A SHORT DESCRIPTION OF THE TOXIC SUBSTANCE.

THIS NEW SYSTEM WAS DEVELOPED AFTER EXTENSIVE RESEARCH OF BOTH THE CURRENT SYSTEM AND TESTING OF THE NEW SYSTEM.

THE MINISTERIAL COUNCIL UNANIMOUSLY ACCEPTED THE RECOMMENDED SYSTEM.

OBVIOUSLY, IT IS IN ALL OUR INTERESTS TO HAVE A SINGLE NATIONAL SYSTEM OF EFFECTIVE HEALTH WARNINGS.

THE COUNCIL RESOLVED THAT ALL STATES AND TERRITORIES SHOULD INTRODUCE THIS SYSTEM BY 1 JULY 1993.

THREETING COUNCIL ALSO APPOINTED A SMALL GROUP OF MINISTERS TO MEET WITH THE CIGARETTE MANUFACTURERS AND IMPORTERS TO DISCUSS IMPLEMENTATION OF THE NEW SYSTEM.

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THE CIGARETTE MANUFACTURERS WALKED OUT OF THE MEETING AFTER THEY REALISED THEY WERE NOT GOING TO CHANGE THE DECISION TO BRING IN THE NEW SYSTEM.

THE INDUSTRY HAS CLAIMED LACK OF CONSULTATION.

HOWEVER, THEY MET TWICE WITH THE COUNCIL TASK FORCE WHICH DEVELOPED THE NEW SYSTEM, AND THEIR SUBMISSION WAS PROVIDED TO THE COUNCIL.

THE TOBACCO INDUSTRY CONSIDERS THAT THERE SHOULD BE NO CHANGE TO HEALTH WARNINGS.

AS A RESULT, THE WARNINGS SYSTEM AND LEGISLATION HAVE BEEN DEVELOPED WITHOUT ONGOING CONSULTATION WITH THE INDUSTRY, AND SOME DELAYS HAVE RESULTED.

I UNDERSTAND THAT THE INDUSTRY HAS BELATEDLY ENTERED INTO FEVERISH DISCUSSIONS WITH THE WESTERN AUSTRALIAN GOVERNMENT, SINCE THEIR LEGISLATION WAS PASSED.

THE DATE OF COMMENCEMENT OF THE NEW PROVISIONS WILL BE TIMED TO COINCIDE WITH THE COMMENCEMENT OF SIMILAR LEGISLATION IN OTHER JURISDICTIONS.

HOWEVER, THIS DATE SHOULD BE NO LATER THAN 1 APRIL 1994.

THE BILL WILL PROVIDE FOR A PHASE-IN PERIOD WHEN PACKS LABELLED WITH THE NEW SYSTEM CAN BE SOLD FROM THE TIME THE, AMENDMENTS ARE NOTIFIED TO THE COMMENCEMENT OF THE SUBSTANTIVE PROVISIONS.

IT WILL ALSO PROVIDE A THREE-MONTH PHASE-OUT PERIOD AFTER THE COMMENCEMENT DATE TO ALLOW OLD STOCKS TO BE SOLD.

AT THIS STAGE, WESTERN AUSTRALIA HAS INTRODUCED LEGISLATION AND THE SOUTH AUSTRALIAN LEGISLATION HAS PASSED THROUGH THE LOWER HOUSE.

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BOTH NEW SOUTH WALES AND QUEENSLAND SUPPORT THE SYSTEMS IMPLEMENTATION ON A NATIONAL BASIS.

HOWEVER, THE TOBACCO INDUSTRY HAS MANAGED TO CONVINCE THE VICTORIAN PREMIER THAT HIS STATE DOES NOT NEED THE NATIONALLY ENDORSED SYSTEM.

MR KENNETT HAS DECIDED THAT VICTORIANS CAN DO WITH A WEAKER EUROPEAN ECONOMIC COMMUNITY SYSTEM AND THE WEAKEST VERSION OF THAT SYSTEM.

FURTHERMORE, HE HAS PERSUADED TASMANIA AND NORTHERN TERRITORY TO FOLLOW THAT SYSTEM.

THE A.C.T. HERE HAS THE OPPORTUNITY TO SWING THE BALANCE TO SUPPORT A NATIONALLY ENDORSED SYSTEM AND SUPPORT WESTERN AUSTRALIA AND SOUTH AUSTRALIA.

THE ALTERNATIVE IS THAT THE TOBACCO INDUSTRY, THROUGH THE VICTORIAN GOVERNMENT, WILL DICTATE THE HEALTH WARNINGS FOR AUSTRALIANS.

MADAME SPEAKER, IN CONSIDERING THIS BILL, THIS ASSEMBLY IS DOING MORE THAN JUST CONSIDERING A PIECE OF LEGISLATION.

WE ARE CONSIDERING AN EDUCATION AND INFORMATION PROGRAM FOR SMOKERS AND FOR PEOPLE, ESPECIALLY CHILDREN, WHO MAY BE TEMPTED TO TAKE UP A MOST COSTLY AND DESTRUCTIVE HABIT.

R ALSO REPRESENTS A DECISION FOR AUSTRALIA AS A WHOLE.

THIS GOVERNMENT HAS MADE A COMMITMENT TO FOLLOW THROUGH A NATIONAL MINISTERIAL COUNCIL RESOLUTION.

WE WILL NOT BE INTIMIDATED BY THE TOBACCO INDUSTRY OR JURISDICTIONS WHICH FEEL THEY CAN UNILATERALLY WITHDRAW FROM SUCH RESOLUTIONS.

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MADAME SPEAKER, BASED ON NATIONAL FIGURES, SMOKING LEADS TO MORE THAN 300 DEATHS PER YEAR IN THE A.C.T.

THAT IS WELL IN EXCESS OF 10 TIMES THE A.C.Ts AVERAGE ANNUAL ROAD TOLL.

TO PUT IT ANOTHER WAY, AT PRESENT THERE ARE ESTIMATED TO BE SOME 60,000 SMOKERS IN THE TERRITORY.

AT LEAST ONE-THIRD OF THESE, OR APPROXIMATELY 20,000 MEMBERS OF OUR COMMUNITY, WILL UNNECESSARILY SACRIFICE YEARS AND QUALITY OF LIFE IF THEY CONTINUE TO SMOKE.

WE OWE IT TO THEM, TO THE COMMUNITY IN GENERAL, AND ESPECIALLY TO OUR YOUNG PEOPLE, TO HAVE THE CLEAREST AND STRONGEST WARNING SYSTEM FOR THESE UNIQUELY DANGEROUS PRODUCTS.

WE SIMPLY CANNOT AFFORD TO HAVE SECOND-RATE WARNING SYSTEMS FOR KNOWN DANGERS.

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APPENDIX 6:

(Incorporated in Hansard on 17 June 1993 at page 1986)

1993

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SPORTS (DRUG TESTING) BILL 1993

PRESENTATION SPEECH

Presented by
Wayne Berry
Deputy Chief Minister
Minister for Sport
17 June 1993

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MADAM SPEAKER

THE ISSUE OF THE USE BY ATHLETES OF PERFORMANCE ENHANCING SUBSTANCES HAS RECEIVED WIDE PUBLICITY AND. GENERAL UNIVERSAL CONDEMNATION IN REGENT YEARS. INTERNATIONALLY THIS HAS RESULTED IN MOST GOVERNMENTS AND MOST SPORTS ADOPTING LAWS, CODES OF PRACTICE, RULES AND SANCTIONS COVERING SUCH USAGE.

THE INTERNATIONAL OLYMPIC COMMITTEE HAS DEVELOPED A LIST OF BANNED DOPING SUBSTANCES AND .METHODS WHICH IS WIDELY RECOGNISED, AND WHICH IS THE BASIS OF MOST INTERNATIONAL ACTION CONCERNING -THIS IMPORTANT ISSUE.

THE ISSUE IS IMPORTANT,. NOT ONLY FROM THE CHEATING ASPECT, BUT .MODE SIGNIFICANTLY FROM THE HARM MINIMISATION ASPECT. THERE IS NO DOUBT THAT. SOME OF THE DRUG REGIMES TO WHICH ATHLETES MAY BE ATTRACTED CAN CAUSE SERIOUS LONG TERM DELETERIOUS HEALTH PROBLEMS, AND EVEN DEATH.

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THE PRESENT BILL IS AS MUCH ABOUT HARM MINIMISATION AS IT IS ABOUT THE UNFAIR ADVANTAGES WHICH ATHLETES CAN TRY TO GAIN THROUGH THE USE OF PERFORMANCE ENHANCEMENT DRUGS.

AUSTRALIA IS. A RECOGNISED WORLD LEADER IN THE FIELD OF THE DETECTION OF DRUG USE IN SPORT, AS WELL AS IN THE DEVELOPMENT AND IMPLEMENTATION OF COMMUNITY EDUCATION PROGRAMS ADDRESSING THIS : ISSUE THIS WAS ACKNOWLEDGED RECENTLY BY THE RESIDENT OF THE INTERNATIONAL OLYMPIC COMMITTEE, JUAN ANTONIO SAMARANCH, WHEN HE VISITED SYDNEY . TO INSPECT THAT CITYS SPORTING AND OTHER v FACILITIES.: ,

THE AUSTRALIAN SPORTS DRUG AGENCY, OR ASIA, HAS BEEN ESTABLISHED BY THE COMMONWEALTH GOVERNMENTS AN -INDEPENDENT STATUTORY AUTHORITY. RS PRIMARY OBJECTIVES ARE TO EDUCATE THE SPORTING COMMUNITY ON THE HEALTH AND FAIR PLAY ISSUES BELATED TO DRUG USE IN SPORT, AND TO CARRY OUT AN INDEPENDENT PROGRAM OF SAMPLING

AND VESTING OF ATHLETES-FOR DRUGS AT SPORTING

. EVENTS, -DURING TRAINING SESSIONS AND OUT OF . COMPETITiON. .

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HOWEVER ASDA- MAY ONLY CONDUCT DRUG TESTING IN RELATION TO COMPETITORS AS DEFINED IN ITS ENABLING LEGISLATION, THEREFORE ITS COVERAGE IS CONFINED TO ATHLETES REPRESENTING AUSTRALIA AND TO THOSE ATHLETES RECEIVING COMMONWEALTH SUPPORT.

THE COMMONWEALTH, STATE AND .TERRITORY SPORTS MINISTERS HAVE AGREED THAT LEGISLATION COMPLEMENTARY TO THE COMMONWEALTH ASIA . LEGISLATION SHOULD BE DEVELOPED TO ENABLE ASIA v "1"O EXTEND ITS COVERAGE TO RELEVANT ATHLETES COMPETING IN EVENTS AT THE.STATEfTERRiTORY LEVEL.

THIS BILL IMPLEMENTS THE A.C:T.S .UNDERTAKING TO INTRODUCE ENABLING LEGISLATION TO PERMIT AS.DA TO TEST RELEVANT A.C.T.. ATHLETES COMPETING AT THE LOCAL LEVEL.

THIS MEANS THAT ASIA WILL BE ABLE TO CONDUCT TESTING OF ATHLETES REPRESENTING THE TERRITORY OR RECEIVING A.C:T. GOVERNMENT ASSISTANCE, AND THOSE ATHLETES COMPETING AT THE TOP LEVEL FOR A . .SPORT IN THE A.C.T.

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THE PROVISIONS OF THIS BILL RECOGNISE THE FUNCTIONS OF ASIA IN RELATION TO THE A.C.T. IN SUMMARY THESE ARE:

1) TO ESTABLISH AND MAINTAIN A- PART IN THE, COMMONWEALTH REGISTER OF NOTIFIABLE EVENTS FOR THE PURPOSE OF RECORDING THE NAMES OF COMPETITORS WHO FAIL TO COMPLY WITH A DRUG SAMPLING REQUEST OR.- WHO RETURN A POSITIVE TEST RESULT;

.2) . .

TO DISSEMINATE INFORMATION WITHIN THE .

A.C.T. ON LIKELY PENALTIES AND TESTING PROCEDURES;

3.) TO CONDUCT TESTING OF RELEVANT A.C.T.

COMPETITORS;

. 4) . TO .DEVELOP AND IMPLEMENT EDUCATIONAL PROGRAMS IN THE A.C.T. TO DISCOURAGE THE USE OF DRUGS AND DOPING METHODS. IN SPORT; AND

t DRUG) TO ADVISE THE. MINISTER ON MATTERS AFFECTING COMPETITORS IN RELATION TO THE USE OF

VFKM ADD DOPING METHODS.

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THE.AUSTRALIAN SPORTS DRUG AGENCY DOES NOT IMPOSE PENALTIES. OR SANCTIONS ON ATHLETES OR SPORTING ORGANISATIONS. ITS ROLE IS IN SAMPLING AND TESTING; NOTIFICATION OF RESULTS AND MAINTENANCE OF THE REGISTER OF NOTIFIABLE EVENTS:

THE A.C.T. GOVERNMENT HAS A NUMBER OF SPORTS ASSISTANCE PROGRAMS, INCLUDING THE ACT SPORTS DEVELOPMENT PROGRAM, THE ACT ACADEMY OF SPORT, THE SPORTS LOANS INTEREST SUBSIDY SCHEME AND THE OVERSEAS TRAVEL ASSISTANCE SCHEME.

OFFERS OF ASSISTANCE UNDER THESE PROGRAMS WOULD CONTAIN CONDITIONS WHICH ENSURED THAT SPORTING ORGANISATIONS AND INDIVIDUALS WERE REQUIRED TO ACKNOWLEDGE THE GOVERNMENTS POLICY ON DRUGS IN SPORT.

-AS A CONDITION OF ASSISTANCE ORGANISATIONS WILL
BE REQUIRED TO IMPOSE THE RELEVANT SANCTIONS OF
THEIR NATIONAL AND INTERNATIONAL. ASSOCIATIONS
ON ANY ATHLETES WHO HAVE TESTED POSITIVE, OR WHO
HAVE FAILED COMPLY WITH REQUESTS TO PROVIDE
SAMPLES FOR TESTING. . .

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MADAM SPEAKER, WE HAVE CONSULTED WIDELY DURING THE PREPARATION OF THIS BILL. WE HAVE CONSULTED WITH ATHLETES, WITH SPORTS ADMINISTRATORS, WITH THE A.C.T. ACADEMY OF SPORT, WITH ACTSPORT, WITH THE AUSTRALIAN SPORTS DRUG AGENCY, AND THROUGH THE MEDIA.

WE HAVE USED THIS CONSULTATION TO GAUGE SUPPORT . FOR. ACTION TO REMOVE THE STIGMA THAT PERFORMANCE ENHANCING DRUGS HAVE BROUGHT TO SPORT.

IN CONJUNCTION WITH ASDA ACTSPORT AND .THE . OFFICE OF SPORT AND RECREATION A SPORTS DRUGS EDUCATION OFFICER HAS ALSO RECENTLY BEEN EMPLOYED TO WORK WITH SPORT AND THE GENERAL COMMUNITY TO BRING ABOUT A GREATER UNDERSTANDING OF THE ISSUES INVOLVED IN PROMOTING HEALTHY AND FAIR SPORTING PRACTICES:

WIDESPREAD SUPPORT FOR THE BILL HAS BEEN RECEIVED. THE ONLY CONCERNS THAT WERE EXPRESSED RELATED TO THE EXTENT TO WHICH AIDA COULD APPLY TS-. POWERS. WE HAVE ADDRESSED THIS BY BEING SPECIFIC IN .OUR DEFINITION OF COMPETITOR. THERE IS NO POSSIBILITY OF LITTLE MEN IN WHITE -COATS POPPING OUT FROM BEHIND A TREE AT AN UNDER NINE . SOCCER MATCH WITH SPECIMEN BOTTLES AT THE READY.

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SPECIFIC PROVISION HAS ALSO BEEN MADE TO PROTECT THE RIGHTS OF ATHLETES UNDER THE AGE OF .18 BY REQUIRING THE CONSENT OF A PARENT, GUARDIAN. OR RESPONSIBLE .ADULT BEFORE SAMPLING CAN TAKE PLACE.

MADAM SPEAKER,. THIS GOVERNMENT IS PROUD OF ITS RECORD IN THE -AREA Of= PROMOTING FAIR, HEALTHY AND DRUG FREE COMPETITION IN SPORTS. THIS BILL WILL BUILD ON THE WORK ALREADY DONE. I COMMEND IT TO THE ASSEMBLY.

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APPENDIX 7:

(Incorporated in Hansard on 17 June 1993 at page 1986)

1993

LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

ANIMAL DISEASES BILL 1993

PRESENTATION .SPEECH

Circulation by Authority of Bill Wood MLA
Minister for the Environment, Land.. and Planning

2185

MADAM.SPEAKER, THE ANIMAL DISEASES BILL 199.3 WILL REPEAL THE STOCK DISEASES ACT 1933.

THE BILL HAS PROVISIONS FOR THE CONTROL OF BOTH ENDEMIC ....EXOTIC ANIMAL DISEASES IN THE ONE PIECE OF . LEGISLATION..

ENACTMENT . . .

:.OF, EXOTIC ANIMAL DISEASES LEGISLATION-IN THE A.C.T. TOGETHER WITH THE AVAILABILITY.OF AN EXOTIC ANIMAL DISEASES EMERGENCY PLAN .MEETS AN. OBLIGATION TO THE COMMONWEALTH, STATES AND THE NORTHERN TERRITORYAND COMPLETES PREPAREDNESS FOR .CONTROLLING EXOTIC ANIMAL

"DISEASES .THROUGHOUT AUSTRALIA. THE A.C.T. HAS AGREED TO THESE COMPONENTS WHICH WERE INCLUDED IN THE TERMS AND CONDITIONS FOR COMPLIANCE WITH THE AUSTRALIANVETERINARY EMERGENCY PLAN KNOWN AS THE AUSVETPLAN.

THE .. A. C. T. WILL NOW PARTICIPATE IN A COMMONWEALTH STATE TERRITORY COST SHARING ARRANGEMENT.- UNDER THIS ARRANGEMENT, THE-COMMONWEALTH WOULD CONTRIBUTE A-MAJOR PROPORTION-OF.FUANDING FOR CONTROL.OF AN OUTBREAK.-OF ONE OF ,THE 12 MAJOR. EXOTIC ANIMAL. DISEASES. ANYWHERE IN. AUSTRALIA. THE STATES AND TERRITORIES CONTRIBUTE A PROPORTION ON A FORMULA FOR EACH DISEASE BASED ON SUSCEPTIBLE ANIMAL NUMBERS IN -A JURISDICTION AND/OR HUMAN -

POPULATION, WHERE HUMANS ARE ALSO SUSCEPTIBLE TO THE ..

DISEASE, FOR EXAMPLE IN THE CASE OF RABIES .

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THE IMPLEMENTATION OF THE-COST SHARING AGREEMENT WILL ALSO REQUIRE AMENDMENT TO COMMONWEALTH LEGISLATION AND THIS IS LIKELY TO BE CONSIDERED IN THE SPRING SESSION OF . THE FEDERAL PARLIAMENT. IN THE MEANTIME THE COMMONWEALTH WILL RETAIN RESPONSIBILITY .FOR FUNDING-THE CONTROL OF AN OUTBREAK IN THE .A.C.T. ANDTHE A.C.T. CONTRIBUTION TO AN. OUTBREAK ANYWHERE ELSE IN AUSTRALIA, UNTIL THE. AGREEMENT " IS IN PLACE. HOWEVER THE A.C.T..HAS CONTRIBUTED. PERSONNEL AND GAINED VALUABLE EXPERIENCE DURING THE RECENTODTBREAK OF NEWCASTLE DISEASE IN VICTORIA.

THE DEVASTATING EFFECT OF AN EXOTIC .ANIMAL DISEASE -

OUTBREAK IS A CONSTANT THREAT. TO. AUSTRALIA AND THE.A.C.T.

AND AN OUTBREAK OF A MAJOR EXOTIC ANIMAL DISEASE COULD

HAVE DEBILITATING SOCIAL AND ECONOMIC EFFECTS. A CONTINGENCY WOULD REQUIRE RAPID APPLICATION OF THE PROVISIONS OF THE BILL AND THE ASSOCIATED EXOTIC ANIMAL DISEASES.EMERGENCY PLAN TO MINIMISE COMMUNITY DISRUPTION.

2N REPEALING THE $TOCK.DISEASES ACT 1933 AND - INCORPORATING ITS PROVISIONS IN .THE ANIMAL DISEASES BILL TOGETHER WITH NEW PROVISIONS FOR THE CONTROL OF EXOTIC ANIMAL DISEASES. WE HAVE TAKEN THE-OPPORTUNITY TO REVISE .. AND UPDATE EXISTING PROCEDURES TO ENHANCE THEIR EFFECTIVENESS.

THERE WILL .BE AN OBLIGATION ON ANYONE BECOMING AWARE OR SUSPECTINGTHE OCCURRENCE OF AN EXOTIC ANIMAL DISEASE OR ENDEMIC STOCK DISEASE TO REPORT IT TO THE MINISTER .AND TAKE MEASURES.TO ISOLATE INFECTED ANIMALS OR MATERIAL.

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THE MINISTER WILL BE ABLE TO DECLARE .BY INSTRUMENT AN AREA OF LAND AS AN EXOTIC DISEASE QUARANTINE AREA. THERE WILL .BE RESTRICTIONS ON ENTRY AND DEPARTURE FROM AN INFECTED AREA. A MAGISTRATE.WILL HAVE POWER TO ISSUE A SEARCH WARRANT ON REASONABLE GROUNDS FOR AN INSPECTOR TO ENTER A DWELLING WEERE.CONSENT TO ENTER A-PREMISES ZS REFUSED. THE SALE OF STOCK AND. ANIMAL PRODUCTS WILL BE .SUBJECT TO RESTRICTION FROM AN INFECTED. AREA.

THE LEGISLATION WILL EMPOWER THE MINISTER TO ORDER DESTRUCTION OF ANIMALS AND MATERIAL AND.RESTRICT MOVEMENT OF VEHICLES, ANIMALS AND ANIMAL PRODUCTS.

THE MINISTER WILL BE ABLE TO AUTHORISE INSPECTORS TO,. INSPECT AND SEARCH. PREMISES AND TAKE SAMPLES.

THE MINISTER WILL.ALSO BE ABLE TO AUTHORISE COMPENSATION FOR ANIMALS OR PROPERTY DESTROYED.

WHILST THESE PROVISIONS -MAY. APPEAR TO.BEONEROUS, . .

I BELIEVE THEY ARE JUSTIFIED BY THE ENORMITY OF AN OUTBREAK OF AN ANIMAL DISEASE. SUCHAN OUTBREAK COULD. HAVE A DISASTROUS ECONOMIC IMPACT ON AGRICULTURAL INDUSTRY AND ULTIMATELY THE COMMUNITY AT LARGE. IT .IS IMPORTANT TO. REALISETHAT SIMILAR PROVISIONS ARE ...

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I HOPE THAT WE NEVER HAVE AN OUTBREAK OF EXOTIC. ANIMAL DISEASE.IN THE A.C.T. HOWEVER WE SHOULD ALL APPRECIATE THAT. PREPAREDNESS FOR SUCH AN EMERGENCY IS SOUND RISK MANAGEMENT. "THIS LEGISLATION AND THE FINALISATION OF THE EXOTIC ANIMAL DISEASES EMERGENCY PLAN ENSURES THAT THE A. C. T. HAS BOTH THE LEGISLATION AND OPERATIONAL FRAMEWORK IN .PLACE TO DEAL WITH SUCH AN EMERGENCY:

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APPENDIX 8:

(Incorporated in Hansard on 17 June 1993 at page 1987)

LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

INTERPRETATION (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by authority of
Terry Connolly MLA
Attorney General

2190

MADAM SPEAKER, THIS BILL DEALS WITH WHAT IS TO HAPPEN TO A.C.T. LEGISLATION WHICH IS HELD TO BE UNCONSTITUTIONAL, THAT IS, OUTSIDE THIS ASSEMBLYS LEGISLATIVE POWER. THE BILL BRINGS THE A.CT. LAW ON THIS QUESTION INTO LINE WITH THAT OF THE COMMONWEALTH, THE STATES AND THE NORTHERN TERRITORY.

AT COMMON LAW THE PRESUMPTION IS THAT WHEN A LEGISLATURE PASSES A LAW TT IS INTENDED THAT THE LAW WILL OPERATE AS A WHOLE. ACCORDINGLY, IF ANY OF IT IS FOUND TO BE OUTSIDE POWER THE WHOLE ACT IS LIKELY TO BE INOPERATIVE.

THIS PRESUMPTION HAS INCONVENIENT CONSEQUENCES IN A FEDERAL SYSTEM, SUCH AS AUSTRALIAS, WHERE LEGISLATIVE POWER IS DIVIDED BETWEEN THE COMMONWEALTH, THE STATES AND THE SELF-GOVERNING TERRITORIES.

TO AVOID THIS INCONVENIENCE THE COMMONWEALTH, THE STATES AND THE NORTHERN TERRITORY HAVE ENACTED WHAT ARE REFERRED TO AS "SEVERABILITY CLAUSES". THESE CLAUSES IN EFFECT REVERSE THE COMMON LAW PRESUMPTION WITH THE RESULT THAT SUBSTANTIAL PORTIONS OF A LAW CAN BE HELD TO BE OUTSIDE POWER AND STILL LEAVE OTHER PORTIONS IN OPERATION.

MADAM SPEAKER, THIS BILL WILL INSERT A SEVERABILTTY CLAUSE IN THE ACTS INTERPRETATION ACT.

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APPENDIX 9:

(Incorporated in Hansard on 17 .1993 at page 1987)

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

INTERPRETATION (AMENDMENT) BILL (N0.2)1993

PRESENTATION SPEECH

Circulated by the authority of

TERRY CONNOLLY MLA
ATTORNEY-GENERAL

2192

MADAM SPEAKER, THIS BILL AND THE RELATED ACTS REVISION (POSITION OF CROWN) BILL DEAL WITH THE IMPORTANT ISSUE OF WHETHER THE CROWN SHOULD BE BOUND BY STATUTE LAW IN THE SAME WAY AS A CITIZEN.

"THE CROWN" IS A TERM REPRESENTING THE EXECUTIVE BRANCH OF GOVERNMENT. IF A BODY COMES WITHIN THE SHIELD OF THE CROWN THEN THAT BODY WILL HAVE THE PROTECTION OF CROWN IMMUNITY . WITHIN THE SHIELD OF THE CROWN ARE DEPARTMENTS OF GOVERNMENT HEADED BY MINISTERS - THE MINISTERS BEING THE LINK TO THE CROWN. IF A MINISTER HAS A DEGREE OF CONTROL OVER A PUBLIC BODY OR AUTHORITY, THEN THAT BODY MAY ALSO COME WITHIN THE SHIELD OF THE CROWN. NATURALLY, THE MORE REMOVED FROM A MINISTERS CONTROL THE LESS LIKELY A BODY WILL COME WITHIN THE SHIELD OF THE CROWN.

BINDING THE CROWN TO A STATUTE IS A DIFFICULT CONSTITUTIONAL CONCEPT. FOR HISTORICAL REASONS, THE COURTS HAVE DEVELOPED A COMMON LAW RULE OF INTERPRETATION TO DETERMINE IN ANY SPECIFIC CASE WHETHER THE CROWN IS OBLIGED TO ACT IN ACCORDANCE WITH LEGISLATION. THAT COMMON LAW RULE STILL APPLIES IN THE ACT. IN ESSENCE, THE CROWN IS PRESUMED NOT TO BE BOUND BY LEGISLATION UNLESS THERE IS A SPECIFIC STATUTORY PROVISION TO THE CONTRARY OR TT CAN BE IMPLIED THAT THE CROWN IS BOUND BY THE LEGISLATION.

THIS COMMON LAW RULE 1S QUITE VAGUE AND HAS BEEN INTERPRETED QUITE DIFRENTLY BY DIFFERENT JUDGES. BEFORE

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THE HIGH COURT HANDED DOWN ITS DECISION IN BROPHO V WEST AUSTRALIAN DEVELOPMENT COMMISSION THE GENERAL RULE HAD BEEN THAT THE CROWN WAS NOT BOUND BY LEGISLATION UNLESS THAT LEGISLATION EITHER:

- SPECIFICALLY REFERRED TO BINDING THE CROWN; OR

- WOULD BE MEANINGLESS OR WHOLLY FRUSTRATED UNLESS TT WAS INTERPRETED AS BINDING THE CROWN.

THIS INTERPRETATION OF THE TEST WAS REJECTED BY THE HIGH COURT OF AUSTRALIA IN ITS DECISION IN THE BROPHO CASE.
THE ISSUE IN THAT CASE WAS WHETHER THE WESTERN AUSTRALIAN ABORIGINAL HERITAGE ACT 19T2 APPLIED TO THE STATE OF WESTERN AUSTRALIA AND A STATUTORY INSTRUMENTALITY OF THAT STATE, THE WEST AUSTRALIAN DEVELOPMENT CORPORATION. THE ACT, WHICH WAS OF GENERAL APPLICATION IN ITS TERMS, DID NOT EXPRESSLY STATE WI-IETHER OR NOT THE CROWN WAS BOUND BY THAT ACT.

THE HIGH COURT HELD THAT ALTHOUGH THERE IS A PRESUMPTION THAT THE CROWN IS NOT BOUND BY STATUTES WHICH DO NOT EXPRESSLY BIND IT, THIS PRESUMPTION CAN BE DISPLACED AS A MATTER OF STATUTORY INTERPRETATION. TO DETERMINE WHETHER OR NOT THE CROWN IS BOUND IN A PARTICULAR INSTANCE, THE COURT WILL HAVE REGARD TO THE SUBJECT MATTER OF THE STATUTE INCLUDING ITS PURPOSE AND POLICY. IN PARTICULAR, IF A STATUI0RY AUTHORITY IS RUNNING ON A COMMERCIAL BASIS,

THEN IT IS LESS LIKELY TO HAVE THE PROTECTION OF THE CROWN. THE COURT ALSO HELD THAT TT IS POSSIBLE THAT A STATUTE WILL NOT BIND THE PERSON OF THE CROWN BUT MAY STILL BIND THE VARIOUS GOVERNMENT BODIES WHICH FALL WITHIN THE SHIELD OF THE CROWN. THE COURT SUGGESTED THAT ACTS PASSED PRIOR TO THEIR DECISION IN BROPHO MAY BE INTERPRETED DIFFERENTLY TO ACTS PASSED AFTER THE DECISION.

THE EFFECT OF THE DECISION IS THAT THERE IS NO WAY OF KNOWING FOR SURE WHETHER A PARTICULAR ACT WILL BIND THE CROWN AT COMMON LAW. 1N OTHER WORDS, A GOVERNMENT CANNOT REMAIN SILENT ON THE QUESTION OF WHETHER THE CROWN IS BOUND BY A STATUTE AND THEN EXPECT A COURT TO HOLD THAT TT IS NOT BOUND.

MADAM SPEAKER, THE GOVERNMENT BELIEVES THAT IT IS BEST TO REMOVE THE UNCERTAINTY ASSOCIATED WITH THE COMMON LAW PRESUMPTION ON BINDING THE CROWN AND THIS BILL TOGETHER WITH THE ACTS REVISION (POSITION OF CROWN) BILL ARE DESIGNED TO ACHIEVE THIS.

IN DEVELOPING THE GOVERNMENTS POLICY ON THIS ISSUE TT WAS NECESSARY TO ADDRESS THREE QUESTIONS:

FIRST OF ALL, THE GOVERNMENT HAD TO CONSIDER WHETHER AS A GENERAL POLICY THE CROWN IN RIGHT OF THE TERRTTORY SHOULD OR SHOULD NOT BE BOUND BY LEGISLATION.

2195

SECONDLY, IT WAS NECESSARY TO CONSIDER WHETHER THE CROWN IN RIGHT OF OTHER JURISDICTIONS SHOULD BE BOUND BY OUR LEGISLATION.

FINALLY, HAVING ESTABLISHED THE ANSWERS TO THOSE TWO QUESTIONS, HOW SHOULD THE GOVERNMENTS POLICY BE IMPLEMENTED IN LEGISLATION.

IN ANSWER TO THE FIRST QUESTION THE GOVERNMENT DECIDED THAT THE CROWN SHOULD BE BOUND UNDER A.C.T. LEGISLATION UNLESS THERE IS GOOD REASON FOR TT NOT BEING BOUND.

THE GOVERNMENT BELIEVES THAT TT SHOULD BE A "MODEL CTTIZEN" - WILLING TO ABIDE BY THE LAWS TT MAKES FOR THE REST OF THE COMMUNITY. THE CROWN AND ITS SERVANTS AND AGENTS SHOULD NOT GAIN AN UNFAIR ADVANTAGE OVER OTHERS BY NOT BEING BOUND BY LEGISLATION. WHERE GOVERNMENT INSTRUMENTALITIES, TERRTTbRY OWNED CORPORATIONS, OR OTHER RELATIVELY INDEPENDENT GOVERNMENT BODIES ARE INVOLVED IN THE PROVISION OF COMMERCIAL SERVICES, THERE WOULD NEED TO BE VERY GOOD REASON TO GIVE THEM IMMUNITY FROM THE LAW WHETHER OR NOT THEY COMPETE WITH PRIVATE ENTERPRISE. THE PUBLIC SHOULD NOT BE DENIED REDRESS AGAINST SUCH BODIES.

IT SHOULD BE NOTED THAT AS A GENERAL RULE BODIES SUCH AS TERRITORY OWNED CORPORATIONS HAVE THE SAME STATUS FOR MOST PURPOSES AS PRIVATE CITIZENS AND SO EXCEPTIONAL REASONS WOULD BE REQUIRED FOR GRANTING SUCH BODIES AN I1VJMUN1FY OR PRIVILEGE OF THE CROWN.

2196

THERE ARE OF COURSE CASES WHERE THE CROWN NEED NOT BE BOUND BY LEGISLATION. FOR EXAMPLE, IF A PIECE OF LEGISLATION INTRODUCES AN ADMINISTRATIVE SCHEME, SUCH AS A SYSTEM OF LICENCE FEES TO BE PAID BEFORE SOME KIND OF WORK CAN BE CARRIED OUT, THERE WILL GENERALLY NOT BE A NEED FOR THE CROWN TO PAY ITSELF A LICENCE FEE. THE CROWN SHOULD BE BOUND BY THE SUBSTANTIVE PROVISIONS OF SUCH LEGISLATION BUT THERE IS LITTLE POINT IN MOST CIRCUMSTANCES IN MAKING THE CROWN PAY ITSELF FOR A LICENCE - ALL THAT WOULD USUALLY BE ACHIEVED WOULD BE A LOT OF PAPER SHUFFLING.

IT IS A CONSTITUTIONAL NONSENSE FOR THE CROWN TO PROSECUTE THE CROWN. THAT BEING SO, IF AN AGENT ACTS WITH LAWFUL AUTHORITY AS EXPRESSED BY STATUTE OR STATUTORY INSTRUMENT, THEN CRRVIINAL LIABILITY SHOULD NOT ATTACH TO THE PERSON FOR ACTING IN THAT WAY. THIS DOES NOT GIVE AN AGENT OF THE CROWN A GENERAL IMMUNPTY FROM PROSECUTION FOR BREACHING THE LAW. IT IS PRESUMED THAT AGENTS WILL ABIDE BY THE LAWS OF THE TERRITORY IN PERFORMING THEIR JOBS UNLESS THEY HAVE SOME LEGISLATIVE AUTHORITY NOT TO DO SO.

FOR EXAMPLE, AN OFFICER OF A.C.T.E.W. MAY HAVE LEGISLATIVE AUTHORITY TO ENTER PRIVATE LAND TO CARRY OUT ELECTRICAL WORK. WHILE THAT OFFICER IS WORKING WITHIN HIS OR HER LEGISLATIVE AUTHORITY, HE OR SHE WOULD NOT BE LIABLE FOR TAMPERING WITH THE PROPERTY OF A.C.T.E.W.. IT FOLLOWS FROM THIS THAT WHERE THE CROWN IS GRANTED IMMUNITY FROM

PARTICULAR LAWS, THIS IMMUNITY SHOULD BE EXTENDED TO ITS SERVANTS, AGENTS AND CONTRACTORS ACTING LAWFULLY ON ITS BEHALF.

THE SECOND QUESTION TO BE ANSWERED WAS WHETHER THE CROWN IN RIGHT OF OTHER JURISDICTIONS SHOULD BE BOUND BY OUR LAWS. THE GOVERNMENT CONSIDERED THAT THERE WAS NO GOOD REASON WHY THE CROWN IN RIGHT OF OTHER JURISDICTIONS SHOULD BE EXEMPT FROM A.C.T LEGISLATION - ESPECIALLY GIVEN THAT THE A.C.T WOULD ITSELF BE BOUND BY THOSE LAWS.

BUT THERE IS A LEGISLATIVE IMPEDWENT TO THE A.C.T BINDING THE COMMONWEALTH. THIS IMPEDIMENT IS CONTAINED IN SECTION 27 OF THE A.C.T (SELF-GOVT)ACT 1988 WHICH STATES:

"EXCEPT AS PROVIDED BY THE REGULATIONS, AN ENACTMENT DOES NOT BIND THE CROWN IN RIGHT OF THE COMMONWEALTH."

REGULATIONS WERE MADE BY THE COMMONWEALTH PURSUANT TO THIS SECTION AS PART OF THE SELF-GOVERNMENT EXERCISE. SINCE THEN; TT HAS BEEN NECESSARY TO APPROACH THE COMMONWEALTH ON A CASE-BY-CASE BASIS TO BIND THE COMMONWEALTH TO OUR LAWS. THIS PROCESS WILL CONTINUE.

THE THIRD QUESTION TO BE ADDRESSED WAS HOW TO GO ABOUT PUTTING THESE POLICIES INTO PRACTICE. TT WOULD HAVE BEEN EASY FOR THE GOVERNMENT TO DO NOTHING AND LET THE COURTS. DECIDE WHETHER THE CROWN IS OR IS NOT BOUND BY ANY

PARTICULAR STATUTE IN ANY PARTICULAR CASE. HOWEVER, THE GOVERNMENT HAS DECIDED TO TAKE A PRO-ACTIVE APPROACH. IT IS ESSENTIALLY A MATTER OF POLICY WHETHER THE CROWN IS BOUND BY ITS OWN LEGISLATION AND AS SUCH TT SHOULD BE DETERMINED BY THE ASSEMBLY - NOT THE COURTS. A SIMPLE PROCESS NEEDED TO BE ADOPTED BY THE A.C.T WHICH ENSURED THAT WHEN A NEW LAW WAS PROPOSED, PROPER CONSIDERATION WAS GIVEN TO WHETHER THE A.C.T, THE COMMONWEALTH AND OTHER JURISDICTIONS SHOULD BE BOUND BY THE LEGISLATION. FURTHERMORE, IT WAS NECESSARY TO CONDUCT A REVIEW OF EXISTING LEGISLATION TO DETERMINE WHETHER THE CROWN REQUIRED ANY IMMUNITIES FROM EXISTING LEGISLATION.

THE END RESULT IS CONTAINED IN THE BILLS BEFORE YOU, THAT IS THE INTERPRETATION (AMENDMENT) BILL (N0.2), AND THE ACTS REVISION (POSITION OF CROWN) BIM THE INTERPRETATION (AMENDMENT) BILL (N02) WILL INSERT A NEW SECTION 7 INTO THE INTERPRETATION ACT. THE NEW SECTION 7 WILL ADDRESS MOST GENERAL ISSUES REGARDING BINDING THE CROWN TO A.C.T. LEGISLATION.

THE NEW SUBSECTION 7(1) WILL REVERSE THE FORMER PRESUMPTION THAT THE CROWN IS NOT BOUND BY LEGISLATION. IF A LAW IS

CAPABLE OF BINDING THE CROWN, AND THIS SIMPLY MEANS THAT

THfi LAW IMPOSES SOME OBLIGATION ON THE CROWN, THEN IT WILL BE BINDING ON THE CROWN UNLESS THAT LAW CONTAINS AN EXPRESS PROVISION TO THE CONTRARY. THIS PROVISION WILL APPLY TO ALL LAWS, INCLUDING THOSE LAWS TO BE PASSED 1N THE FUTURE AND LAWS ALREADY IN EXISTENCE. THE GOVERNMENT CONSIDERED

2199

TT WAS NECESSARY TO HAVE ONE RULE APPLYING TO ALL A.C.T LAWS. THIS ENSURES CLARITY, SIMPLICITY AND CERTAINTY.

SUBSECTION 7(2) ENSURES THAT THE TERM "CROWN" WHEN USED IN A.C.T LEGISLATION MEANS THE CROWN IN RIGHT OF ALL JURISDICTIONS TO THE EXTENT THAT THAT IS POSSIBLE. OBVIOUSLY, WITH REGARD TO THE COMMONWEALTH, TT WILL BE NECESSARY FOR A REGULATION UNDER SECTION 27 OF THE AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNS ACT TO BE IN EXISTENCE BEFORE THE COMMONWEALTH WILL BE BOUND BY ANY PARTICULAR STATUTE.

SUBSECTIONS 7(3), (4) AND (5) DEAL WITH THE CRIMINAL LIABILITY OF THE CROWN. THE CROWN WILL NOT BE LIABLE TO CRIMINAL PROSECUTION AND ANYONE WORKING ON BEHALF OF THE CROWN WILL BE IMMUNE FROM CRIMINAL PROSECUTION IF THEY ARE ACTING WTTHIN THE SCOPE OF THEIR LAWFUL AUTHORITY.

THE NEW SUBSECTION 7(6) WILL ESTABLISH AS A GENERAL RULE THAT THE CROWN IS NOT LIABLE TO PAY MONEY TO ITSELF UNLESS THIS IS SPECIFICALLY PROVIDED FOR IN LEGISLATION. THIS WILL AVOID ANY UNNECESSARY ADMINISTRATIVE EFFORT IN THE MANAGEMENT OF TERRITORY PUBLIC MONIES.

MADAM SPEAKER, THESE BILLS REPRESENT A BOLD STEP BY THIS GOVERNMENT TO BE ACCOUNTABLE TO THE PEOPLE THROUGH THE LAW. I UNDERSTAND THAT ONLY SOUTH AUSTRALIA HAS PASSED LEGISLATION ALONG THESE LINES AND THE SOUTH AUSTRALIAN

2200

LEGISLATION DOES NOT REALLY GO AS FAR AS THE POSITION ADOPTED IN THE A.C.T. I COMMEND THIS BILL TO THE ASSEMBLY.

2201

APPENDIX 10:

(Incorporated in Hansard on 17 Ju93 1993 at page 1988)

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

ACTS REVISION (POSITION OF CROWN) BILL 1993

PRESENTATION SPEECH

Circulated by the authority of

TERRY CONNOLLY MLA
ATTORNEY-GENERAL

2202

MADAM SPEAKER, THE ACTS REVISION (POSITION OF CROWN) BILL 7993 MAKES CONSEQUENTIAL CHANGES TO SOME ACTS AS A RESULT OF ADOPTING THE NEW RULE IN THE INTERPRETATION (AMENDMENT) BILL (N0.2) THAT THE CROWN SHOULD BE BOUND BY LEGISLATION UNLESS OTHERWISE PROVIDED IN SPECIFIC LEGISLATION.

THESE CHANGES INCLUDE LEvETBVG THE APPLICATION OF CERTAIN PROVISIONS TO THE TERRITORY, RATHER THAN THE CROWN IN ALL ITS FORMS, AND GIVING RAIMUNITTES TO THE TERRITORY WHERE THIS IS NECESSARY.

A COMPREHENSIVE REVIEW HAS BEEN UNDERTAKEN OF ALL EXISTING LAWS IN THE A.C.T. TO ESTABLISH WHERE THE CROWN MIGHT REQUIRE AN IMMUNITY FROM PARTICULAR PROVISIONS IN STATUTES. DURING THAT REVIEW IT BECAME CLEAR THAT THERE WERE CERTAIN TYPES OF PROVISIONS THAT SHOULD NOT BIND THE CROWN. THESE GENERIC TYPES OF PROVISIONS INCLUDED PROVISIONS THAT REQUIRED THE PAYMENT OF A FEE TO THE TERRITORY AND PROVISIONS THAT IMPOSED SOME KIND OF C71KNAL PENALTY. THESE GENERIC TYPES OF PROVISIONS WILL BE DEALT WITH BY GENERAL PROVISIONS IN THE INTERPRETATION (AMENDMENT) BILL (N0.2).

HOWEVVEF, THERE WERE ALSO SOME SPECIFIC PROVISIONS IN ACTS THATNEEDED PARTICULAR AMENDMENT TO TAKE ACCOUNT OF THE NEW RULE THAT THE CROWN WILL BE BOUND BY ALL LEGISLATION. THE ACTS REVISION (POSITION OF CROWN) BILL MAKES THOSE SPECIFIC CONSEQUENTIAL AMENDMENTS.

2203

SO FOR INSTANCE, SECTION 2 OF THE COTTER RIVER ACT MAKES IT AN OFFENCE TO TAKE FISH FROM THE COTTER RIVER RESERVOIR. CROWN OFFICERS ARE OF COURSE REQUIRED TO TAKE FISH FROM THAT AREA FOR SCIENTIFIC MONITORING AND RESEARCH PURPOSES. ACCORDINGLY, THAT PROVISION SHOULD NOT BIND THE CROWN.

MOST OF THE AMENDMENTS IN THE ACTS REVISION (POSITION OF CROWN) BILL ARE OF A MINOR NATURE SIMILAR TO THE COTTER RIVER ACT AMENDMENT. HOWEVER, THE AMENDMENTS IN RELATION TO THE BUILDING ACT AND THE WEAPONS ACT ARE A LITTLE MORE SUBSTANTIAL.

ORIGINALLY, BOTH THE BUILDING ACT AND THE WEAPONS ACT WERE DRAFTED ON THE BASIS THAT THE CROWN WOULD NOT BE BOUND BY MOST PROVISIONS OF THOSE ACTS. THEREFORE, FOR THE NEW RULE TO WORK EFFECTIVELY IN RELATION TO THOSE ACTS, IT WAS NECESSARY TO REDRAFT A NUMBER OF PROVISIONS IN THOSE ACTS TO RECOGNISE THAT THE CROWN WOULD BE BOUND BY THOSE LAWS IN THE FUTURE. IN THE CASE OF THE BUILDING ACT TT WAS NECESSARY TO ENSURE THAT THERE WAS NO DUPLICATION OF SUPERVISION BY GOVERNMENT AGENCIES AFTER THE CROWN BECAME BOUND BY THAT ACT.

IN THE CASE OF THE WEAPONS ACT, IT WAS NECESSARY TO PROVIDE FOR GOVERNMENT AGENCIES TO BE GRANTED LICENCES AS IF THEY WERE A BODY CORPORATE. A NUMBER OF CHANGES TO THE ACT HAD TO BE MADE TO ACCOMPLISH THIS.

2204

THERE ARE A NUMBER OF PROVISIONS IN ACTS ALREADY EXISTING WHICH STATE: "THIS ACT BINDS THE CROWN". THESE PROVISIONS WILL BECOME REDUNDANT AFTER THE INTERPRETATION (AMENDMENT) BILL (N0.2) COMMENCES. ACCORDINGLY, THE ACTS REVISION (POSITION OF CROWN) BILL REPEALS EACH OF THESE PROVISIONS.

2205

APPENDIX 11:

(Incorporated in Hansard on 17 June 1993 at page 1988)

1992-93

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

REGISTRAR-GENERAL BILL 1993

PRESENTATION SPEECH

Circulated by Authority of
Terry Connolly MLA
Attorney General

2206

MADAM SPEAKER,

THIS BILL PROVIDES FOR THE ESTABLISHMENT OF AN OFFICE OF REGISTRARGENERAL. THIS OFFICE WILL BE THE AMALGAMATION OF THE OFFICES OF THE REGISTRAR OF TITLES, THE REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES, THE REGISTRAR OF UNCLAIMED MONEYS, THE REGISTRAR OF BUSINESS NAMES, THE REGISTRAR OF SECURITIES AND THE REGISTRAR OF INCORPORATED ASSOCIATIONS.

AM SPEAKER, THIS CHANGE REPRESENTS YET ANOTHER EXAMPLE OF GOVERNMENT GOING ABOUT THE TASK OF SIMPLIFYING AND RATIONALISING OUR LAW. .

INSTEAD OF HAVING A MULTITUDE OF PROVISIONS RELATING TO THE APPOINTMENT AND POWERS OF REGISTRARS, DEPUTY REGISTRARS AN D ACTING REGISTRARS WE WILL NOW HAVE A SINGLE PIECE OF LEGISLATION DEALING WITH THESE MATTERS.

ESTABLISHING ONE OFFICE OF REGISTRAR-GENERAL IS MORE ADMINISTRATIVELY EFFICIENT THAN HAVING SEVERAL SEPARATE OFFICES. THE OFFICE WILL BE MORE RECOGNISABLE IN TERMS OF THE SERVICES IT PROVIDES THE A.C.T. COMMUNITY.

2207

APPENDIX 12:

(Incorporated in Hansard on 17 June 1993 at page 1989)

1992-93

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

REGISTRAR-GENERAL (CONSEQUENTIAL PROVISIONS) BILL 1993

PRESENTATION SPEECH

Circulated by Authority of
Terry Connolly MLA
Attorney General

2208

MADAM SPEAKER,

THIS BILL IS RELATED TO THE REGISTRAR-GENERAL BILL 1993 WHICH I HAVE JUST INTRODUCED.

THE BILL REMOVES EXISTING PROVISIONS WHICH CREATE THE OFFICES OF THE REGISTRAR OF TITLES, THE REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES, THE REGISTRAR OF UNCLAIMED MONEYS, THE REGISTRAR OF BUSINESS NAMES, THE REGISTRAR OF SECURITIES AND THE REGISTRAR OF MORPORATED ASSOCIATIONS.

CES TO THESE OFFICES ARE REPLACED WTTH REFERENCES TO THE NEW OFFICE OF REGISTRAR-GENERAL.

THE BILL ALSO MAKES A NUMBER OF MINOR TECHNICAL CHANGES TO BILLS AS A CONSEQUENCE OF THE CREATION OF THE OFFICE. FOR EXAMPLE, IT AMENDS THE EVIDENCE (LAWS AND INSTRUMENTS) ACT 1989 TO PROVIDE FOR JUDICIAL RECOGNITION OF THE REGISTRAR-GENERALS SIGNATURE.

THE BILL CONTAINS A NUMBER OF TRANSITIONAL PROVISIONS WHICH WILL ENSURE THAT REFERENCES TO REGISTRARS OF THE REGISTERS TO BE AMALGAMATED IN INSTRUMENTS, CONTRACTS, AGREEMENTS AND LEGAL PROCEEDINGS ARE TAKEN AS REFERENCES TO THE REGISTRAR-GENERAL. THE BILL PRESERVES THE RIGHTS AND OBLIGATIONS OF THOSE WHO MANAGE THE VARIOUS REGISTERS.

2209

APPENDIX 13:

(Incorporated in Hansard on 17 June 1993 at page 1989)

PRESENTATION SPEECH

PRISONERS (INTERSTATE TRANSFER) BILL 1993

To be presented by:
Terry Connolly MLA
Attorney-General

2210

MADAM SPEAKER, THIS BILL IS TO FORMALLY BRING WITHIN THE TERRTInRYS RESPONSIBILITY THE TRANSFER OF PRISONERS TO AND FROM THE TERRiZnRY.

AT PRESENT, THE COMMONWEALTH DEALS WITH THIS SUBJECT UNDER THE TRANSFER OR PRISONERS ACT 1983 AND THE COMMONWEALTH ATTORNEY-GENERAL EXERCISES AUTHORITY UNDER THAT ACT. THIS POSITION IS INCOMPATIBLE WITH THE TERRITORYS SELF-GOVERNING STATUS AND MAY CAUSE UNDUE DELAY IN EFFECTING A TRANSFER.

AS THE TERRITORY GOVERNMENT Now HAS RESPONSIBILITY FOR THE TAL JUSTICE SYSTEM IN THE A.C.T. IT IS APPROPRIATE WE HAVE OUR OWN LEGISLATION TO REGULATE THE TRANSFER OF PRISONERS.

ALL THE STATES AND THE NORTHERN TERRITORY HAVE INTERSTATE PRISONERS TRANSFER LEGISLATION. THE STANDING COMMITTEE OF ATTORNEYS-GENERAL HAS APPROVED THE INCLUSION OF THE A.C.T. IN THE INTERSTATE TRANSFER OF PRISONERS SCHEME. THE BILL HAS BEEN DRAFIED SO THAT IT IS SUBSTANTIALLY SIMILAR TO THE LEGISLATION IN FORCE IN NEW SOUTH WALES.

THE BILL WILL ENABLE ME, AS THE RESPONSIBLE MINISTER,

(I) TO ORDER THE INTERSTATE TRANSFER OF PRISONERS FOR WELFARE REASONS;

(In TO CONSENT TO THE TRANSFER OF AN A.C.T. PRISONER TO STAND TRIAL IN A COURT OF ANOTHER JURISDICTION; AND

(III) TO REQUEST THE TRANSFER OF STATE PRISONERS TO STAND TRIAL IN THE A.C.T.

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AN A.C.T. PRISONER MAY MAKE A REQUEST TO BE TRANSFERRED INTERSTATE FOR WELFARE REASONS. ALSO, A PRISONER IN ANOTHER STATE MAY LIKEWISE REQUEST TO BE TRANSFERRED TO THE A.C.T.

A PRISONER MAY SEEK A TRANSFER FOR WELFARE REASONS BECAUSE THE PRISONER WANTS TO BE IN A PRISON WHERE THE PRISONERS FAMILY MEMBERS OR CLOSE RELATIVES ARE ABLE TO VISIT HIM OR HER. IN SOME CASES A PRISONER MAY SEEK A TRANSFER BECAUSE HE OR SHE FEARS FOR HIS OR HER SAFETY IN THE PRISON IN WHICH HE OR SHE IS CURRENTLY LOCATED. THE BILL ALLOWS A PRISONER TO REQUEST A TRANSFER ON ANY MUM GROUNDS THAT WOULD SATISFY ME AS THE RESPONSIBLE MINISTER THAT A TRANSFER OF THE PRISONER IS IN THE INTERESTS OF HIS OR HER WELFARE. _ .

WHERE I AS MINISTER AGREE TO A PRISONERS REQUEST FOR A WELFARE TRANSFER; I WILL ORDER THE TRANSFER OF THE PRISONER. BEFORE MAKING THE TRANSFER ORDER, I WILL SEEK THE CONSENT OF THE CORRESPONDING MINISTER OF THE JURISDICTION TO WHICH THE TRANSFER IS SOUGHT.

A TRANSFER DECISION IS NOT JUST A MATTER FOR THE A.C.T. MINISTER TO DETERMINE - THE A.C.T. MUST OBTAIN THE CONSENT OF THE OTHER STATE WHICH MAY BE AFFECTED BY CONSIDERATIONS RELATING TO PRISON CAPACff Y AND THE NATURE OF OFFENCES FOR WHICH A PRISONER IS SERVING A SENTENCE.

THE BILL ENABLES AN A.C.T. PRISONER WHO IS THE SUBJECT OF AN ARREST WARRANT UNDER A STATE LAW, TO BE TRANSFERRED TO THAT STATE TO STAND TRIAL IN A COURT IN THAT STATE. AS ATTORNEY GENERAI, MY CONSENT WILL BE NECESSARY FOR ANY TRANSFER OF A PRISONER FOR THIS PURPOSE.

IN ADDITION TO MY CONSENT, THE BILL REQUIRES AN ORDER TO BE MADE BY THE MAGISTRATES COURT BEFORE THE TRANSFER IS EFFECTED. THE BILL EMPOWERS THE COURT TO REFUSE TO MAKE THE ORDER IF THE PRISONER SATISFIES THE COURT THAT (A) THE TRANSFER ORDER WOULD BE HARSH, OPPRESSIVE OR NOT IN THE INTERESTS OF

2212

JUSTICE, OR (B) THE NATURE OF THE RELEVANT CHARGE OR COMPLAINT AGAINST THE PRISONER IS SO TRIVIAL THAT TT DOES NOT WARRANT THE TRANSFER

WIRE AN ARREST WARRANT 1S ISSUED IN THE A.C.T. ON AN INTERSTATE PRISONER, THE BILL ENABLES ME AS ATTORNEY-GENERAL TO MAKE A REQUEST TO THE ATTORNEY-GENERAL OF THE RELEVANT STATE, FOR A TRANSFER OF THAT PRISONER TO THE A.C.T.

THE BILL WILL BECOME OPERATIVE AS EACH PARTICIPATING JURISDICTION OF TI INTERSTATE TRANSFER OF PRISONERS SCHEME AMENDS TTS LEGISLATION TO DECLARE THE A.C.T. AS A MEMBER OF THE SCHEME. .

I COMMEND THE BILL TO THE ASSEMBLY.

2213

APPENDIX 14:

(Incorporated in Hansard on 17 June 1993 at page 1990)

1993

LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

SUPREME COURT (AMENDMENT) BILL 1993

PRESENTATION SPEECH

by the Attorney Gaxral

Terry Connolly MLA

2214

MADAM SPEAKER, THE PURPOSE OF THIS BILL IS TO AMEND THE SUPREME COURT ACT 1933 TO PROVIDE GREATER FLEXIBILITY IN THE WAY THE SUPREME COURT DEALS WITH CRIMINAL PROCEEDINGS.

THERE ARE TWO ELEMENTS TO THIS.

IT FIRST CONCERNS TRIAL BY JURY. TFiE ESSENCE OF THIS AMENDMENT IS TO ENABLE A PERSON WHO FACES SERIOUS CRIMINAL CHARGES IN THE SUPREME COURT TO CHOOSE TO BE TRIED BY JUDGE ALONE RATHER THAN BY JUDGE AND JURY.

THE AMENDMENT FIRSTLY INCLUDES IN THE SUPREME COURT ACT A PROVISION STATING THAT PERSONS WHO ARE TRIED ON INDICTABLE CRnVIINAL CHARGES ARE ENTITLED TO TRIAL BY JURY. INDICTABLE CRIMINAL CHARGES,ARE CHARGES THAT ARE PUNISHABLE BY A PERIOD OF IMPRISONMENT GREATER THAN 1 YEAR - THAT IS, THE MORE SERIOUS CRRMNAL OFFENCES.

THIS COMPLEMENTS A SIMILAR PROVISION CONTAINED IN SECTION 395 OF THE CRIMESAG7: IT IS APPROPRIATE THAT, BEFORE PROVIDING THAT AN ACCUSED PERSON MAY ELECT TO BE TROD BY JUDGE ALONE, TIC LEGISLATION SHOULD STATE THE FUNDAMENTAL RIGHT TO TRIAL BY JURY.

TRIAL BY JURY HAS BEEN THE CUSTOMARY METHOD OF TRYING SERIOUS CRIMINAL CHARGES THROUGHOUT THE

2215

ENGLISH-SPEAKING WORLD FOR MANY CENTURIES. IT WAS DESCRIBED BY THE LEGAL HISTORIAN BLACKSTONE AS THE "PALLADIUM OF JUSTICE".

HISTORICALLY, JURY TRIAL WAS ALSO USED FOR CIVIL CASES, BUT THERE HAS BEEN A MOVE AWAY FROM THAT IN RECENT YEARS. IN AUSTRALIA NOW, IT IS ONLY IN NEW SOUTH WALES AND VICTORIA THAT SIGNIFICANT NUMBERS OF CIVIL CASES ARE TRIED BY JURY.

IN SOME JURISDICTIONS, IT HAS RECENTLY-BEEN ACCEPTED THAT THERE MAY ALSO BE CRIMINAL CASES WHERE AN ACCUSED PERSON WOULD PREFER TO BE TRIED BY A JUDGE ALONE RATHER THAN BY JUDGE AND JURY. SUCH CASES MIGHT INCLUDE THOSE WHERE EXTENSIVE PRE-TRIAL PUBLICITY COULD BE PERCEIVED AS PREJUDICING JURORS AGAINST THE ACCUSED, AND CASES WHERE THERE 1S A LARGE AMOUNT OF TECHNICAL EVIDENCE THAT JURORS MIGHT FIND DIFFTCULT TO COMPREHEND.

AT PRESENT IN THE ACT, AN ACCUSED PERSON IN SUCH INSTANCES HAS NO CHOICE AS TO METHOD OF TRIAL. EVEN THOUGH HE OR SHE MIGHT GENUINELY WISH TO WAIVE THE RIGHT TO TRIAL BY JURY, THAT IS NOT POSSIBLE.

THE BILL FOLLOWS THE LEAD OF SOME OTHER JURISDICTIONS, INCLUDING NEW SOUTH WALES, SOUTH AUSTRALIA AND NEW ZEALAND, AND ENABLES AN ACCUSED PERSON TO ELECT TO BE TRIED BY JUDGE ALONE.

2216

AT THE SAME TIME, THE BILL SAFEGUARDS THE INTERESTS OF THE ACCUSED PERSON BY ENSURING THAT TRIAL BY JUDGE ALONE CAN ONLY TAKE PLACE AT THE REQUEST OF THE ACCUSED PERSON, AND THAT HE OR SHE CAN ONLY . MAKE SUCH A CHOICE AFTER RECEIVING PROFESSIONAL LEGAL ADVICE.

THE BILL ALSO PROTECTS THE JUDICIAL SYSTEM FROM MISUSE BY A DEFENDANT WHO MIGHT TRY TO USE ITS PROVISIONS TO DELAY HIS OR HER TRIAL AND TO IiiCONVENIENCE THE COURT. AN ACCUSED PERSON WHO

DIES TO WAIVE THE RIGHT TO TRIAL BY JURY MUST ELECT TO DO THAT BEFORE THE TRIAL DATE IS F1XED. THE ELECTION MAY BE WITHDRAWN BEFORE THE TRIAL COMMENCES, BUT ONCE WITHDRAWN NO FURTHER ELECTION MAY BE MADE.

THE SECOND ELEMENT OF THE BILL ENABLES THE SUPREME COURT, AT THE END OF THE TRIAL OF A PERSON FOR AN INDICTABLE CRIMINAL OFFENCE, TO DEAL WITH ANY SLfMMARY OFFENCES THAT ARE RELATED TO THE MIGTABLE OFFENCE. "SUMMARY OFFENCES" ARE LESS SERIOUS CRIMINAL OFFENCES THAT WOULD OTHERWISE BE DEALT WITH BY THE MAGISTRATES COURT.

THE PRESENT PROCEDURE IN SUCH CIRCUMSTANCES IS FOR THE SUMMARY OFFENCES TO BE DELAYED IN THE MAGISTRATES COURT UN1m AFTER THE INDICTABLE OFFENCES ARE TRIED IN THE SUPREME COURT.

2217

TI METHOD OF TRYING RELATED SUMMARY CHARGES PROVIDED BY THE BILL WILL ONLY BE AVAILABLE WHERE THE ACCUSED PERSON CONSENTS, AND WIRE THE JUDGE TRYING TI CASE BELIEVES THAT IT IS IN TI INTERESTS OF JUSTICE. 1I SUPREME COURT WILL NOT BE REQUIRED TO DEAL WITH A RELATED SUMMARY OFFENCE; IT WILL BE ABLE AT ANY TIME TO REMIT SUCH AN OFFENCE TO TI MAGISTRATES COURT.

THE PROPOSED AMENDMENT, WHICH IS CLOSELY MODELLED ON SIIVZB.AR NSW PROVISIONS, WILL ENABLE AN ACCUSED PERSON TO CHOOSE A METHOD OF TRIAL WHICH WILL DISPOSE OF ALL CHARGES MORE QUICKLY THAN WOULD OTHERWISE BE THE CASE.

2218

APPENDIX 15:

(Incorporated in Hansard on 17 June 1993 at page 1990)

1992
Australian Capital Territory Legislative Assembly

TRUSTEE COMPANIES (AMENDMENT) BILL 1993

PRESENTATION SPEECH

CIRCULATED BY AUTHORITY OF
TERRY CONNOLLY MLA
ATTORNEY GENERAL

2219

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MADAM SPEAKER, THIS BILL CONTAINS A SIMPLE AMENDMENT TO THE TRUSTEE COMPANIES ACT 1947, AND IS PURELY TECHNICAL IN NATURE.

IT PROVIDES FOR THE CHANGING OF NAME BY A TRUSTEE COMPANY IN THE A.C.T.

THE TRUSTEE COMPANIES ACT 1947 PROVIDES THAT WHERE A TRUSTEE COMPANY IS NAMED EXPRESSLY OR Bbl IMPLICATION AS EXECUTOR IN THE LAST WILL AND TESTAMENT OR IN THE CODICIL TO THE LAST WILL AND TESTAMENT OF ANY TESTATOR, OR WHERE THE EXECUTOR OF A WILL GIVES IT AUTHORISATION TO DO SO, THAT COMPANY MAY ACT AS EXECUTOR, AND MAY APPLY FOR, AND OBTAIN, PROBATE OF THE WILL OF THE TESTATOR AND PERFORM AND DISCHARGE ALL THE ACTS AND DUTIES OF AN EXECUTOR.

UNDER THE ACT A "TRUSTEE COMPANY" IS DEFINED-AS A COMPANY WHICH IS INCORPORATED IN THE TERRITORY AND SPECIFIED IN SCHEDULE 1 TO THE ACT OR, IF IT IS INCORPORATED ELSEWHERE, A

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COMPANY WHICH IS DULY REGISTERED IN THE A.C.T. AND RECOGNISED AS A TRUSTEE COMPANY IN THE RELEVANT JURISDICTION.

UNDER THE PRESENT PROVISIONS OF THE ACT, WHERE A TRUSTEE COMPANY DULY SPECIFIED IN THE SCHEDULE CHANGES ITS NAME FOR WHATEVER REASON THIS WOULD REQUIRE LEGISLATIVE CHANGE TO RECOGNISE THE NEW CHANGE. AS THE NAME CHANGE MUST ALSO BE APPROVED Y THE AUSTRALIAN SECURITIES COMMISSION, THIS REQUIREMENT SEEMS AN UNNECESSARY BURDEN ON THE ASSEMBLY. THE AMENDMENT CONTAINED IN THE BILL WOULD REMOVE THAT BURDEN.

RATHER THAN HAVING TO LEGISLATE TO CHANGE A NAME WHICH IS IN THE SCHEDULE OF THE ACT, THE PROPOSED AMENDMENT SIMPLY PROVIDES THAT, WHERE A TRUSTEE COMPANY CHANGED ITS NAME UNDER THE CORPORATIONS LAW, REFERENCES TO THE OLD NAME IN THE SCHEDULE WOULD BE DEEMED TO BE A REFERENCE TO THE NEW NAME.

2221

THE AMENDMENT WOULD ALSO ALIGN THE ACT WITH THE COMMONWEALTH CORPORATIONS LAW.

FURTHER AMENDMENTS ARE MADE TO RENDER THE PRINCIPAL ACT GENDER NEUTRAL.

THERE ARE NO FINANCIAL IMPLICATIONS INVOLVED IN THE PROPOSED LEGISLATION.

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APPENDIX 16:

(Incorporated in Hansard on 17 June 1993 at page 1991)

1993

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LANDLORD AND TENANT (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by Authority of the Minister for Housing and Community Services

Terry Connolly MLA

2223

MEMBERS OF THE ASSEMBLY WILL BE AWARE THAT A RENTAL BOND CUSTODIAL SCHEME WAS ESTABLISHED IN 1991 UNDER THE LANDLORD AND TENANT ACT.

THE SCHEME HAS NOW BEEN OPERATING FOR ALMOST TWO YEARS AS THE A.C.T. OFFICE OF RENTAL BONDS.

THE OFFICE IS WELL-ACCEPTED IN THE COMMUNITY AND IS REGARDED EVEN BY THOSE WHO OPPOSED THE CONCEPT OF A CUSTODIAL SCHEME AS AN EFFICIENT AND EFFECTIVE GOVERNMENT BODY.

SINCE THE OFFICE OPENED, IT HAS LODGED MORE THAN 30,000 RENTAL BONDS BELONGING TO TENANTS AND IT HAS PAID OUT NEARLY 15,000 CLAIMS.

THE OFFICE HAS ALSO BEEN IMPORTANT IN RAISING COMMUNITY AWARENESS OF TENANCY ISSUES THROUGH ITS INFORMATION CAMPAIGNS ON THE PROVISIONS OF THE LANDLORD AND TENANT ACT WITH REGARD TO BONDS AND THROUGH ITS REFERRAL SERVICES TO OTHER TENANCY INFORMATION AND ADVICE PROVIDERS.

IN THE COURSE OF THE OFFICES OPERATION, A NUMBER OF MINOR DIFFICULTIES HAVE BEEN EXPERIENCED WITH ITS ENABLING LEGISLATION.

THE LANDLORD AND TENANT (AMENDMENT) BILL IS INTENDED TO ADDRESS THESE AND IN THE PROCESS RENDER THE BOND-RELATED PROVISIONS OF THE ACT CLEARER AND MORE EFFICIENT AND EQUITABLE

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CONSULTATION WITH INTERESTED COMMUNITY AND INDUSTRY GROUPS HAS BEEN UNDERTAKEN DURING THE DEVELOPMENT OF THE BILL AND THE GOVERNMENT HAS APPRECIATED THE CONTRIBUTIONS OF ALL PARTIES TO THE CONSULTATIVE PROCESS.

THE BILL ADDRESSES SIX MATTERS.

THE FIRST RELATES TO THE PAYMENT OF CLAIMS PRIOR TO THE END OF A TENANCY.

THE ACT DOES NOT CURRENTLY SPECIFY TENANCY STATUS IN TION TO MAKING A CLAIM FOR REFUND OF BOND AND, HENCE, "IM DIRECTOR OF RENTAL BONDS IS NOT OBLIGED TO INQUIRE INTO THE CIRCUMSTANCES OR STATUS OF A TENANCY AGREEMENT IN ORDER TO DETERMINE A PERSONS ENTITLEMENT TO REPAYMENT OF BOND MONEY.

IT IS POSSIBLE THAT EITHER A LANDLORD OR A TENANT COULD TAKE ADVANTAGE OF THE OTHER PARTYS ABSENCE - FOR INSTANCE, OVERSEAS -AND CLAIM A BOND PRIOR TO THE END OF A TENANCY WITHOUT THE OTHERS KNOWLEDGE BECAUSE THE NOTICE OF CLAIM WAS NOT RECEIVED IN TIME TO RESPOND.

THIS IS OVERCOME BY AN AMENDMENT WHICH REQUIRES THAT FOR A BOND CANNOT BE MADE PRIOR TO THE END OF A TENANCY WITHOUT THE CONSENT OF BOTH PARTIES, UNLESS ONE PARTY IS DIRECTING THE WHOLE OF THE BOND TO THE OTHER PARTY.

THIS AMENDMENT IS IN LINE WITH SIMILAR BOND-RELATED LEGISLATION IN OTHER STATES.

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THE SECOND MATTER CLARIFIES THE PAYMENT OF BOND MONEY OUT OF THE TRUST FUND IN RELATION TO BOND MONEY PAID INTO IT THEREBY ENSURING THE INTEGRITY OF THE FUND.

EFFECTIVELY, THE DIRECTOR OF THE OFFICE CANNOT PAY OUT OF THE FUND AN AMOUNT OF MONEY WHICH WAS NOT PAID INTO IT.

THIS WOULD PREVENT CLAIMS AGAINST THE FUND FOR BOND MONEY NOT LODGED WITH THE OFFICE WHICH WAS MISAPPROPRIATED BY LANDLORDS, HENCE MAKING IT CLEAR THAT TRUST MONIES CANNOT BE USED FOR COMPENSATION.

THE AMENDMENTS WILL ALSO EXTEND CERTAIN PERIODS OF TIME IN THE ACT.

THE ACT PROVIDES THAT A LANDLORD IS REQUIRED TO PROVIDE A CONDITION REPORT TO THE TENANT WHEN HE OR SHE TAKES POSSESSION OF THE RENTED PREMISES.

CURRENTLY, THE TENANT MUST RETURN THIS TO THE LANDLORD WITHIN IN THREE DAYS.

LANDLORDS, ESTATE AGENTS AND TENANTS HAVE ALL AGREED THAT THREE DAYS IS INSUFFICIENT FOR A TENANT TO ADEQUATELY EXAMINE A PROPERTY.

THE AMENDMENT WOULD EXTEND TO SEVEN DAYS THE TIME ALLOWED THE TENANT FOR RETURN OF THE REPORT TO THE LANDLORD.

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THE FOURTH MATTER CONCERNS THE TIME PERIOD WITHIN WHICH A LANDLORD OR A TENANT CAN RESPOND TO A NOTICE OF CLAIM.

UNDER THE ACT, WHEN ONE PARTY TO A TENANCY AGREEMENT FOR WHICH A BOND IS HELD SUBMITS A CLAIM TO THE DIRECTOR OF THE OFFICE, A NOTICE OF CLAIM IS SENT TO THE OTHER PARTY.

CURRENTLY, THE NOTIFIED PARTY HAS TEN DAYS TO RESPOND IN WRITING OR THE CLAIM WILL BE PAID OUT PER THE SUBMITTED APPLICATION.

THE TEN-DAY PERIOD IS TOO SHORT, PARTICULARLY DURING HOLIDAY NODS SUCH AS CHRISTMAS, AND IT IS POSSIBLE THAT A PERSON MAY NOT RECEIVE THE NOTICE IN SUFFICIENT TIME TO RESPOND.

THE BILL WOULD EXTEND THE TIME TO RESPOND TO FOURTEEN DAYS OR SEEK OTHER PRESCRIBED PERIOD IN ORDER TO ENSURE THAT A PARTY RECEIVING A NOTICE HAS A FAIRER OPPORTUNITY TO DISPUTE A CLAIM SHOULD HE OR SHE WISH TO DO SO.

THE FIFTH AND SIXTH MATTERS DEALT WITH IN THE BILL CONCERN PROCEEDINGS IN THE SMALL CLAIMS COURT.

THE BILL REMOVES THE CURRENT PROVISION WHICH STATES THAT THE DIRECTOR OF RENTAL BONDS SHALL BE THE RESPONDENT TO PEGS IN THE COURT.

THE CURRENT PROVISION FORMALLY INVOLVES THE DIRECTOR IN COURT PROCEEDINGS, WHILE AT THE SAME TIME MAKING NO FORMAL PROVISION FOR THE RIGHT OF THE OTHER PARTY TO BE HEARD.

2227

CURRENTLY, A PRACTICE DIRECTION JOINS THE DIRECTOR TO THE OTHER PARTY AS CO-RESPONDENTS ALLOWING APPLICATIONS TO PROCEED; HOWEVER, THIS COULD POTENTIALLY CREATE UNDESIRABLE OBLIGATIONS FOR THE DIRECTOR TO THE OTHER PARTY.

WHILE REMOVING THE DIRECTOR AS A FORMAL RESPONDENT, THE ACT CONTINUES TO ENSURE THAT THE DIRECTOR WILL BE BOUND BY AN ORDER OF THE COURT.

THE SIXTH MATTER DEALT WITH BY THE BILL CONCERNS THE SERVICE OF NOTICES OF CLAIM TO THE COURT MADE BY ONE PARTY IN CASES WHERE THE WHEREABOUTS OF THE OTHER PARTY IS UNKNOWN.

IN SOME CASES, IT APPEARS THAT BOND MONEY WHICH WAS DISPUTED BY BOTH PARTIES, ONE OF WHOM CANNOT SUBSEQUENTLY BE CONTACTED AND HENCE CANNOT BE SERVED, COULD BE EFFECTIVELYFROZEN IF A CLAIM IS UNABLE TO PROCEED.

WHILE THE SMALL CLAIMS ACT ALLOWS A CLAM TO BE FILED WITHOUT THE ADDRESS OF THE OTHER PARTY BEING KNOWN, IN SOME CIRCUMSTANCES THE CLAIM CANNOT PROCEED WHERE THIS LACK OF AN ADDRESS MEANS THAT THE COURT HAS SOME DOUBT THAT SERVICE OF THE NOTICE OF CLAIM HAS BEEN EFFECTIVE.

UNDER THE SMALL CLAIMS ACT, IT IS POSSIBLE TO ORDER THE SUBSTITUTION FOR SERVICE OF A NOTICE BY ADVERTISEMENT IN A NATIONALLY DISTRIBUTED NEWSPAPER, BUT THIS MUST SATISFY THE COURT AS EFFECTIVE SERVICE.

2228

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IN ORDER TO ALLOW THIS FORM OF SUBSTITUTED SERVICE TO OCCUR IN THE SMALL NUMBER OF CASES WHERE BOND MONEY HAS BECOME FROZEN, THE BILL WILL MODIFY THE APPLICATION OF SECTION 50 OF THE SMALL CLAIMS ACT FOR THE PURPOSES OF DEALING WITH RENTAL BOND MATTERS.

AS WITH OTHER SMALL CLAIMS CASES, THE CHANGE WOULD NOT PRECLUDE THE UNCONTACTED PARTY APPLYING TO THE COURT TO SET ASIDE A JUDGEMENT ON GROUNDS THAT HE OR SHE DID NOT KNOW ABOUT THE PROCEEDINGS.

IN ADDITION TO THESE SUBSTANTIVE AMENDMENTS, THE BILL WILL DER THE LANGUAGE OF THE ACT GENDER NEUTRAL

IN CONCLUSION, I BELIEVE THAT THE AMENDMENTS CONTAINED IN THIS BILL WILL RESULT IN A MORE EFFICIENT AND EQUITABLE RENTAL BOND CUSTODIAL SCHEME.

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APPENDIX 17:

(Incorporated in Hansard on 17 June 1993 at page 1991)

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LITTER (AMENDMENT) BILL 1.993

PRESENTATION SPEECH

Circulated by authority of

Tent Connolly, MLA, Minister for Urban Services

2230

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LITTER (AMENDMENT) BILL 1993

MADAM: SPEAKER THIS BILL SEEKS TO AMEND THE LITTER ACT 9977 TO PROVIDE FOR AN INCREASE IN THE EXISTING PENALTIES, TO INCREASE THE RANGE OF OFFENCES THAT MAY BE DEALT WITH BY ON-THE-SPOT FINES AND TO CREATE AN OFFENCE FOR THE ILLEGAL DUMPING OF COMMERCIAL AND INDUSTRIAL WASTE.

THE BILL WILL ALSO ENABLE THE SETTING OF ON-THE-SPOT PENALTIES BY REGULATION, EXTENDING THE TIME PERIOD AY, THE IMPOSITION OF AN ADMINISTRATIVE CHARGE FOR

1E PAYMENT AND A PROVISION TO WITHDRAW ON-THE-SPOT FINES.

THESE AMENDMENTS WILL RECTIFY THE LOW LEVEL OF EXISTING FINES, STRENGTHEN AN EXISTING PROVISION TO ENSURE THAT LOADS ARE COVERED AND SECURED DURING TRANSPORTATION AND DETER ILLEGAL DUMPING OF COMMERCIAL AND INDUSTRIAL WASTE. .

MADAM SPEAKER, LET ME DETAIL THE ARRANGEMENTS IN THE PROPOSED BILL.

THS CURRENT 25 DOLLAR PENALTY FOR LITTERING HAS REMAINED UNCHANGED SINCE THE ACT COMMENCED IN 1977. I AM PLEASED TO SAY THAT THIS BILL RECOGNISES THE DISPARITY OF OUR CURRENT FINES AND WILL SET THEM AT A LEVEL ON A PAR. WITH THE COSTS TO THE COMMUNITY FOR

2231

SUCH OFFENCES AND BRING THE A.C.T. PENALTIES INTO LINE WITH EQUIVALENT PENALTIES INTERSTATE. THESE PENALTIES WILL BE SPECIFIED IN REGULATIONS.

AN IMPORTANT COMPONENT OF THIS BILL ISTHE EXTENSION OF . THE ON-THE-SPOT FINE REGIME FOR LITTERING OFFENCES WHICH WILL REDUCE THE BURDEN ON THE COURTS.

A SUMMONS MAY STILL BE ISSUED, HOWEVER, 1N INSTANCES. WHERE IT ISMORE APPROPRIATE TO SEEK A COURT RULING ON ISSUES SUCH AS THE COST OF CLEAN UP.

YOU ARE NO- DOUBT AWARE, MADAM SPEAKER, THAT TIP CHARGES WERE RECENTLY INTRODUCED FOR COMMERCIAL AND INDUSTRIAL USERS. ASIDE=EFFfCT.TO THIS POLICY HAS BEEN AN INCREASE IN THE INCIDENCE OF ILLEGAL DUMPING OF WASTE MATERIAL SINCE THE INTRODUCTION OF CHARGING: WHILE THE COST OF A LITTER FINE IS LESS THAN THE COST OF DISPOSAL AT LANDFILL,. ILLEGAL DUMPING CAN -BE EXPECTED . TO CONTINUE. THE AMENDMENTS AND PENALTIES PROPOSED ARE EXPECTED TO BE A MAJOR DETERRENT TO THIS IRRESPONSIBLE PRACTICE.

t WOULD. NOW LIKE TO TURN TO THE PROVISION N -IN THE LEGISLATION TO ENFORCE THAT LOADS OF WASTE MATERIAL BE SECURELY COVERED.

PERHAPS THE .GREATEST SOURCE OF LITTER ON OUR ROAD VERGES IS THE RESULT OF LOADSOF WASTE MATERIAL WHICH

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ARE NOT ADEQUATELY COVERED. THE ROADS LEADING TO OUR LANDFILLS, IN PARTICULAR, ARE A MAJOR SOURCE OF COMPLAINT FROM RESIDENTS AND VISITORS TO THE A.C.T. IN REGARD TO THE AMOUNT OF LITTER WHICH ACCUMULATES IN THESE AREAS.

THE PROBLEM OF UNCOVERED LOADS ALSO MEANS THAT THE GOVERNMENTS RESOURCES FOR LITTER PICKING PATROLS ALSO NEED TO BE FOCUSSED ON THESE AREAS AT THE EXPENSE OF OTHER AREAS..

PROPOSED MEASURE TO REQUIRE LOADS TO BE COVERED IS EXPECTED TO SIGNIFICANTLY REDUCE THE AMOUNT OF LITTERING ALONG OUR ROAD VERGES, IN PARTICULAR OUR TIP ACCESS ROADS.

IN ADDITION-TO THE.IMPORTANT LEGISLATIVE AMENDMENTS MENTIONED ABOVE, THE BILL INCLUDES MINOR OR CONSEQUENTIAL AMENDMENTS TO MAKE IT CONSISTENT WITH OTHER LEGISLATION. FOR INSTANCE THE TIME PERIOD TO PAY A NOTICE WILL BE INCREASED FROM 14 DAYS TO 2-8 DAYS, THE INCLUSION OF AN ADMINISTRATIVE CHARGE ON ISSUE OF A FINAL NOTICE AND A PROVISION TO WITHDRAW A NOTICE.

TO COMPLEMENT THE PROPOSED MEASURES, PUBLIC . AWARENESS CAMPAIGNS WILL BE USED TO INFORM THE . COMMUNITY OF THE CHANGES TO THE LEGISLATION AND THE NEED TO TAKE GREATER CARE WHEN THEY WISH TO DISPOSE . OF MATERIAL THEY NO LONGER WANT.

2233

APPENDIX 18:

(Incorporated in Hansard on 17 June 1993 at page 1992)

ATTACHMENT C

1992-93-94

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

MOTOR TRAFFIC (AMENDMENT) BILL (No 3) 1993

PRESENTATION SPEECH

Circulated by authority of
TERRY CONNOLLY MLA

MINISTER FOR URBAN SERVICES

2234

THIS BILL AMENDS THE MOTOR TRAFFIC ACT 1936 TO INTRODUCE GRADUATED DRIVER LICENSING AND POINTS DEMERIT FOR ALL DRIVERS OF MOTOR VEHICLES AND RIDERS OF MOTORCYCLES IN THE A.C.T. IT WILL ALIGN THE A.C.T. DRIVER LICENCE LEGISLATION WITH THE DRIVER LICENSING PRACTICES EMPLOYED BY ALMOST ALL OTHER LICENSING JURISDICTIONS IN AUSTRALIA.

THE ESSENCE OF THE GRADUATED LICENCE SCHEME IS TO PROVIDE A DECREASING LEVEL OF RESTRICTIONS AS DRIVING OR RIDING EXPERIENCE INCREASES, AND THUS PROVIDE AN INCENTIVE FOR NEW DRIVERS AND RIDERS TO PROGRESS TO A FULL LICENCE IN THE NHNIMUM PERIOD.

THE APPLICATION OF DEMERIT POINTS TO DRIVER LICENCES FOR TRAFFIC OFFENCES WILL MEAN DRIVERS AND RIDERS WILL NOW HAVE TO FACE THE POSSIBILITY OF EITHER LICENCE SUSPENSION OR RESTRICTIONS ON THEIR LICENCE IF THEY COMMIT REPEATED TRAFFIC OFFENCES.

LEARNER DRIVERS WILL BE ABLE TO OBTAIN A LEARNER LICENCE AT THE AGE OF 16 YEARS. THUS, IN THE COMPANY OF A DRIVER WHO MUST HOLD A FULL LICENCE, THEY WILL HAVE A PERIOD OF UP TO 12 MONTHS (TO THE AGE OF 17 YEARS) IN WHICH TO OBTAIN THE SKILL NECESSARY TO OBTAIN A PROVISIONAL DRIVER LICENCE. OF COURSE, LEARNERS WILL BE ABLE TO TAKE LONGER IF THEY REQUIRE IT.

2235

LEARNER LICENCE HOLDERS WILL BE ABLE TO ACCRUE THE SAME NUMBER OF DEMERIT POINTS AS A FULL LICENCE HOLDER BEFORE ANY ACTION IS TAKEN ON THE LICENCE. THE INTENTION IS TO TAKE INTO ACCOUNT THAT LEARNERS MAKE MISTAKES DURING THEIR LEARNING PERIOD AND SHOULD NOT BE UNDULY PENALIZED DURING THAT TIME. ALL LEARNER LICENSEES WILL BE RESTRICTED TO A MAXIMUM BLOOD ALCOHOL CONCENTRATION OF 0.02 MG PER 100 MLS.

THE MINIMUM AGE FOR MOTORCYCLE LEARNERS WILL REMAIN AT 16 YEARS AND 9 MONTHS BEFORE PROGRESSION TO A PROVISIONAL LICENCE AT THE AGE OF 17 YEARS.

PROVISIONAL LICENCES WILL BE GRANTED FOR A PERIOD OF THREE YEARS. IF A PERSON ALREADY HOLDS A PROVISIONAL LICENCETO DRIVE A CAR AND REQUIRES A PROVISIONAL LICENCE FOR A MOTORCYCLE LICENCE DURING THE PERIOD OF THE CURRENT PROVISIONAL CAR LICENCE, THE SECONDARY PROVISIONAL LICENCE ENDORSEMENT WILL BE REQUIRED FOR A MINIMUM TWELVE MONTH PERIOD.

THE CONVERSE WILL ALSO APPLY TO MOTORCYCLISTS WANTING A CAR LICENCE. THESE SECONDARY PROVISIONAL LICENCES (REFERRED TO IN THE BILL AS PROVISIONAL LICENCE ENDORSEMENTS) MAY ATTRACT UP TO 4 DEMERIT POINTS DURING A 12 MONTH PERIOD BEFORE ANY SANCTIONS ON THE SECONDARY LICENCE WILL BE APPLIED.

PROVISIONAL LICENSEES WILL BE RESTRICTED TO A MAXIMUM

BLOOD ALCOHOL CONCENTRATION OF 0.02 MG PER 100 MLS.
THEY WILL ALSO BE PROHIBITED FROM TOWING TRAILERS

2236

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EXCEEDING 750KG GROSS VEHICLE MASS. LEARNER MOTORCYCLE RIDERS WILL NOT BE PERMITTED TO TOW TRAILERS AT ALL.

HAVING GAINED A PROVISIONAL LICENCE, NOVICE DRIVERS CAN ONLY RETAIN THE LICENCE IF THEY DO NOT ACCRUE 8 OR MORE DEMERIT POINTS DURING THE 3 YEAR PERIOD OF THE LICENCE. IT WILL BE INCUMBENT ON EACH PROVISIONAL LICENCE HOLDER TO ENSURE THAT THEIR DRIVING BEHAVIOR DOES NOT ATTRACT MORE THAN 8 DEMERIT POINTS OR THE LICENCE WILL BE SUSPENDED FOR A MANDATORY 3 MONTH PERIOD. PROVISIONAL LICENCE PERIODS WILL BE EXTENDED BY THE SAME PERIOD OF ANY LICENCE SUSPENSION. _ .

UPON COMPLETION OF THE THREE YEAR PROVISIONAL LICENCE PERIOD, DRIVERS WILL BE ABLE TO PROGRESS TO A FULL LICENCE-WHICH HAS A 12 DEMERIT POINT LIMIT OVER A THREE YEAR PERIOD BEFORE SANCTIONS WILL BE APPLIED BY THE REGISTRAR OF MOTOR VEHICLES. THE MAXIMUM BLOOD ALCOHOL CONCENTRATION LEVEL APPLIED TO FULL LICENCE HOLDERS IS 0.05 MG PER 100 MLS.

ALL FULL LICENCE HOLDERS WILL BE NOTIFIED WHEN 7 OR MORE DEMERIT POINTS ARE ACCRUED. IF 12 OR MORE DEMERIT POINTS ARE ACCRUED LICENSEES WILL BE ADVISED THAT THEY HAVE AN OPTION OF EITHER ACCEPTING A 3 MONTH SUSPENSION OR DRIVING ON A PROBATIONARY LICENCE FOR A PERIOD OF 12 MONTHS.

PROBATIONARY LICENCES ARE HELD FOR A MANDATORY PERIOD OF 12 MONTHS, AND DRIVERS ARE RESTRICTED TO A BLOOD ALCOHOL CONCENTRATION OF 0.02 MG PER 100 MLS AS WELL AS

2237

A MAXIMUM OF 2 DEMERIT POINTS DURING THE 12 MONTH PERIOD OF THE LICENCE. IF 2 OR MORE DEMERIT POINTS ARE ACCRUED BY A PROBATIONARY LICENCE HOLDER, THE LICENSEE WILL BE DISQUALIFIED FROM DRIVING FOR 6-MONTHS. IN ADDITION, DRIVERS WHO HAVE THEIR LICENCE CANCELLED BY THE COURTS WILL BE UNABLE TO RESUME THEIR ORIGINAL LICENCE STATUS BEFORE THEY HAVE DRIVEN FOR A PERIOD OF 12 MONTHS ON A PROBATIONARY LICENCE.

THE OFFENCES FOR WHICH DEMERIT POINTS MAY BE ACCRUED ARE ESTABLISHED IN A NATIONALLY AGREED SCHEDULE. DEMERIT POINTS ACCRUED UNDER THE NATIONAL SCHEDULE WILL BE ATTACHED TO ANY CURRENT LICENCE REGARDLESS OF THE STATE OR TERRITORY WHERE THE OFFENCE WAS COMMITTED. INCLUDED IN THIS BILL IS AN ADDITIONAL SIX DEMERIT POINT OFFENCE FOR REACHING A BLOOD ALCOHOL CONCENTRATION LEVEL BETWEEN .05 AND.08. DEMERIT POINTS FOR THIS OFFENCE WILL APPLY ONLY TO A.C.T. DRIVERS.

THE EXISTING PROVISIONS OF THE PRINCIPAL ACT RELATING TO THE GRANTING OF SPECIAL LICENCES TO PEOPLE WHO HAVE THEIR LICENCE SUSPENDED OR DISQUALIFIED, WILL REMAIN. A SPECIAL LICENCE MAY ONLY BE OBTAINED BY MAKING AN APPLICATION TO THE COURT. SPECIAL LICENCE HOLDERS WILL BE SUBJECT TO A BLOOD ALCOHOL CONCENTRATION LIMIT OF 0.02 GM PER 100 MLS AND A MAXIMUM OF 2 DEMERIT POINTS.

ALTHOUGH LEARNER DRIVERS MAY OBTAIN A LEARNER LICENCE AT THE AGE OF 16, IT WILL BE MANDATORY FOR DRIVERS TO HOLD A LEARNER

LICENCE FOR SIX MONTHS. THE MANDATORY PERIOD FOR A LEARNER MOTORCYCLE RIDER WILL BE 3 MONTHS.

THE BILL REDUCES THE MINIMUM AGE FOR LEARNER DRIVERS FROM 16 YEARS 9 MONTHS TO 16 YEARS. INCREASES IN LICENCE APPLICANTS ARE ANTICIPATED, PARTICULARLY IN THE SHORT TERM, INCLUDING INCREASED NUMBERS OF CHANGES TO LICENCE TEST BOOKINGS. THE NUMBER OF CHANGES CURRENTLY OCCURRING (APPROXIMATELY 1,000 ANNUALLY) IS SUCH THAT A RESCHEDULING FEE IS REQUIRED TO RECOVER THE ADMINISTRATIVE COSTS INVOLVED. THE MOTOR TRAFFIC ACT 1936 HAS NO CURRENT PROVISION FOR SUCH A FEE SO IT-IS SENSIBLE TO ADDRESS THIS MATTER NOW. THIS BILL WILL ENABLE AN ADMINISTRATIVE CHARGE TO BE RECOVERED FOR THE TRANSFER OF A LICENCE TEST BOOKING. THE PROVISIONS ALREADY IN THE ACT, COVERING CANCELLATIONS WHERE 2 DAYS NOTICE IS GIVEN, WILL REMAIN.

THE AMENDMENT, IN ADDITION TO INTRODUCING PROVISIONAL LICENCES, PROVIDES THAT ALL HOLDERS OF THIS CLASS OF-LICENCE WILL BE REQUIRED TO DISPLAY "P" PLATES ON THE VEHICLE THEY ARE DRIVING OR RIDING FOR THE FIRST TWELVE MONTHS THAT A PROVISIONAL LICENCE IS HELD. "P" PLATES WILL BE SIMILAR IN SIZE AND SHAPE TO THE EXISTING LEARNER OR "L" PLATES ALTHOUGH THE LETTER "P" WILL BE RED ON A WHITE BACKGROUND.

ALSO INCLUDED IN THE BILL IS PROVISION TO REDUCE THE ABILITY OF PEOPLE TO HOLD MULTIPLE DRIVER LICENCES. ALL STATES AND TERRITORIES AGREED TO DEAL WITH THIS MATTER

6 AFTER THE NEW SOUTH WALES NORTH COAST BUS CRASHES OCCURRED, WHEN IT WAS DISCOVERED THAT DRIVERS WERE HOLDING MULTIPLE LICENCES TAKEN OUT IN DIFFERENT JURISDICTIONS.

INTERSTATE LICENCE HOLDERS WILL NOW BE REQUIRED.TO SURRENDER ANY LICENCE HELD WHEN CONVERTING TO AN A.C.T. LICENCE FROM ANOTHER JURISDICTION. A RECEIPT WILL BE ISSUED FOR THE SURRENDERED LICENCE TO ENABLE THE LICENSEE TO OBTAIN ANY APPLICABLE REFUND OF FEES FROM THE JURISDICTION FROM WHICH THE LICENCE WAS OBTAINED.

THE BILL WILL ALSO REMOVE EXEMPTION, ON MEDICAL GROUNDS, FROM THE WEARING OF MOTORCYCLE HELMETS: MOTORCYCLE NO LONGER BE ABLE TO PRODUCE MEDICAL CERTIFICATES TO SEEK EXEMPTION FROM WEARING SUITABLE HELMETS. MEDICAL ADVICE IS SUCH THAT THERE ARE NO VALID REASONS WHY A RIDER SHOULD BE PERMITTED TO RIDE A MOTORCYCLE WITHOUT WEARING AN APPROVED HELMET. PEOPLE UNABLE TO WEAR HELMETS WILL NOW HAVE TO CHOOSE AN ALTERNATIVE MEANS OF TRANSPORT. THIS IS CONSISTENT WITH PROVISIONS APPLYING TO PEDAL CYCLISTS.

THE PROVISIONS OF THIS BILL REPRESENT A MAJOR STEP FORWARD IN ROAD SAFETY RELATED LEGISLATION AND WILL ENABLE THE A.C.T. TO TAKE ITS PLACE WITH OTHER JURISDICTIONS WHICH HAVE SIMILAR AND EFFECTIVE DRIVER LICENSING REQUIREMENTS.

2240

APPENDIX 19:

(Incorporated in Hansard on 17 June 1993 at page 1992)

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (No 3) 1993

PRESENTATION SPEECH

Circulated by authority of

TERRY CONNOLLY MLA

MINISTER FOR URBAN SERVICES

2241

THE MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO 3) 1993 WILL CHANGE THE EXISTING "EXPERIENCED DRIVER" PROVISION IN THE MOTOR TRAFFIC (ALCOHOL AND DRUGS) ACT 1977 BY REMOVING LEARNER LICENCE EXPERIENCE FROM THE DEFINITION. AN EXPERIENCED DRIVER WILL NOW BE A DRIVER WHO HAS HELD A PROVISIONAL LICENCE FOR A PERIOD OF, OR PERIODS TOTALLING, THREE YEARS.

FURTHER AMENDMENTS ESTABLISH THE "PRESCRIBED CONCENTRATION" OF BLOOD ALCOHOL LEVEL FOR LEARNER, PROVISIONAL, AND-PROBATIONARY DRIVERS AT.02 GRAMS PER 100 MILLILITRES OF BLOOD.

IN ADDITION, PROVISION HAS BEEN MADE FOR AN OFFENCE OF DRIVING WITH A BLOOK ALCOHOL LEVEL OF BETWEEN .05 AND.08 GRAMS PER 100 MILLILITRES OF BLOOK WHICH WILL BE ADDRESSED WITH A TRAFFIC INFRINGEMENT NOTICE, AND ATTRACT, AS WELL AS A MONETA#tY FINE, 6 DEMERIT POINTS ON THE OFFENDERS LICENCE.

2242

APPENDIX 20:
(Incorporated in Hansard on 17 June 1993 at page 1993)

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

FIRE BRIGADE (ADMINISTRATION) (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by authority of

Terry Connolly MLA

Minister for Urban Services

2243

PRESENTATION SPEECH

THE FIRE BRIGADE (ADMINISTRATION) ACT 1974 ESTABLISHES THE A.C.T. FIRE BRIGADE AND PROVIDES FOR THE APPOINTMENT AND EMPLOYMENT OF MEMBERS OF THE BRIGADE.

THIS BILL CONTAINS AN AMENDMENT TO THE FIRE BRIGADE (ADMINISTRATION) ACT TO PERMIT EXCESS MEMBERS OF THE BRIGADE TO BE RETIRED WITH THEIR CONSENT IN THE SAME MANNER AS OTHER OFFICERS OF THE A.C.T. GOVERNMENT SERVICE, IN PARTICULAR OFFICERS EMPLOYED UNDER THE PUBLIC SERVICE ACT 1922.

IT IS NECESSARY TO AMEND THE FIRE BRIGADE (ADMINISTRATION) ACT IN THIS MANNER TO ENSURE THAT MEMBERS OF THE BRIGADE WHO ARE EXCESS, AND WHO CONSENT TO BEING RETIRED, RECEIVE APPROPRIATE INVOLUNTARY RETIREMENT BENEFITS UNDER EITHER THE COMMONWEALTH SUPERANNUATION SCHEME OR THE PUBLIC SECTOR SUPERANNUATION SCHEME.

THE SUPERANNUATION ACT AND THE RULES FOR THE ADMINISTRATION OF THE PUBLIC SECTOR SUPERANNUATION SCHEME REQUIRE THE RETIREMENT BENEFITS OFFICE TO BE SATISFIED THAT, TO BE ELIGIBLE FOR INVOLUNTARY RETIREMENT BENEFITS, A MEMBER OF THE FIRE BRIGADE WHO IS A CONTRIBUTOR TO EITHER FUND MUST BE RETIRED IN CIRCUMSTANCES COMPARABLE WITH SECTION 76W OF THE PUBLIC SERVICE ACT 1922.

THE AMENDMENTS CONTAINED IN THIS BILL ARE MODELLED ON THE EXCESS STAFF PROVISIONS CONTAINED IN SECTION 76W OF THE PUBLIC SERVICE ACT, AND WILL PERMIT THE FIRE COMMISSIONER TO RETIRE, ON A CONSENT BASIS, MEMBERS OF THE BRIGADE WHO ARE EXCESS TO REQUIREMENTS. SUCH RETIREMENTS WILL THEN BE ACCEPTED BY THE RETIREMENT BENEFITS OFFICE AS BEING COMPARABLE TO RETIREMENTS UNDER SECTION 76W OF THE PUBLIC SERVICE ACT, AND HENCE ENABLE THE PAYMENT OF THE RELEVANT RETIREMENT BENEFITS.

2245