# DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

## HANSARD

15 September 1993

**Wednesday, 15 September 1993**

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

## PAPER

**MR STEVENSON**: Madam Speaker, I ask for leave to present a petition which does not conform with standing orders in that it is signed by interstate residents.

Leave granted.

**MR STEVENSON**: I present an out-of-order petition from 152 residents requesting that the Assembly ban the sale, hire and distribution of X-rated pornographic videos.

## CRIMES (AMENDMENT) BILL (NO. 4) 1993

**MR HUMPHRIES** (10.33): Madam Speaker, I present the Crimes (Amendment) Bill (No. 4) 1993.

Title read by Clerk.

**MR HUMPHRIES**: I move:

> That this Bill be agreed to in principle.

This Bill is one of two measures before the Assembly today to strengthen the capacity of the Australian Federal Police to deal effectively with what is clearly a problem with crime in the ACT. I make no apologies for my party's priority in this respect. In my view and in my party's view, the ACT has the finest police force in the country. It is more than capable of shouldering greater responsibility than has been given to it in the past by either the Assembly or this Government.

**Mr Berry**: You are joking.

**MR HUMPHRIES**: I note that the Minister for Health is sceptical of that comment. This Bill confers a simple but essential power on ACT police - that is, a power which many of their interstate colleagues already possess and which I believe is appropriate for the ACT now to consider.

The purpose of this Bill, Madam Speaker, is to empower a police officer to demand the name and address of a person who either is a suspect in a criminal matter or may be able to assist in the investigation of a criminal matter. The power is triggered by a reasonable apprehension that a crime has been, is being or is about to be committed.

**Mr Connolly**: This is police state stuff, Gary.

**MR HUMPHRIES**: Not at all, Madam Speaker. An offence shall be committed where a person who has been told that it is an offence not to comply with such a direction from the police does not comply with that direction. A fine shall be set at the level of $40. A police officer might challenge a person to produce evidence of a name and address being correct; that is, some documentary evidence in most circumstances. Failure to do so without reasonable excuse is an offence. The penalty for that is also $40. Madam Speaker, an example of a reasonable excuse might be if people do not have on them any identification to prove their name or their address.

The power to demand certain information cuts both ways. It is not only a power to direct a person to provide his or her name and address but also a power for the person so requested to provide the information to require a police officer to state his or her name, rank and badge number. That is a reasonable power. It is a power which governments in other States, including Labor governments, exercise.

Members interjected.

**MR HUMPHRIES**: I hear the cackles and the sounds from those opposite. I will be very interested to hear what they have to say about these powers. I realise that they are sensitive, Madam Speaker. After the mauling they got in the *Canberra Times* this morning, I would be sensitive too. I know that they would be cracking a bit under the pressure, but I would ask them to remain quiet for a little while until I finish my speech.

Madam Speaker, this power is a power exercised by many other police forces around the country. I heard an interjection suggesting that this power creates a police state. The Minister who made that comment, the police Minister, is really making a rather unfortunate reflection on his colleagues in Western Australia, Tasmania, South Australia and the Northern Territory, where these powers are already exercised. He might ask himself why Labor governments in three of those States have tolerated such powers for such a long time.

Madam Speaker, the fine is deliberately set at the lower end of the scale. This is not the sort of matter which we feel, at this stage at least, warrants a very heavy penalty. There is a fine of $40 and no imprisonment penalty. The South Australian Labor Government's penalty is a $1,000 fine or up to six months' imprisonment. I do not support that level of severity, but I do think that if it is good enough for them to have such a power it certainly is good enough for us to have such a power as well. Legislation exists in similar terms, as I said, in South Australia, the Northern Territory, Tasmania and Western Australia. Legislation of this kind was promised by the Liberal Party in Victoria during the 1992 election campaign and is being considered also in Queensland.

For the benefit of those opposite, I might just run through what it is that other States do. In Queensland, summary powers do not exist to demand the name and address of a suspect or a person who might be able to provide assistance on matters relating to a crime, but specific provisions of a similar kind do occur in legislation. For example, the Traffic Act enables police to demand the name and address of a motorist. The Flora and Fauna Act, for example, enables police to

demand the name and address of a suspect on a matter involving plants and animals. A proposal does exist in Queensland, as a result of the Fitzgerald inquiry, to create a summary offences Act which will give police that overall power.

In Victoria, summary offences similarly do not exist at this stage. Specific provisions occur in legislation. For example, the Traffic Act enables police to demand the name and address of a motorist. However, a Bill is presently before the Victorian Parliament to give police the power to demand the name and address of a person "whose identity is not known to the police officer". The Minister for Police and Emergency Services expects the Bill to be passed by the end of October and implemented by June next year following training of police officers. Northern Territory police do have that power. Under the Police Administration Act, section 134, they have the power to demand the name and address of a suspect. The provision also enables police to seek that information if they suspect that an offence "may be" committed. The penalty for failure to comply is $200.

In South Australia, in a Labor jurisdiction, the police have the power, under the Summary Offences Act, section 74A, to demand the name and address of a suspect in relation to a crime or potential crime - that is, before a crime has been committed. The penalty for failure to comply with a directive issued under this Act is a fine not exceeding eight penalty units, which at present amounts to $1,000, or a term of imprisonment not exceeding eight penalty units, which means six months in gaol. In Western Australia, police again have the power, under the Police Act 1892, section 50, to demand the name and address of any person, who need not necessarily be a suspect in relation to a crime. The penalty for failure to comply includes the right of an officer to arrest immediately, a $100 fine and/or three months' imprisonment with hard labour.

In Tasmania, police again have the power, under the Police Offences Act, section 55A(1), to demand the name and address of a person who the officer suspects may have committed, or who is now committing, but not who may be about to commit, a crime. The penalty for failure to provide the name and address, or for supplying a false name and address, is a fine of $50. That is the penalty which is closest to the one that I am proposing today. Police are given the power to make a summary arrest. In New South Wales, this power does not exist; nor has it been considered, as far as I can see, although I have been told that the police in that State have certainly been anxious to recover such a power.

Madam Speaker, I think it is worth bearing in mind that, contrary to suggestions made some time ago by those inside this chamber and outside, this is not a novel provision. This is standard law across many other jurisdictions in this country.

**Mr Berry**: Except in Victoria and New South Wales.

**MR HUMPHRIES**: As of June next year it will be law in Victoria also.

**Mr Berry**: But a minute ago you said that they all had it. You said that it is standard, but it is not standard now.

**MR HUMPHRIES**: No. I said that it was standard across many States, Minister. If you listened carefully, you would have heard. By this time next year it may well be the case that only New South Wales will be without this power, and possibly also Queensland. Certainly, those States are considering it.

Madam Speaker, the concept of such legislation, I might point out for Mr Moore's benefit, was supported by the Legal Affairs Committee in its report of May 1993 on the Crimes (Amendment) Bill 1993, which was put forward by Mr Moore. I quote paragraphs 3.15 to 3.17 of that report:

> The AFP noted that the Bill -

that is, Mr Moore's Bill -

> was based on the premise that offenders will be honest and will provide their correct name and address to police officers. Accordingly, there was a need for an additional offence to cover situations where a person fails or refuses to supply the information.
>
> The committee concurs with this view.

As I recall it, Madam Speaker, Mr Lamont was a member of that committee at the time. The report goes on:

> The committee recommends that:
>
> > an offence be created to cover the situation whereby a person fails or refuses to supply his/her correct name and/or address to a police officer.

**Mr Connolly**: After they have been charged with the offence, for the on-the-spot fine. That is fine. Your Bill is for anyone. This is, "Where are your papers, sir?".

**MR HUMPHRIES**: Madam Speaker, the Minister misapprehends. It was not the intention of the committee to say that this should occur only after a person has been charged.

**Mr Connolly**: Yes, it was.

**Mr Lamont**: Yes, it was.

**MR HUMPHRIES**: I think those opposite would do well to consider that the power is nugatory if police officers cannot exercise it except when they choose to make an arrest or issue a fine. Clearly, to obtain the information, it would be necessary for an officer to have to do that in order to operate this particular provision. That is obviously most undesirable. With great respect, I think the Minister and Mr Lamont misapprehend what was decided.

**Mr Lamont**: No. You are telling a porky.

**MR HUMPHRIES**: Madam Speaker, I would ask Mr Lamont to withdraw that.

**MADAM SPEAKER**: Mr Lamont, I think you should withdraw that.

**Mr Lamont**: Madam Speaker, in deference to you, I withdraw, noting that the Deputy Leader of the Opposition has been using exactly the same term repeatedly for the last six weeks.

**MADAM SPEAKER**: Thank you. I will henceforth ask anyone who uses that term to withdraw it. I have been considering the issue for a while, but a point of order has not been taken till now. Now that it has been taken, the precedent has been set.

**Mr Moore**: No more porkies.

**MADAM SPEAKER**: No more porkies; that is quite right, Mr Moore. Continue, Mr Humphries.

**MR HUMPHRIES**: Madam Speaker, the reason that such a recommendation was made by the Legal Affairs Committee is that it is impossible to operate such a scheme without such a power. It also follows that, if the police have the power to demand details of name and address in the case of what Mr Moore's Bill describes as minor criminal offences, it is anomalous that they should not also have the power to demand name and address in respect of serious criminal offences such as murder, rape or something of that kind.

Madam Speaker, the power which I am proposing to confer on the police is not anomalous even within ACT law. I direct members' attention to existing legislation which covers the situation where the driver of a motor vehicle is required to supply his or her name and address on demand, even without the suspicion of an offence having been committed. I quote section 172, subsection (2), of the Motor Traffic Act 1936:

> Any driver of a motor vehicle who, when required by the Registrar, any inspector, any officer in the execution of his duty or any member of the Police Force, to state his name and place of abode, refuses to do so or states a false name or place of abode, shall be guilty of an offence.

There is no triggering provision here. You do not have to have committed a traffic offence; you do not have to be at the scene of an accident. There is no triggering provision at all. Why is it that a person in the motor vehicle should have any different rights from those of a person on the street? I draw members' attention to the anomalous situation - - -

**Mr Berry**: Because you do not need a licence to walk down the street.

**Mr Connolly**: Yet.

**MR HUMPHRIES**: Madam Speaker, I really feel that I am entitled to be heard.

**MADAM SPEAKER**: I call for order. I can then remind your side of the house of the call for order and the quiet that then ensued. Please proceed.

**MR HUMPHRIES**: If a person in a car is pulled up and fails to provide name and address to a policeman, a policeman can reasonably demand name and address in those circumstances. Contrast that with the situation where a policeman goes to the scene of a murder, finds a person at that place, but has no similar power. Is it not a strange anomaly that that power exists in the case of a person in a car who is apprehended, having committed no offence, but not in the case of a person found at the scene of a murder?

Members opposite find that very funny; but, Madam Speaker, I think it is a matter of serious concern. There should be no difference. A person's capacity to assist a police officer should not be determined by whether they happen to be sitting in a motor vehicle or not. There is an even more onerous provision in the Motor Traffic Act. I quote section 174:

> The owner or driver or any agent or employee of the owner of a motor vehicle, or any passenger in a motor vehicle who, upon being required by any inspector, any officer in the execution of his duty or by a member of the Police Force, to give any information which it is in his power to give and which may lead to the identification of any person who was driving the vehicle when an offence against this Act was alleged to have been committed, fails or refuses to give this information, shall be guilty of an offence.

**Mr Lamont**: An offence has been committed.

**MR HUMPHRIES**: No. You did not listen, Mr Lamont. It states:

> ... to give any information which it is in his power to give and which may lead to the identification of any person who was driving the vehicle when an offence against this Act was alleged ...

Madam Speaker, clearly this power is analogous to the power I am proposing to create in the ACT now. The $2,000 fine imposed by those two provisions of the Motor Traffic Act, sections 172 and 174, is an ample precedent for creating a much simpler offence with a fine of only $40 in respect of this particular matter I am bringing forward. At present the only way a suspect may be required to give his or her name and address to the police is by that police officer arresting that person. That is confrontationist and is unnecessary.

The implementation of this power would prevent police having to arrest individuals on reasonable suspicion of having committed a crime, simply to extract their name and address. Madam Speaker, if members in this chamber imagine that there are not many occasions when persons are arrested purely in order for police to be able to obtain their name and address, then they are sadly deceived, because it does happen at the present time. It is necessary for police to do that at the present time, because they have no other way of getting access to what, for them, may be vital information in the course of investigating crime. In the interests of ensuring that the law is used responsibly, a police officer shall be required to inform an individual that it is an offence not to comply with that direction. Similarly, if a person is directed to comply, that person shall be entitled to ask a police officer for his or her name, rank and badge number; so it cuts both ways.

This is a sensible power to be used to prevent the police having to charge a person simply to find out their name and address. Combined with other powers that we have discussed in this place and that we will discuss this morning, it is capable of delivering to the police of this Territory a range of powers that will prevent crime occurring. We are not interested solely in coming down on people like tons of bricks once crimes have been committed. That is a responsive, reactive approach to policing which we simply cannot use as the sole basis on which to proceed to deal with crime. We believe that, in addition to that, there need to be means to prevent crimes occurring in the first place. Measures such as this assist in that process. I commend the Bill to the house.

**MR LAMONT**: Madam Speaker, I rise pursuant to standing order 46 in relation to a number of comments made in the presentation speech.

**MADAM SPEAKER**: You have my leave to proceed, Mr Lamont.

**MR LAMONT**: Thank you. I believe that it is important that I speak now rather than wait for the detail stage of the Bill. It was suggested by Mr Humphries that the Legal Affairs Committee - which at the time I was a member of, along with Ms Szuty, under the stewardship of Mr Humphries - had come to a particular conclusion. Mr Humphries then proceeded to outline the basis of that conclusion. The suggestion by Mr Humphries that that was tantamount to supporting his Bill is flawed. That is not in fact the case. That was not the reason, in my view, why the position was supported.

**MADAM SPEAKER**: This is a personal explanation. Confine your remarks to a personal explanation.

**MR LAMONT**: The position that was adopted by the committee, in my understanding, was that when an offence had been alleged by a police officer it was appropriate to go through a particular procedure. We were talking about summary offences. What Mr Humphries has alleged here this morning is erroneous. He attributed to the committee a conclusion in respect of a matter that the committee did not in fact deliberate on.

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

## POLICE OFFENCES (AMENDMENT) BILL 1993

Debate resumed from 18 August 1993, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.55): Madam Speaker, the Government's position on police move-on powers has not altered in the three years or so that they have been an issue of public debate in the Australian Capital Territory. The Labor Party, whether in government or in opposition, does not believe that there should be arbitrary law on the statute books in the Australian Capital Territory that gives police officers extraordinary powers to interfere with the rights of citizens who have committed no crime. We believe that building a safer community is about better relations between the police and the community; it is not about arbitrary powers.

Independent members who may have been agonising over this issue over recent weeks may have cause to ponder on just what the Liberal Party's approach to civil liberties is, having heard Mr Humphries's extraordinary speech minutes ago. This approach of arbitrary power, prevention being better than cure, preventive powers - I interjected on Mr Humphries that preventive detention seemed not very far off under the Liberals' approach - is a retrograde way to deal with problems of crime in a community. The simple way to deal with housebreaking

is indeed preventive detention. It is clear from figures that most housebreaking is done by young people in the 15- to 18-year-old age group. So lock them all up and there will not be any housebreaking. How far are we away from that sort of approach from this Opposition that is obsessed with police power?

Madam Speaker, the move-on powers do not - in the Government's view, and indeed in the Opposition's view, it would seem - have any impact on crime in the ACT. For the last two or three years, while the move-on powers have been in force we have had a litany of press releases from the Opposition saying, "Shock, horror! Canberra is the crime capital of the world". So patently, on your own rhetoric, move-on powers have little or no impact upon crime. The view of the Government is that move-on powers never would have an impact on crime.

We have attempts from time to time to beat up crime centres in the ACT. The last attempt was to beat up the Belconnen interchange as the scene of gang violence. It was said that the Belconnen interchange was a major problem and that without the move-on powers it would get worse than it already was. I had not heard reports of problems at the Belconnen bus interchange for some 18 months or so. As soon as I heard Liberal spokespersons on the radio saying that the Belconnen interchange was a problem, I got on to Assistant Commissioner Dawson. I said, "What is going on out at the interchange?". I was aware that there had been problems there some time ago. I will read to you what the police have said:

> During 1991 the Belconnen Bus Interchange and surrounding commercial areas were infiltrated by youth gangs creating an atmosphere not conducive to the safe passage and harmony of members of the public using that facility. Members of the Belconnen District Task Force specifically targeted those youths and successfully brought a number of them before the court.

I noted that a member of the public, speaking on talkback radio on this issue, acknowledged that, yes, the police intervened after an assault; yes, a person was charged; and, yes, a person was convicted. That is the successful outcome, one would assume, of a criminal justice system. I continue to quote:

> The interchange area was accorded a higher patrol status and with more frequent police presence became an area not favoured by youth gangs. The continued higher profile of police patrols (foot, bicycle and members of both the Task Force and Juvenile Aid Bureau) has successfully eliminated all but sporadic problems from youth who frequent the area. The interchange at this point of time is not considered a problem area within the Belconnen district.
>
> The interchange does not pose a problem to either the community or the police at this point of time. The number of incidents reported from the interchange are below that which could be expected and are generally of a minor nature. They are considered insufficient to cause concern to either police or the commuting public given the numbers of people, in excess of 5,000 per day, using that facility on a daily basis.

I am advised that between 1 June 1992 and 1 September this year, a period of some 15 months, 31 incidents - and some of those were motor vehicle incidents - were reported to the police from the Belconnen interchange. This is the so-called hot spot of gang violence that the Liberal Party rhetorically has been waffling on about on commercial and ABC radio and television in recent weeks. When I asked the police for a report on what was going on at the Belconnen interchange, the report that came back from the police was, "All quiet on the western front". You have to take with a very substantial grain of salt - one would indeed say a boulder of salt - anything that the Liberal Party says about this issue of crime and justice.

The Liberal Party has also misused statistics. It has divided the number of people that police estimate have been involved by the number of times the move-on power has been used. Mr Humphries has done that and argued that it indicates that the power is used, on average, against gangs of 17 or more people. By dividing the number of people estimated to be involved by the number of times the power has been exercised you do get the figure of 17. But when you break down these figures it shows that in 32 per cent of situations the group numbered two or less, and in 45 per cent of the situations the group numbered four or less. There are some cases where the move-on power has been used against very large groups of people, but there are many cases where the move-on power has been used against small groups of people.

Madam Speaker, the Government has always taken the view that you should not use an arbitrary power to give the police power to deal with a citizen who has committed no offence. If the police believe that a citizen has committed an offence, the police have the ability to charge that citizen or to use old-fashioned, country-style policing. That is the style of community policing that we are trying to get back to. The police officer is known to the local community, is part of the local community, and says, "Look, you fellows, if you do not settle down I will charge you". That is a perfectly appropriate exercise of a police discretion. I do not believe, and the Government does not believe, that police should be able to exercise arbitrary statutory powers against individuals who have committed no crime.

The downside - I think that this is a very serious downside, and I ask members to consider this very seriously in relation to this vote - is that many young people are having their first contact with police officers in this confrontational role. They take the view that they are doing nothing wrong. They are hanging out with their friends. They may be dressed in the fashion of the day. They may have the torn jeans and the backward baseball cap. A member of this Assembly - I cannot recall whether it was Mr Moore or Ms Szuty - made the comment on radio recently that they wondered how many people in a private school uniform had the move-on powers exercised against them as opposed to the number of young people who dressed in the torn jeans, the backward baseball cap and the colourful jackets. It may not have been one of the members. I apologise. It may have been a member of the community. I thought it was a very interesting comment. The favoured fashion of youths between the ages of 15 and 18 is something that may well not bring them into favourable view with persons in authority, but that is not a crime. It is not a crime to be chatting with your mates in the streets of Canberra dressed in your torn jeans and your black T-shirt or whatever. The police should not be put in a situation where they are drawn into conflict with young people through the exercise of arbitrary power.

The claim from the Opposition again will be that the Government is soft on crime; that the Government is not prepared to respond to issues. Last year, when we had what appeared to be a rising spate of violence in Civic, the police drew to my attention the fact that there were problems with successfully prosecuting those engaging in fights in the Civic area. Often you had a group of people involved in a melee. Police would come onto the scene. If they were to prosecute for assault, the question was: Who is assaulting whom? If one person were charged with assault for being in that melee, would they be able to successfully demonstrate that they were simply responding to an attack or that it was consensual? If nobody in the group wanted to proceed with charges no charge could proceed.

The police said that that was a problem potentially affecting the safe passage of individuals through Civic because of fighting in a public place. This Government very swiftly responded by bringing in a new law giving police additional power to deal with the offence of fighting in a public place. I sat down with opposition members and with independent members and said, "This is what we are proposing as a fairly urgent response to a perceived public order problem". So, Madam Speaker, the claim from the Opposition that the Government is somehow soft on crime is shown to be hollow, because we have responded responsibly to issues of public concern.

Mr Moore has raised the issue that we may be able to be more responsive by dealing with some of these matters through an on-the-spot fine mechanism. That is something that an Assembly committee has been looking at very carefully. Where we draw the line in principle is that we do not support powers that give police or anyone else in authority this arbitrary power to pre-empt what may occur and say, "We do not like the look of you. We will move you on". Mr Humphries posits the question: "Can you show me that this power has been abused?". He says that unless the power has been abused it should stay. That is not the question. The question should be: Is it right in principle to give the police power to deal with citizens who have breached no law? We take the view that it is not right in principle to do that.

Mr Humphries is fond of quoting Sir Robert Menzies in this place. When we come to debate the "you will produce your identification pass" Bill, I will be quoting back at Gary Humphries some of Sir Robert Menzies' great quotes about traditions of English civil liberties and how the free blood of Englishmen marks our legal system in contrast with legal systems where the citizen is totally the subject of the state and is required to produce a pass. Indeed, my recollection, although I will have to check it, is that even the "forgotten people" speech made references to pass laws and the requirement to produce papers. Menzies came to prominence in the era of rationing and pass cards after the war and made quite a political statement about the way citizens should not be required to produce their papers. It is unfortunate that the Liberal Party tend to forget some of these issues of principle in their constant quest for populism.

Madam Speaker, these move-on powers are not found commonly in other parts of Australia. There is a specific move-on power in the Northern Territory. There is a loitering law in South Australia that can be and has been interpreted so as to give police some arbitrary powers to move people on. In other States in Australia there are loitering laws that are very restrictive. They apply only to persons who fall within the definition of loitering, which normally involves some

question of begging. It is a specific offence to loiter. The law does not give police arbitrary powers to move people on. Looking at the pattern in other parts of Australia, the Government would say that these laws are unnecessary. The fact that another State has passed a law which we believe to be an infringement of civil liberties and an unnecessary invasion of civil liberties does not make the law right or wrong. We go back to principle, and our principle is that you create a safer community through trust between the citizens and the police and through community policing strategies, not arbitrary police powers.

I am sure that members read with some interest the surveys of community attitudes to police that are published every six months or so by the Australian Federal Police. While we all take pride in the fact that the Australian Capital Territory region of the AFP has a general satisfaction rating in the Canberra community that hovers in the 80 to 90 per cent range - and that is far in excess of the satisfaction levels of any other State in Australia - a matter that causes me concern and, I am sure, would cause other members concern is that satisfaction levels with the Australian Federal Police are much lower in certain groups in the community. Young people are one such group. I do not want to have in place any laws that bring our police into unnecessary conflict with Canberra's young people.

We need to build bridges between our police and our young people, and you do not do that with arbitrary laws. You do not do that by creating a situation where the first point of contact many young people have with police is a direction to move on. Many young people - quite rightly, in my view - feel aggrieved. They were doing nothing wrong. They were hanging around with their mates, and they were moved on. If a young person is breaking the law, he or she should be charged and dealt with. They would have no ground for complaint. We would expect the police to charge them and deal with them. But if the police move on young people standing around talking to their mates, dressed perhaps in a manner that they think fashionable but that to many members of the community makes them look a bit rough or whatever, those young people will carry for many years, if not for life, a grievance against the police. They will say, "These people are not fair. I was standing around doing nothing and I was moved on". That is a bad experience to create as a first point of contact.

**Mr Humphries**: Does it happen very often in the Territory?

**MR CONNOLLY**: It has happened to thousands and thousands of young people. We have had thousands and thousands of young people moved on by police. If these people were committing an offence, they should have been charged with an offence; but people who have been moved on have a legitimate grievance that they were not committing an offence. A police officer might have thought they might be about to commit an offence. That is a very different thing. They were not committing an offence, but they were moved on. That is a bad situation to tolerate.

Madam Speaker, the Government has been completely consistent in its view on this legislation for some three years. We opposed it when it was first proposed. We moved to repeal it as private members in opposition. We moved to repeal it in government. We opposed its extension when its first extension was moved. We oppose its extension now. We are doing that not because, according to Liberal rhetorical fancy, we are somehow soft on crime or are anti-police.

We are in favour of a law-abiding, safe community where the police have appropriate powers to deal with criminal behaviour, not powers to deal with apprehended criminal behaviour, not preventive police powers, not requirements to produce identity passes, not preventive detention.

We believe that the police should have appropriate powers to deal with crime. That is why last year we introduced the law on streetfighting. We swiftly modified the criminal law when we were advised by police that there were flaws in the existing criminal law. The police, it is no secret, always support extensions to their powers, as any group would. But it is the role, duty and responsibility of a responsible government to balance the demands of the police for ever increasing powers with the interests of the broader community.

I have been advised by two agencies. I have been advised by my law office that these are bad and arbitrary powers and should not be extended, and I have been advised by my police that they would like them extended. Whatever I do, Mr Humphries, I am disregarding one agency's advice. It is the role of government, it is the role of Ministers and it is the role of members to make up their own minds on this issue, not to say that because the police have requested an increase in power they should be granted it.

Our interest is in good relations between the police and the community. We believe that the move-on powers only have the potential to damage those relationships, and it is clear from the community surveys that the area that we have to deal rather more carefully and rather more constructively with is relationships between Canberra's police and Canberra's young people. The other area where we have a problem is in relationships between Canberra's police and Canberra's ethnic community. I suspect that many members of Canberra's ethnic community are not going to be happy at the prospect of pass laws and papers laws being introduced in the ACT, because that would be - - -

**Mrs Carnell**: I did not know that we had a pass law.

**MR CONNOLLY**: We do not yet, but Mr Humphries has just introduced one. That will bring back some fairly frightening memories of the sorts of police forces that many members of our Australian community had to deal with in other parts of the world. We believe that it is the responsibility of a government to balance the rights of citizens to go about their lawful business without let or hindrance with the need to give police powers to deal with crime. We support giving the police powers to deal with crime, not with apprehended or possible crime. That is a very slippery slope, Mr Humphries, which leads you inexorably down the road to what can be described as a police state - and we will not have that in this Territory.

**MS SZUTY** (11.13): I trust that there will be more speakers on this very important issue this morning. Madam Speaker, I have stated publicly that in principle I oppose the police move-on powers. My first knowledge and experience of their use occurred during the years I was director at Weston Creek Community Service and I heard much about their application from young people who were in contact with our youth program. The move-on powers became a reality in 1989 and, although an attempt to repeal them in 1990 failed, as the Attorney-General has described, the community at large, while not accepting of move-on powers in some instances, effectively seemed to live with them.

My subsequent contact with the issue of move-on powers has occurred in very recent times, in fact since Mr Humphries tabled his Bill to remove the sunset clause which applied to the move-on powers, seeking to make them permanent. Since then I have spent considerable time increasing my understanding of the issues, beginning with the reading in *Hansard* of the debates of the First Assembly. They make interesting reading. It is worth recording for *Hansard* purposes the history of the move-on powers debate in the First Assembly.

As most people will be aware, in 1989 Mr Bill Stefaniak, as a private member, tabled a Bill to reinstate move-on powers which had existed in the Territory until 1987. The thrust of the Bill was to prevent crime before it happened. With the support of the Residents Rally, the Bill was referred to the Select Committee on the Police Offences (Amendment) Bill, which reported on 25 July 1989. The referral occurred on the motion of Mr Bernard Collaery following the Bill's introduction but before the Chief Minister, Ms Follett, had had the opportunity to speak on the Bill. The membership of the select committee comprised Mr Stefaniak as chair, Mr Collaery and Ms Carmel Maher. It is interesting to note that there was no Labor member on that select committee.

There was wide community interest in the Bill at the time. A considerable number of submissions, 50, were received and numerous people, 23, appeared as witnesses at a public hearing. The committee reported to the Assembly, making a substantial number of recommendations to the Assembly about how the Bill could be modified to better meet community need. It is also noted that the chair of the committee, Mr Stefaniak, made additional and dissenting comments to the committee's report. The Bill, as amended, was agreed to by the Assembly on 24 August 1989, the sunset clause taking effect on the Bill's gazettal from 5 September 1989 to 5 September 1991.

Subsequent discussion on the move-on powers occurred in May 1990, when Mr Wood, as an opposition member, sought the repeal of the move-on powers. Mr Wood had researched the issue thoroughly and concluded from the reading of the transcript of the public hearing that the select committee had not even-handedly reflected on or commented on the issues raised. Debate was adjourned and was resumed on 24 October 1990 by Mr Stefaniak, who opposed the repeal of the provisions. In his response he quoted a series of instances where police move-on powers had been used, which were responded to by Mr Connolly saying that in each instance particular provisions of the Crimes Act could have been used to achieve the same outcome. Mr Wood's attempt to repeal the move-on powers at that time failed, although one comment that he made at the time seems especially relevant to this debate, and is worth quoting today. I quote from an earlier *Hansard*:

> In any classroom in which I taught in recent years I could not enforce a rigid discipline - "You will do this or else". It is not appropriate, and it simply does not work; the same applies to the police. We have a society today, as described, that will not allow that to happen. If you explain things to people, whether they are in school or in the community, you will get a better result ...

The sunset clause came up for review in 1991 and, following lengthy debate, was extended for a further two years, to expire on 5 September 1993. And so we come to the tabling of Mr Humphries's Bill during the August sittings. It was at that time that I sought to read the earlier *Hansard* debates and to talk to a number of the key players involved, to further inform myself and confirm or otherwise my earlier reaction some years ago to the move-on powers issue.

I spoke with representatives of the Police Association and VOCAL, who were in favour of the retention of the police move-on powers; and I spoke with representatives from the Trades and Labour Council, the Welfare Rights and Legal Centre and a private citizen, who were opposed to their retention and would have been happy to see them lapse. My view at that time was to take advantage of the Community Law Reform Committee's current reference on public assemblies and street offences to extend the move-on powers for a further six months to enable the committee to complete its inquiry and report to the Government. However, Mr Humphries's Bill at that time was not debated; so the amendment I had drafted at that time was not proposed either.

In the meantime, the move-on powers have lapsed; so the status quo for the time being is that there are no move-on powers. It is in this context that I have decided not to proceed with my earlier course of action of proposing an amendment to extend the time for their application. However, I am overwhelmingly convinced, both on the basis of the debates of the Assembly and as a result of the discussions I have had with the key people I mentioned earlier, that extensive community debate about the issue needs to occur and that members of the community need to be as informed as we ourselves are as to the options and strategies available to the police to deal with potentially inflammatory situations.

I believe that this debate can still take place in the context of the Community Law Reform Committee's broader inquiry into public assemblies and street offences, and I would urge all interested people to participate in the process in that forum. I believe that the committee is due to publish a discussion paper in October calling for community input, with the inquiry due to be finalised in about six months' time. Mr Deputy Speaker, the use of police move-on powers has been a vexed issue since the onset of self-government, and I have no wish or desire to see it remain so. What is needed is an extensive and comprehensive assessment of the issues involved, which hopefully will generate a cohesive community response. My personal preference still remains for improved community policing strategies to be implemented in lieu of the move-on powers provision. However, I will be happy to reconsider the issue in the light of the Community Law Reform Committee's report in 1994 on the basis of what I hope will be considerable community input and comment on the issue.

**MR DE DOMENICO** (11.20): Mr Deputy Speaker, I rise to support the move by Mr Humphries. Mr Connolly made some interesting comments. He referred to move-on powers as being extraordinary. He used the word "extraordinary" as if it implied some sort of police state. Mr Connolly also took up the cudgels as the great civil libertarian, but he did not mention some of the victims. Nothing was said about the young man who was beaten up by a gang of youths at the Civic bus interchange recently. This young man said to his mother, "I am not even going to report these people to the police. I know who they are.

They know who I am, and it is more than likely that they will beat up my two younger brothers". Nothing was said about the used condoms and syringes lying about at the Woden interchange. People who wait there minding their own business, wanting to catch a bus, should not be subjected to these sorts of things. Nothing was said about the person who worked at the Tuggeranong bus interchange and who was beaten up recently by a gang of youths called the Bombers, a gang with people of a certain ethnic background.

Mr Connolly did not say any of that. He did say that these move-on powers have had no impact. There is no logic in that. I suggest to Mr Connolly that the fact that police have had move-on powers of recent times has prevented many more crimes than have in fact occurred. Mr Connolly gave some figures and suggested that there was no problem at the Belconnen bus interchange. Perhaps he did not listen to the many people who rang up talkback radio programs, to the many people who have spoken to members of the Opposition and, I am sure, to other members of this house and who said quite the reverse. They specifically said that they were accosted, sworn at, abused, punched or had something happen to them at some place around Canberra or that they knew someone who had been subjected to this treatment.

Mr Connolly did not mention any of that. He did say, though, that he prefers to make sure that police react after an offence has occurred. That is fine. But what do you say to someone who has just been punched in the head for purely and simply refusing to give somebody a cigarette at a bus interchange? You can say that you are terribly sorry. You can say what you will do if you happen to catch the person responsible. Half the time the police know the gangs that tend to congregate at these places. That is where police move-on powers are at their most effective. The police know the people who are likely to cause trouble. If Mr Connolly spoke to the policemen instead of quoting statistics, he would also know that the police force, which is the best police force in the country - there is no doubt about that - would prefer to have the move-on powers because they believe that those powers have prevented many crimes from occurring. That is what Mr Connolly did not say.

Mr Connolly also did not say what the community wants and what the community is saying. As I said before, Mr Deputy Speaker, the community is saying very loud and clear, "We have no objections to the police move-on powers". We have not had our doors beaten down by members of the public saying, "Civil liberties, civil libertarians; no police move-on powers". I am suggesting that the opposite is in fact the truth. But we heard nothing from Mr Connolly about what the community wants either. Mr Connolly, in an incredible five minutes of absolute rubbish, talked about Sir Robert Menzies. Sir Robert Menzies - God bless his soul - does not live in Tuggeranong and had very little to do with Canberra over the past 20 years. Mr Connolly should not be reading what Sir Robert Menzies had to say; he should be listening to what the community in Canberra are saying. Mr Connolly also talked about the Northern Territory and South Australia and the difference between move-on powers and loitering charges. I do not care what is happening in the Northern Territory or in South Australia. I am more prepared to listen to what the community in the ACT is telling me. Mr Connolly said nothing about prevention; he restricted his comments to what happens after an offence is committed.

Ms Szuty talked about how hard she has worked in reading debates. That is very good. I welcome the fact that Ms Szuty does a lot of homework and reads a lot of debates. I suggest that Mr Connolly and Ms Szuty talk to the people who work at the bus interchanges. Two weeks ago I went round members of the Transport Workers Union. I did the tour, and I thank Mr Connolly for allowing me to do it. People took me aside and said, "Please try to help us. We want the police move-on powers to be retained because we are concerned about our safety". My message to them, Mr Deputy Speaker, was to approach their trade union and get them to lobby this Government to make sure that their views are expressed through this Government. Mr Deputy Speaker, members of the trade union movement would have more influence on this Government than you or I or other members of this house would have.

Mr Connolly, Ms Szuty and others who are considering not supporting Mr Humphries's amendments should talk to the people who are being affected on a daily basis - the people who, as Mrs Carnell quite rightly said, are at the coalface. They should talk to the policemen and policewomen who are confronting the problem every day, the people who wait at bus interchanges and other places only to be abused by known gangs, some of whom have particular ethnic groups in them. If we deny these problems and stick our heads in the sand, we do not know what we are on about. The police and the community know that these problems are occurring all the time in the ACT.

It is all very well to stand up here and talk about Sir Robert Menzies and civil liberties. What about the potential victims of the crimes that may be committed if these move-on powers are not retained? What Mr Humphries is saying makes a lot of sense. The Liberal Party is very proud to support what Mr Humphries is saying. I urge the Independents and members opposite to listen to what their supporters in the community are saying to them. Do not bury your head in the sand; do not get carried away with this orgy of ideology about civil liberties and what have you. Listen to what the community is saying. I am sure that if you do sit down and think about it you will support Mr Humphries's amendments.

**MR MOORE** (11.27): Mr Deputy Speaker, the first time that I spoke on the move-on powers was on 24 August 1989, when I supported the introduction of the Bill. There is a quite interesting record in *Hansard* of Mr Humphries interjecting during my speech. I was about to support him, but he still interjected. I said:

> Let me say that of course we are supporting the Bill and we are quite pleased to support it, but we do not need to go through those irrelevant areas.

Mr Humphries replied:

> No, you are not. You are not pleased to support this Bill. Let us be honest.

I said:

> I am quite pleased to support the Bill.

Mr Humphries went on:

> We can see the twist marks on your arm where you had it forced up behind your back.

Those members who are in parties know exactly how party discipline works. At that stage I was involved in a party, and the party discipline was such that I had argued - - -

**Mr Berry**: We would not want to know.

**MR MOORE**: I know that you do not understand this, Mr Berry, because you are always the one doing the twisting. This was one of the odd times I buckled under that discipline. I had gone into the party room arguing very strongly against this, had been outvoted and had then accepted the party position. Some members here understand that. That was the position I was in. I am not now in that position. Nevertheless, I think it is very important to draw attention to my comments at that time. I said that the whole issue needed to be dealt with by the Social Policy Committee. I said that it was not so much a question of dealing with police powers as a question of dealing with public control and how it ought to be done.

I have since consistently supported the police move-on powers. The major change since that time is that I have introduced into this Assembly a Bill which has been under the scrutiny of the Legal Affairs Committee. That Bill is designed to provide the police with the opportunity to have more presence at any scene where difficult circumstances are going to arise. The difference between that Bill and the police move-on powers is that my Bill deals with offences and on-the-spot fines. That is part of a study being undertaken by the Community Law Reform Committee. We need to assess the whole subject, and therefore we should wait for the committee to report. The argument that Ms Szuty put was that while we are waiting for the Community Law Reform Committee to report we should accept the status quo. I support her argument that the status quo is that there are no move-on powers. Had this Bill been brought on in the previous period of sittings, the status quo would have been different. The status quo is that there are no move-on powers. Until we get the report of the Community Law Reform Committee to consider, the appropriate stance is to retain the status quo. That is what I support in this instance, Mr Deputy Speaker.

**MR STEVENSON** (11.31): I think good arguments have been put by both sides. This is a matter of concern. We need to ensure on behalf of the community that they have a safe environment. Equally, we need to ensure on behalf of the community that they do not have rights removed. Mr Connolly mentioned that it is the role of members to make up their own minds. I think Mr Connolly would acknowledge that I have never agreed with that idea. That is possibly why we are called representatives or public servants. The role of members of parliament is to ensure first that the constitutional law is followed and then that the expressed will of the majority of the people who hire and pay them is followed. In a minor administrative matter or an urgent matter, as we have sometimes when legislation is being rammed through this Assembly, it is the job of members to use their conscience. Unfortunately, it is not too often that any one of those three situations applies.

I suggest that, whenever any matter like this is being looked at, we should look at the effects. Different members have suggested that horrendous problems are caused by having the move-on power. Mr Connolly said that thousands and thousands of Canberrans have been moved on, although I note that he did not respond to the cry across the chamber, "Where is the evidence?". Others have put the idea that there is no problem whatsoever. I think there is an element of truth in both sides.

I voted for this move-on power originally not because I had been a police officer but because a large majority of people in the community supported it. There has been no call from the community since that time. As we know, there has been very little overall publicity on this matter since that time.

**Mr Berry**: Yes, but you voted for legislation with a sunset clause.

**MR STEVENSON**: I understand that. I also noted with interest Mr Connolly's stand against preventive policing. I do not misinterpret that. Obviously, we are involved in preventive policing, but not anything like having a television camera in everybody's home to make sure that nobody does anything wrong. Have Mr Connolly and his Labor colleagues ever agreed with preventive policing? I know that Mr Connolly firmly agrees with law-abiding motorists who are minding their own business being stopped, regardless of whether that will make them late for appointments or whatever, and given a breath analysis test. I mentioned this earlier to Mr Lamont and he said, "You do not have a right to drive". We could debate whether or not it is a right to move from place to place via a vehicle, horse or whatever. I am not debating whether it is a good idea to pull over law-abiding motorists and check them or not, but it does relate to what Mr Connolly said. He said that the Government is not into preventive policing. I suggest that they are totally into that.

I think Mr Lamont's argument that you do not have a right to drive is absolute nonsense. Nevertheless, let us just say that that was the case. Are there still cases where the Labor Party fall down on their own actions? Are members of the Labor Party prepared to say that we have no right to live in a private dwelling? If they said that, they would be consistent, because any number of inspectors and authorities in Canberra can go onto somebody's place without their approval. I am talking about potential offences not yet committed. I am talking about law-abiding citizens.

A Labor member might then say, "That situation applies only where you have had a complaint of an offence". As a former police officer, I can tell you that very rarely do police stumble across fights, brawls or whatever in the street. Someone lets them know fast and they go there as a result of a complaint. I do not doubt that we have all had people contact us with concerns that authorities have gone onto their property when they were not there and they had not done anything wrong. You cannot have it both ways. It sounds nice as an argument, but you have to be consistent in what you do. I suggest that it is not all that relevant anyway. It depends on what the community want in these different situations. Ms Szuty mentioned the community at large not accepting move-on powers but presented no evidence. There is only one way you can really find out whether the community at large accepts or does not accept something, and that is to ask them.

I personally have concerns. Let there be no doubt. I think Mr Connolly made some very valid points about individual rights. If there is one thing above all we need to protect, it is the Constitution. You might say, "I was just talking about individual rights". That is all it is. What it does is make sure that there is a limitation on government power. In the *Canberra Times* this morning, Ron Castan, the head of the Civil Liberties Council, talking on a defamation matter, said that the Constitution is a Bill of limitations. That puts it as well as you could ever put it. It was never something that gave politicians unlimited or a great deal of power. When the States decided - and one could argue whether it was a good idea or not - to form a federation, they gave certain powers to the Commonwealth Government. They were not powers but limitations. They said, "You can go so far and no further".

The truth of the matter is that we need to look after people's rights, as Mr Connolly quite rightly said. But here we have the community supporting the police move-on powers. We have had no major complaints to the contrary. There will always be some concerns and some problems with any law; we know that. In this case I will vote once again for the community, who want the powers, even though, as I said, I have certain concerns.

**MR LAMONT** (11.40): The interesting thing about this debate in this Assembly is that it is the first time that we have debated police move-on powers at this length. The debate quite clearly identifies stark differences about what are assessed as the rights and the obligations of living in a community such as the ACT. It also identifies the stark difference between Mr Stevenson, who I would suggest would have a more hard and fast view than that expressed by the Liberals, and us. The question is seen as of either black or white. There appears to be no room for the shades of grey which permeate just about every waking moment of most people's lives. Matters are just not as stark as either Mr Humphries suggests or Mr Stevenson believes.

The question that we are talking about is whether or not we should continue what is basically an infringement against a particular class of our citizenry. The figures have been debated and discussed by the Attorney. From the types of suggestions made by Mr De Domenico, it would appear as though the move-on powers were, or are to be, targeted towards a specific class of our citizenry - in general, our youth. Mr De Domenico spent quite a deal of his time talking about youth gangs and so forth. Along with the Attorney, I believe that there are appropriate ways for those matters to be addressed pursuant to existing law, without the requirement to extend this rather odious provision. When the First Assembly considered this matter - and I have read the debates, which were quite interesting - it took the view that a sunset clause should be placed in the legislation. In my view, the placing of a sunset clause in the legislation is tantamount to requiring the body considering the continuation of that legislation to come forth with reasons why it should continue.

I do not accept the view that has been put by Mr Stevenson and by Mr De Domenico that there has been no great rush from the community to say that this power should not be continued. They have attempted to put up arguments as to why it should. That is the way that this debate should go. Mr Humphries and his supporters in this chamber should be required to put up an argument as to why the power should continue. They have failed to do so.

They have made a number of assertions, but the factual evidence presented by the Attorney and the anecdotal evidence available to the Government and, I am sure, to at least one of the independent members indicate that there is a great concern by the people against whom it has been primarily used that it should not continue.

What we are talking about today is a requirement for the Opposition and Mr Stevenson to redebate and to justify the Bill again. They have failed to justify why this provision should continue. The sunset clause was included in the legislation for a particular reason. Once the sunset clause comes into force, there should be an obligation upon anybody who wishes to see it continue to reargue the case and justify its continuation.

**Mr Stevenson**: You should have read the statements.

**MR LAMONT**: I did, in fact, read the statements, Mr Stevenson.

**Mr Stevenson**: You missed the whole point.

**MR LAMONT**: No, I have not missed the whole point. Unfortunately, it would not matter what the point was; it would not matter what the argument was. Because of your penchant for seeing things in stark black or stark white, the ability to come to grips with any argument, I am afraid, is just slightly beyond you.

**Mr Stevenson**: What a nonsense! I spent 10 minutes saying the opposite.

**MR LAMONT**: Unfortunately, you spend 10 minutes saying the opposite every time you get up to speak.

**Mr Stevenson**: No, the opposite to what you just said.

**MR LAMONT**: The opposite to what you said the last time you spoke about it. The view which I have expressed is in stark relief to that put on behalf of the Opposition by Mr Humphries today.

Thankfully, it is obvious that this Bill will be defeated today. I hope that, when the Community Law Reform Committee reports back to the Attorney and that report is tabled, we have the occasion to continue the debate. I think it is something which we as a legislature should be required to review continually, but in doing so those people who seek to remove an entitlement from the community should justify their position. I suggest to you, Mr Deputy Speaker, that they have failed to do so this day.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.46): Mr Deputy Speaker, I was not going to speak on this Bill, but I find a few things that have been said a little upsetting. The police, no doubt, have a difficult job. I think everybody in this place recognises that. But I do not think that these move-on powers would make the policeman's or policewoman's job any easier. I have never heard of a police force suggesting that they should give up any of their powers either.

**Mr Humphries**: It is like giving them wages and conditions, is it not, Wayne?

**MR BERRY**: Mr Humphries tries to equate police powers with wages and conditions. That shows the nonsense of your logic on this issue. There were 2,500 or so youngsters moved on over the period of these move-on powers. The Liberals have not suggested that the crime rate would have risen by 2,000-odd incidents as a result of those people not being moved on, although some of the logic they seem to be using suggests that that might be the case if there were no move-on powers. The serious effect of this is that you can back it in that the majority of those 2,500 youngsters feel that they have been treated unfairly - - -

**Mr Humphries**: Why have they not complained?

**MR BERRY**: The basis of our society, as you would appreciate, Mr Humphries, is the issue of fair play. Australian society believe that they ought to be treated fairly. With this sort of legislation you argue for a policeman, essentially, to be able to declare that somebody is likely to commit a crime and is therefore guilty and should be moved on. Anybody with the surly look of sullen youth on his face would be aggrieved by any police officer who treated him that way.

**Mr Humphries**: When has that happened, Wayne? Has it happened?

**MR BERRY**: Of course it happens. You hear youngsters complain about it. Mr Humphries raised another one of his fallacies. He talked about these powers being useful to move on large groups of people. If Mr Humphries were to tell the truth to this Assembly he would talk about the way that they do apply in respect of a large group of people. My understanding is that the courts have found that the move-on powers have to be applied to individuals rather than large groups of people. They are useless for large groups of people.

**Mr Humphries**: Not to my knowledge.

**MR BERRY**: I think you will find that the magistrates have ruled in that direction. Mr Humphries talked about how useful these powers were for dealing with large groups of people. Fifty-three per cent of the cases from 6 September 1989 to 1 September 1990 were for fewer than five people.

**Mr Humphries**: I have not been privy to that information, Mr Berry; so I am afraid that I cannot tell you whether that is true or not.

**MR BERRY**: This was tabled.

**Mr Connolly**: This was tabled in the 1990 debate.

**MR BERRY**: You were here then, were you not? A document was tabled in this house in 1990, so it is public information. In 30 per cent of cases two people or less were moved on.

**Mr De Domenico**: What has that to do with it?

**MR BERRY**: It puts down Mr Humphries's argument that it has been very useful to move on large groups of people. That is a nonsense. I go back to the original point that I made on the question of how young Australians would feel, having been moved on and, most importantly, how they would feel towards the police. They would feel badly.

**Mr Humphries**: They feel badly when they are arrested too; but they cannot really avoid that fact, can they?

**MR BERRY**: That is fine. If you have done something wrong you get arrested for it.

**Mr Humphries**: So it is all right to feel badly in those circumstances, is it?

**MR BERRY**: If you are guilty of a crime you get arrested and you get taken to the courts. You end up with thousands of young people who are unhappy about the police - - -

**Mr De Domenico**: How many? Thousands?

**MR BERRY**: Thousands. Two-thousand-five-hundred have been moved on thus far. None of them have been proven to be criminals. All of them would be disgruntled about the fact that they were moved on although they had not been found guilty of anything. That is the situation. I am surprised that most police do not resist these move-on powers. In my view, they make their job more difficult. If you want a community police force which is effective, it must have the confidence of the community. You cannot tell me that, with the use of these move-on powers to the extent that they have been used, there would not be a lot of disgruntled people who would not have been in that frame of mind were it not for the move-on powers. There is no question about it. If you were summarily found guilty of something, you would feel a bit unhappy about it - if you were not guilty of any crime.

**Mr Humphries**: How could they be guilty and not guilty?

**MR BERRY**: If you are arrested for committing a crime and taken to the courts, that is fair enough. So, Mr Deputy Speaker, I think the Liberals - - -

**Mr Stevenson**: If you are not guilty, you still feel disgruntled.

**MR BERRY**: You will be feeling disgruntled all your life. That is fair enough for you. I think you deserve it. This is an unfair law which I am not sad to see the passing of. It has gone, and gone forever, and that is the way it ought to be. Mr Deputy Speaker, this is an unfair law that makes it harder for the police. It is not good for the community. Mr Humphries's proposal deserves to fail.

**MR HUMPHRIES** (11.54), in reply: Mr Deputy Speaker, in closing the debate, it is clear that there are a great many misconceptions floating around this chamber - some accidental, some quite deliberate, I have no doubt - which those opposite would like to perpetuate in order to justify their outrageous decision, in my view, to scratch what has clearly been an effective tool in the hands of our police for dealing with problems in our streets.

Mr Deputy Speaker, Mr Berry in particular demonstrates the major misconception inherent in the move-on powers arguments put forward by his side when he claims insistently that most people have been moved on unfairly; that they have not deserved to be moved on. It is one thing to say that a person might not have been caught committing a crime when a police officer came upon a group of people in a certain circumstance; it is quite another to say that when they are moved on pursuant to a police direction they are unfairly moved on.

Mr Deputy Speaker, I have not the slightest shred of doubt that, in every circumstance where our very competent police force in this Territory have exercised their power and moved a person or group of people on, that move-on has been deserved. I have no doubt that it has been possible to show that a fight was brewing, that damage to property was about to ensue or that some other kind of public disorder was about to result and that a move-on direction has averted it.

That is what the police have been telling the Minister and that is what you people are ignoring. The police of this Territory have demonstrated time and again that they can handle the responsibility which the move-on powers entail in their hands. The proof of that is that there have not been, to my knowledge or to the knowledge of the Minister apparently, at any time in the last three years or so, any complaints about the use of the move-on powers. That is the test that the Assembly imposed back in 1989 and again in 1991. We said, "We will give you these powers and you have to show that you can handle them responsibly. We have to see that there are no problems with the use of these powers in the Territory". That is what has happened.

There have not been problems. The problems that the people opposite raise, Mr Deputy Speaker, are problems of ideological concern. They are problems in theory. They are problems which have not been borne out by the operation of these move-on powers. So careful have our police been to ensure that these powers are not misused in the hands of an inexperienced young police officer, for example, that they are exercised only by police sergeants because they want to keep that capacity. They do not agree with the assertion put forward by the Minister for police that there are other means of dealing with these problems. Clearly, in many circumstances there are not. That is why they argue that these powers are a useful tool for preventing crime from taking place. That is what those opposite do not understand.

The Minister, Mr Connolly, says that police should not be drawn into conflict with young people through arbitrary powers. Mr Deputy Speaker, the fact of life is - and I make an observation here which unfortunately is borne out by the figures - that it is young people who are involved in crimes in these circumstances more often than other people. We do not find crowds of elderly people in our community vandalising property or involved in fights in public places. Unfortunately, it is young people who are most commonly in that category. The police will inevitably be in conflict with those people if they catch them committing those crimes.

Mr Deputy Speaker, if I were a parent - and I hope to be soon - and I found my child out in a public place committing some crime, some disorderly conduct or something of that kind, I would much rather that a policeman had come along first and told my child to move away and possibly prevented that child taking part in any criminal activity. He might come home browned off; but I would rather that happen than that he be caught committing a crime, prosecuted in some way, perhaps fined and possibly even imprisoned because he had committed a crime. I would rather that our police in this Territory had the capacity to prevent that crime from taking place, whether it was my young person or somebody else's young person about to commit that crime.

A whole series of furphies have come forward in this debate. An alternative is on-the-spot fines, I think Mr Moore suggested. The fact is that on-the-spot fines legislation is not yet in place, and it relies on a crime actually occurring. I think our police are experienced enough to understand that there are circumstances where crimes are inevitably going to take place, and it makes sense to be able to head them off. If we were talking about a policeman arriving at the scene of a crime, loading potential offenders into paddy-wagons and carting them down to the police station to lock them up overnight, we would be talking about a different kettle of fish.

What we are talking about is a very minor set of circumstances where a policeman says, "Please go away. Move off to somewhere else. Go round the corner. Get away from this other crowd you might be about to have a fight with. Do not get involved in a fight. Do not hang around this particular place where obviously trouble is breaking out. Move off somewhere else". Is that really so much to ask? Are we really putting grave scars on the young people of our community by asking them to comply with such directions? Mr Deputy Speaker, it is absolutely absurd to argue that that is the case.

Mr Connolly said that standard provisions across Australia do not have such a power. I hope and trust that he will use the same argument in our favour when we come to consider the legislation concerning the demand of a name and address. Clearly the argument cuts both ways, and clearly it is not being applied consistently.

Mr Connolly asserted that the police have moved on thousands of young people who were not doing anything but minding their own business. I challenge that assertion. It is not what the police have told the Minister; it is not what my understanding of the move-on powers has been. If the Minister believes that that is the case, he ought to demonstrate that at least a handful of people have come forward to complain about the operation of those powers. If they were doing nothing, why have they not taken further steps to deal with the matter? Clearly they have not. No person could be unaware of the intense debate about the move-on powers in this community over the last four years and not realise, if they had half a brain, that they could take the matter further and make trouble for the police by raising this matter. It has not happened. That is my conclusion.

The Minister pointed out that the police argued for more powers concerning fights and they got them, but they accept that the Government decided not to take that advice in respect of move-on powers. The fact of life, Mr Deputy Speaker, is that the Government accepted the advice concerning fights in public places because they realised that there was mounting public concern about what was happening in public places, particularly in Civic. They refused to accept the advice about move-on powers because they had an ideological barrier to doing so, and there was no other reason.

We have heard another argument - young people react badly to police; young people have the worst relationship with police. That undoubtedly is true. But that should not be a basis on which to prevent young people from properly being in contact with police where that might lead to a crime in our community being averted. For example, somebody might avoid being assaulted by virtue of this power being exercised. That argument is not sufficient excuse not to take steps to prevent crime occurring.

Mr Lamont put the bizarre argument that the Bill targets a particular class of citizens. I look forward to Mr Lamont moving for the repeal of the Motor Traffic Act because it targets a particular class of citizens - motorists. I look forward to his supporting Mr Moore's Bill later today to repeal parts of the Crimes (Offences against the Government) Act because they target public servants. The fact of life is that very few Acts apply equally to all classes of citizens.

**Mr Lamont**: You have deliberately misrepresented the position, but that is not unusual.

**MR HUMPHRIES**: Almost all laws we pass here apply more heavily to some classes of citizens than to others. That is an inevitable fact that Mr Lamont cannot get away from. Ms Szuty said that the Community Law Reform Committee will examine this matter, and she wants to await the outcome of its report. I have great confidence in that committee, but I have some doubts about whether it will be able to collect information, certainly by October, sufficient to be able to look at the critical questions in this area. They will be able to examine the matters from the point of view of ideology - whether we should or should not have such laws giving police powers to move people on - but the question is how the powers have actually operated. For example, will they have access to the police who have used these powers? Will they be able to go through a proper process of examining the impact of the powers? I am not sure that they will.

This Government does not trust its police force. It does not believe that police officers in this Territory are capable of reasonably and judiciously exercising this power. It has perhaps an historical enmity towards police forces. It is most unfortunate. The Labor Party feels pretty good about this, but the citizens of the Territory will not. We cannot avoid the fact that in the 1989 debate and the 1991 debate on this matter we made a pact with the community and with the police force. We set conditions. We said, "We will let these powers stay in this Territory only if certain conditions are met. You have to demonstrate that they are effective. You have to show that they are not being misused. There must not be complaints about these powers". The police have complied with those conditions. They have met those conditions. The pact that we as an Assembly made with the police is to be dishonoured today by the vote we are going to take. I think the police can rightly feel quite chagrined about the way in which they have been treated by this Government, because they have kept their side of the bargain. They have used this power sparingly, and they have done the right thing.

I observe a certain pattern in some of the votes the Assembly has taken in recent months. This Government - and unfortunately it has been aided in this respect by other members of the Assembly - is increasingly intent on undoing every vestige of the Liberal legacy in administration and law-making in this Territory over the last four years. Consider, for example, that in the last few years the Government has announced its intention not to proceed with the corporatisation of ACTEW. It has decorporatised the TAB in the Territory. It has scrapped the ACT Board of Health set up by the Alliance Government. It has dumped the *Balancing Rights* report. It has changed the name of the hospital that the Liberal Party had named. Now it is removing the move-on powers. It is hard to point to anything which could be said to be the legacy of the Liberal Party in law in this Territory. There are very few instances indeed, Madam Speaker. If members wish to make this minority Government the sole determinant of the philosophy by which this Territory is governed and by which the laws of the Territory are drawn up, then it is doing a very good job of doing just that.

Ms Szuty said that she hopes that this issue will be less contentious in the future. I can guarantee that that will not be the case. Ms Szuty and others have heard the views of people such as the Victims of Crime Assistance League. They have argued strenuously that these powers have been effective. She has heard the police make the same argument. She may be aware that there was an opinion poll a few years ago - in 1989, when these matters were first debated - which indicated strong community support for the existence of move-on powers. It was either Channel 10 or the *Canberra Times* that conducted that opinion poll. It is quite bizarre - - -

**Mr Berry**: It sounds like a Dennis poll to me.

**MR HUMPHRIES**: It was not a Dennis poll; it was the *Canberra Times* or it was Channel 10 news. It was a very reputable source, Mr Berry. Madam Speaker, it is bizarre that, as crime in this Territory climbs at very marked rates, the response of the Assembly to those rises in crime, the response of the Assembly to community concern about crime, is to remove one of the few powers the police have to prevent crime. It is a bizarre reaction, and I can assure members of the Assembly that the pact with our police and our community which the Assembly is today dishonouring will not be gone.

People will be reminded of that pact when we go to the polls next time. This will be a very real issue, and this Government and the people who have supported this Government will have to explain why they have taken the step to remove a power which has been demonstrated to have proved its worth in this Territory. The police have shown that they can use these powers responsibly, but they have been dumped on by this Government. At the next election I believe that our position, which acknowledges the problems the ACT has faced with respect to crime, will be empathised with more than the position of the Labor Government, which is to create committees and advisory bodies to try to advise on how we can deal with crime but to take no action about it. That is the responsible course of action that we have adopted, and it contrasts very strongly with that which the rest of the Assembly, unfortunately, on occasions has chosen to take.

Question put:

> That this Bill be agreed to in principle.

The Assembly voted -

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

Question so resolved in the negative.

**MR HUMPHRIES**: Madam Speaker, I understand that in the course of my remarks Mr Lamont said that I was deliberately misrepresenting - - -

**MADAM SPEAKER**: Are you seeking leave under standing order 46?

**MR HUMPHRIES**: No. I am seeking to have you ask him to withdraw that statement, Madam Speaker.

**MADAM SPEAKER**: I was not here. Why did you not seek that from the Deputy Speaker at the time?

**MR HUMPHRIES**: I did not hear it at the time, Madam Speaker.

**MADAM SPEAKER**: Neither did I. Mr Lamont, if you imputed an improper motive to Mr Humphries, would you withdraw.

**Mr Lamont**: If I am shown to have done so, I certainly do, Madam Speaker.

**MADAM SPEAKER**: Thank you.

**MR HUMPHRIES**: Is that a withdrawal or not?

**MADAM SPEAKER**: Mr Humphries, in all fairness, that was a quite gracious response. We will look at the *Hansard* and continue with the matter then.

## BRADDON HOUSING DEVELOPMENT INQUIRY
## Papers and Ministerial Statement

Debate resumed from 17 June 1993, on motion by **Mr Moore**:

> That the Assembly takes note of the report.

**MS SZUTY** (12.11): Madam Speaker, I am pleased to continue the debate on the Todd report of the inquiry into planning and development proposals, section 22, Braddon, which commenced during the June sittings of this Assembly, when the Minister for the Environment, Land and Planning presented the report to the Assembly, and a tabling statement. The debate was continued at that time by my colleague Mr Moore, who responded to the report, mentioning the process that had led to the report being written and addressing the most important question of privilege.

It is worth recalling these speeches because, although it was important to complete the inquiry and present the report quickly, I believe that it is important to consider fully the issues that arise from the report. Mr Todd himself states at paragraph 13:

> I must emphasise that due to the shortness of available time this report must be prepared in a summary form.

This is important because the conclusions Mr Todd draws and the recommendations he makes need to be drawn out from the report. Apart from the two specific recommendations, the report contains other important pointers to the need to reform planning processes.

In my response to the Todd report, I wish to comment specifically on the plan variation timeframe, the lease variation process, the consultation process, the recommendations in particular, and what we need to do for the future as a result of this report. Firstly, let me turn to the consideration of the plan variation timeframe. Mr Todd accurately outlines the process as it was followed exactly according to the Land (Planning and Environment) Act. It was not until I actually read these paragraphs - 28, 29 and 30 - of the report that I realised that the absolute minimum timeframe for consideration of this variation had been adhered to. This was a contentious draft variation to the Territory Plan, yet it was formally dealt with in less than three months. I believe, in hindsight, that this was regrettable and that both the ACT Planning Authority and the Planning, Development and Infrastructure Committee of the Assembly could have taken more time to carefully examine the issues.

Secondly, I wish to discuss the lease variation process. Mr Todd seemingly refers to the Land (Planning and Environment) Act provisions about the lease variation process as gobbledegook of the first order. While the provisions of the Act might be effective for the purpose, they are certainly difficult to understand, and it is something the Planning, Development and Infrastructure Committee of this Assembly will turn its attention to in the context of its current inquiry into the ACT's planning legislation. There is an inference in Mr Todd's report that the legislation needs to be in plain English that it needs to be user friendly, and not written just for the legislators and planners but for the end users, the community.

It is noteworthy that statutory processes with regard to the lease variation were not followed because notification letters were not posted but hand delivered. It would have been interesting if the objectors had proceeded with an appeal to the Administrative Appeals Tribunal and the appeal upheld because of this, albeit technical, breach of the Act. The Minister stated in his tabling statement that the effect of the law had been carried out, if not the letter of the law. Perhaps that is not the point, and it needs to be remembered that, with regard to a sensitive development proposal, statutory processes were not followed.

Thirdly, Mr Todd says much about consultation processes - what they are and what they are not. The point is made that adherence to minimum timeframes and other statutory requirements is not a substitute for meaningful consultation, which for a so-called model medium density urban renewal development might have been exceedingly beneficial. I cannot support strongly enough the sentiments expressed by Mr Todd at paragraph 50:

> The real point however is that in my opinion statutory notice requirements do not ... fulfil the role of consultation at all. They are a backstop, a fail-safe mechanism which responds in effect to a variant of the concept of natural justice.

Unfortunately, the current Government has a tendency to view all objectors to medium density development proposals as NIMBYs - or not in my backyard. I have always believed that this view is unworthy of them. It can be seen that the objectors in the case of section 22, Braddon, had legitimate concerns and were concerned with wider planning questions than just those that may apply to a particular section in Braddon. I would hardly call the Conservation Council of the South-East Region and Canberra, the Turner Residents Association and Mr Ed Wensing, among others, NIMBYs, and more heed should have been paid to their concerns.

In all objections put to me, the questions were not of the desirability of medium density development but of the need to ensure that it is good development. Mr Todd made two recommendations in his report. The first states:

> In relation to residential development in urban renewal projects, there should wherever possible be consultation with lessees at the earliest possible stage of planning, as part of the process of planning itself before any kind of decision has been made, and entirely independent of later observance of statutory notification.

He came to this conclusion and recommendation following discussion of the culture of the planning process, which he sees as deficient. It is important to note that, since section 22, Braddon, was considered as a redevelopment proposal, several other significant areas of Canberra have been presented for potential redevelopment, including North Watson, North Duffy-Holder and the Tuggeranong Homestead site, each accompanied by strong criticism by local residents and community groups. It seems to me that it will be important for all of us to consider the detail of these proposals for draft variation with great care, insight and attention to the due processes involved.

The second formal recommendation of Mr Todd's report states in relation to the Land (Planning and Environment) Act:

> Section 7(3)(c)(ii) should be amended to make it clear -

(i) that it is intended to be used only as a provision of general application;

(ii) that it does not apply to prevent review of a decision as to whether a development proposal complies with Development Guidelines.

Mr Todd quite rightly arrives at the conclusion that the question of whether the proposal does and can conform to the guidelines is a proper question that can be legitimately assessed through existing judicial processes. At the very least, the ACT Planning Authority could come up with development guidelines which were appropriate for the proposal, with reasonable expectations that they could and would be applied unless exceptional circumstances eventuated. Mr Todd draws attention to the recommendations of the Planning, Development and Infrastructure Committee with respect to the report on the draft variation to the Territory Plan entitled "The Territory Plan", indicating his concern about recommendation 10, which seeks to remove the role of the Administrative Appeals Tribunal in lieu of a new planning and land appeals board.

There are other aspects of this whole issue which have not been addressed and would be difficult to address at this time, including the stress that those people who sought to voice their opinions felt that the process imposed on them, the role of the Housing Trust, and to what extent it had a key role in facilitating this development. In conclusion, the inquiry into planning and development proposals, section 22, Braddon, has produced a significant report from Mr Todd and a challenge for members of this Assembly to address in the future the concerns raised. I am sure that it is our intention to do just that. The culture of

the planning process deserves our urgent attention in the light of further urban redevelopment proposals currently being considered. Amendments to the Land (Planning and Environment) Act will be considered by the Government in conjunction with the adoption of the Territory Plan and by the Planning, Development and Infrastructure Committee in its consideration of amendments to planning legislation. The findings of the Todd report, I believe, make a significant contribution to these considerations.

**MR KAINE** (12.20): I do not intend to speak at length on this subject because I do not think it deserves a great deal of time or attention. The inquiry was initiated on the motion of this Assembly. What was done was consistent with that motion, and any member who gets up now and complains, I think, should look to themselves. Furthermore, Ms Szuty made an adverse comment about the Planning Committee. She is a member of that committee, and I heard no objection from her as to the way the committee considered this matter at the time. Her 20:20 hindsight is magnificent. The way the committee handled it is now unacceptable, or that seems to be her view.

Madam Speaker, this inquiry started off only because there was a suggestion of impropriety or dishonesty or illegality. That was the suggestion. That is why there was an inquiry.

**Mr Wood**: We had to be careful about it.

**MR KAINE**: Yes. Mr Todd skirts that issue, because it was not part of his terms of reference; but he does make the point that in speaking to a large number of people in that connection he found nothing that would support such a suggestion. I think that is the important thing that emerges from this report. He does make some comment about the processes through which variations are handled, but he also notes that a recommendation coming from the Planning Committee, if implemented, will rectify that.

I would also like to make the point, which Ms Szuty seems to have skated over, that the real objection, the real problem that was expressed publicly about this proposal, had to do with design and siting, not the original proposal to build additional higher density residential accommodation on the block. I emphasise that that is not the responsibility of the Planning Committee. The Planning Committee dealt with a proposed variation to the plan, to use the land for something different. We endorsed that, and we endorsed it quickly. Certainly, the process was completed within the three weeks that is laid down in the law, but why would it not be? There was no objection to the variation proposal. The objection was only to the design and siting, the buildings that it was suggested might be put on the block. There never was a firm design and siting proposal put forward. In fact, the proposal was withdrawn before they got to that point.

What is it that we are objecting to? What is it that Ms Szuty and Mr Moore find so objectionable? Is it that the Housing Trust, in conjunction with a private consortium, had the temerity to put forward a proposal to redevelop residential land to provide a higher density of residential accommodation on it? That seems to be the nub of their objection. They cannot be objecting to the design or siting, since there never was such a proposal put forward. I do not know what we were investigating, quite frankly. I do not know why the Assembly is wasting its time on this matter. Mr Todd has rightly noted that, if

a recommendation of the Planning Committee is put into place, most of the objections disappear for the future. He does make a couple of other comments about the establishment of an independent tribunal, about which he has many questions, and I must admit that I share that to a point. But I did support the recommendation coming from the committee and I am not going to criticise it now.

He raises questions about whether this proposal falls within the parameters of the better cities program. That is another matter that should be considered elsewhere. The Planning Committee is not in a position, and it is not our role, to judge whether something falls within the better cities program parameters or not. That is a matter for the Government. So he does raise a couple of interesting points, but he does not support any of the criticism or the suggestions that have been raised in connection with this proposal. I think we should note the report and get on with something important.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (12.25): Yes, I certainly agree with Mr Kaine. I will take up one or two of the points raised by Ms Szuty. I could not agree more that legislation should be in plain English. It is something of a feat to make the connections through the Land Act. If Mr Lamont and his committee can get it into plain English, that will be some sort of achievement.

The statutory requirement that letters be mailed to the neighbours was not observed in respect of section 22. Here is an interesting point. Those letters were all delivered; there is no question about that. I recently had a complaint from someone in Red Hill, where the letters were all mailed. Three of the eight recipients received those mailed letters, because people had shifted and addresses were wrong. When you get a mail address, you cannot be sure that the people you are addressing it to still live there. Mr Lamont and his committee may consider that. I thought it was interesting that, in another area where the letters were mailed out, three out of eight got to their destination.

Ms Szuty made the point that we label, in some or all circumstances, those who are opposed to medium density as NIMBYs. I do not do that. In every case, my genuine attitude, as we consider urban renewal, any change, is that urban amenity is the first thing we have to consider. I am very sensitive to that issue. I listen most attentively to the sensible and the not so sensible remarks that people in the community make.

**MR MOORE** (12.26), in reply: In closing the debate, Madam Speaker, I would like to take a couple of points. Mr Kaine criticised Ms Szuty, saying that she is fortunate to have changed her mind with hindsight. That is a great benefit that most of us have. When we look back with hindsight on things we have done, if we have not got it exactly right we try to modify our behaviour and our thinking in the future. That is a benefit, and Ms Szuty did not attempt to hide that.

Mr Kaine went on to say that the Planning Committee did not have to consider design and siting, that they had only a very narrow view of what they had to do. Technically, that is correct, and I accept that; but surely it is appropriate for the Planning Committee to consider the whole issue of planning in the ACT, as I understand it is doing now. If it was the case that, under the particular section of the Act that has been criticised by Mr Todd, design and siting could no longer be reviewed, then it would be appropriate for the committee to have a look at that.

This is said with the benefit of hindsight, and let me also put my own position on the record: I approved that variation in this Assembly with the same mistake. I am not attempting to say that this is being said with anything other than the benefit of hindsight and the benefit of Mr Todd's comments. We now have to be very careful how we deal with that, and that is part of what the Planning Committee is considering. I think Mr Kaine's comments were a little on the churlish side. The most important thing we can do is take the comments of Mr Todd, accepting the limitations of what he was able to do in his report within the timeframe, and see what we can learn from them and how we can benefit. With those few comments, Madam Speaker, I think the matter is not closed but continues.

Question resolved in the affirmative.

**Sitting suspended from 12.30 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Health Budget

**MRS CARNELL**: My question without notice is to the Minister for Health. Given that your Government's budget predicts that the number of aged people in Canberra will grow by 4 per cent, that the total population will grow by 1.7 per cent, and that the levels of private health insurance will continue to fall, resulting in significantly more people relying on our public hospital system, on what basis did you factor no increase in activity levels into the health budget?

**MR BERRY**: We factored in a figure of $259.4m for the health budget this year. This compares to an expenditure last year of $254.6m. What we also plan to do is continue to strengthen our public hospital system, which is quite different from what the Liberals had planned for us. So it was on the basis of our commitment to a stronger public hospital system.

Last year we treated something like 2,000 more people than were treated the year before - that represented an increase of around 5 per cent - and there was about a 9 per cent increase in outpatient occasions of service, which were significant increases. There was no evidence that the community was becoming any sicker, and it was clear to the Government that that was an appropriate figure. We have chosen that figure and, as I will say to you in the Estimates Committee this year, we hope to do - - -

**Mrs Carnell**: But you were wrong last year.

**MR BERRY**: I will give you the same answer. We will be treating about the same number as last year, and we hope to do a little better.

**MRS CARNELL**: I ask a supplementary question, Madam Speaker. Given that there are already 2,800 people on the hospital waiting list, if your predictions that there will be no extra admissions hold true, how many extra Canberrans will be waiting for surgery by the end of this financial year?

**MR BERRY**: That is a hypothetical question, Madam Speaker.

**MADAM SPEAKER**: It is out of order.

## Budget 1993-94

**MS ELLIS**: My question is directed to the Minister for Urban Services, and I ask: Does the Minister agree with the claim by Mr Louttit of the Canberra Chamber of Commerce that the budget gives too much attention to the soft soapy issues and the continuation of the welfare state?

**MR CONNOLLY**: I was quite horrified to see Mr Louttit's comment.

**Mr Kaine**: "It does not give attention to any issues" would have been a more accurate statement.

**MR CONNOLLY**: It was an accurate statement, Mr Kaine, was it? You think that was an accurate statement? Mr Louttit, speaking last night on WIN news on behalf of the Chamber of Commerce, presumably, said that the budget gives too much attention to the soft soapy issues and the continuation of the welfare state. I wonder which soft soapy issues he would like us to scrap. Would he like us to scrap the much needed men's shelter, which was an initiative in this year's budget? Would he like us to go back on our commitment of over a quarter of a million additional dollars for reporting of child sexual abuse matters? Would he like us to go back on Housing Trust commitments? Would he like us to go back on spending for Canberra's troubled youth through the new procedures at Quamby? Would he like us to go back on some of the initiatives - - -

**Mr Berry**: He would probably like his job back.

**MR CONNOLLY**: He might indeed like his job back, Mr Berry. Would he like us to go back on the extension of electricity concessions to some 6,000 people who hold health care cards? Would he like us to go back on the extension into the shoulder months of electricity concessions to the some 19,000 age pensioners and others in Canberra who currently receive them?

The Liberals opposite, I hope, would also condemn Mr Louttit's attack. These people are always out there promising the community everything - spend more, spend more, spend more - on every issue, and then we see the true face of the Liberal Party. We see that the view of social justice of the people in authority in the Chamber of Commerce is that it is just a soft soapy issue; it is welfare state mentality; it is to be condemned. This Government condemns that sort of statement from Mr Louttit, as I am sure would the Independents, and I hope that the Liberals condemn it as well. I challenge you to condemn it.

## Employment - Capital Works Program

**MR DE DOMENICO**: My question without notice is to the Chief Minister. I refer the Chief Minister to her 1992-93 budget leaflet entitled "Protecting Canberra's Future", where she told us that the capital works expenditure for last year, 1992-93, was going to be responsible for 3,400 jobs. Yesterday's similar leaflet says that the public works program is going to be responsible for 3,000 jobs. Does the Chief Minister concede immediately that, without taking into account the public service redundancies, we are 400 jobs worse off this year than we were last year?

**MS FOLLETT**: I think Mr De Domenico is confusing a couple of issues here and I would like to enlighten him, if I can. There is no doubt whatsoever that the ACT Government's capital works budget does support a number of jobs and, as was accurately stated in the budget leaflet last year, that figure was around 3,400. As is accurately stated in the budget leaflet this year, the figure for this year is around 3,000.

In devising our capital works budget, particularly this year, a somewhat stringent year for the Territory, we were aware of what I believe is the need to take out some of the peaks and troughs which have been a feature of the construction industry in Canberra over many years and which I believe are really counterproductive. My aim is to have a construction industry that is strong and healthy and sustainable. We do not want those peaks and troughs. I would rather have all peaks; but, as the peaks were invariably followed by troughs, I do not think that is a good scheme.

In looking at the capital works budget for this year, the Government was aware that there was increased activity in the Commonwealth public sector on capital works. Members will be aware, for instance, of the York Park project - a major project - the new Australian Geological Survey Organisation building, which is in the current Federal budget, and so on. The Government was also aware that there is an increase in some major constructions by the private sector. Just one example is the permanent casino currently under construction; another major development is the Harcourt Hill development out in Gungahlin. I did not consider this year that our capital works budget needed to make the same kind of effort as we have in previous years to consciously increase the amount of employment in that industry. As to the level of the capital works budget this year, I believe that we have taken due account of the overall level of activity in the ACT construction industry. We have also taken due account of the affordability of our own program in very straitened circumstances.

The second part of Mr De Domenico's question related, I think, to reductions in the ACT Administration. I think members should understand that the prime purpose, the reason for being, of the ACT Administration is not of itself to employ people who might be otherwise employed. It does fulfil that role, but that is not its prime purpose. The prime purpose of the ACT Administration is to deliver to the people of this Territory the policies, the services, the functions of the government of the day, and, again in these straitened circumstances, to perform that delivery task in the most efficient, most effective and leanest way possible.

That is the reason why in our budget this year we have looked very hard at the cost of what the Government does. In looking at that cost, we have taken a number of measures to make reductions in the cost. I think members opposite in their heart of hearts do understand that. I can forgive them for making a political point here, but I do not think they should confuse those two issues, and I hope that I have added to the sum of their knowledge.

**MR DE DOMENICO**: Madam Speaker, I ask a supplementary question. First of all, I thank the Chief Minister. I asked her about only the public works program, but she did offer an answer on the public service.

**Ms Follett**: You did. I have it written down - public service redundancies.

**MR DE DOMENICO**: No, I did not. As the Chief Minister has factored in $17m, how many public servants and in what areas?

**MS FOLLETT**: In making available to the administration a voluntary separation scheme, I do not have a target figure in mind. The fact is that those voluntary separations will be agreed to by management only if they will result in savings in the costs of the administration. Nevertheless, as I am sure members are aware if they have had a look at the budget papers, the full $17m, on the average pay-out on redundancy, would accommodate some 400 or 500 people taking redundancy.

I say again that that is not a target figure. It may well be that either that number of people do not express an interest in voluntary separation or management does not believe that that number of separations will result in savings in future years. So the $17m is a fixed maximum, if you like; but, if the separations fall well below that, then the money is simply returned to the Consolidated Fund. The redundancies, the voluntary separations, depend upon there being a return in future years, an actual saving in future years.

## Adoption Act - Gazettal

**MR MOORE**: My question is directed to Mr Connolly as Attorney-General. It requires a little bit of background, in accordance with standing orders. During the debate on the Adoption Bill you were vehement in your attack on the non-government members of the Assembly for delaying the Adoption Bill. You in turn assured this Assembly, both on 8 December 1992 and again on 23 March 1993, that this Bill would be operational in a matter of weeks. I quote the Minister in response to my speech, where I identified that the Assembly was not talking about the gazettal of the title or commencement provisions but the substance of the Bill. You said:

> The word "scurrilous" was bandied about. Mr Moore, when this Bill is finally passed by this Assembly we will have it up and running within two to three weeks ...

The gazettal of the commencement provisions of the Adoption Act was on 2 April 1993, and this part is not relevant to the debate. We clarified that in the debate. However, the substantive part of the Act was not put into operation until the gazettal on 31 July 1993 - some four months after this Assembly passed the Bill - and you told us that it would be only a matter of weeks. In addition, to make matters worse, on 29 June you signed a notice of commencement for the substantive Act to take effect on 31 July - more than a matter of weeks at that stage. Can the Minister explain why it is that he did not approach the Assembly to explain why he was not able to keep his commitment, or perhaps he would prefer to explain why he considers that he has not misled the Assembly - unless, of course, that is exactly what he has done?

**MR CONNOLLY**: If I were Mr Moore, I would not remind community groups about the adoption debate. The fact of the matter is that within weeks of the Assembly debate we had the office up and running and accepting applications, for people who were interested in seeking applications. Many members of the

public who were frustrated at the politics that had been played by members opposite in relation to that legislation were in there putting their applications in within weeks of the Assembly debate. The process was working, worked well, and was unfortunately delayed by members opposite.

**MR MOORE**: I ask a supplementary question. Therefore, Minister, is it fair to say that you consider that the putting in of applications means that the whole Bill was operational and working?

**MR CONNOLLY**: No; the Bill was commenced. The full operation of the Bill required the regulations and all the rest to be proceeding, and that did take some months. But within weeks of this debate we were opening the doors for business, anticipating - - -

**Mr Moore**: You could have done that in December.

**MR CONNOLLY**: No, I could not do it in December, Mr Moore, because in December we did not know what wacky ideas would come up from members opposite. We had some extraordinary propositions being bandied about which would have had the Act in a substantially different form from the legislation as it was presented to this Assembly. I could not have been receiving applications on some sort of wild guess as to what may have come out of this Assembly debate. Once the Assembly had debated the Bill and we had the Act in its final form, we were in a position within weeks, as we promised, to be up and running and getting the Act implemented and receiving applications. Then we got the regulations through. As I said, if I were Mr Moore, the last issue I would be reminding community groups about is my performance on the adoption legislation.

## Government Service - Voluntary Separation Scheme

**MR KAINE**: In answer to Mr De Domenico's question, the Chief Minister referred to the voluntary separation scheme. Chief Minister, am I to understand that you have included $17m in your budget when there is no government policy on the matter, there is no government direction on the matter, you have no idea how many people might take advantage of the offer, and you do not know whether you can spend the money or not? There is an estimates process coming up soon and I would be interested to hear the answer to this question.

**MS FOLLETT**: I think it is a nice try by Mr Kaine, but it is not going to get him too far. The fact is that the Government has taken a decision that there will be a voluntary separation scheme, and we have funded that decision to the extent of $17m. That is the rationale that I think Mr Kaine is seeking. Indeed, it is a decision taken by the Government and it has the full force of such a decision. In taking that decision, we had advice from agency heads. Again, perfectly legitimate action for the Government is to take advice from their senior public servants. That advice indicated to us, when we were considering budget matters, that there were a number of people in the ACT Administration who may welcome an opportunity to make a change of career or may welcome an opportunity to retire early. I put a great deal of faith in the advice of agency heads, and that was their advice.

As a consequence of that, the Government considered how that situation could usefully be employed to assist us to reduce the cost of our own administration. As I said in answer to a previous question, the purpose of the voluntary separation scheme is to achieve savings in future years. Where we do get expressions of interest, the test of whether people are eventually offered a separation package will be whether the community will benefit from their being granted that package, and benefit in a number of ways, mainly in reduction of the administrative costs.

I think Mr Kaine is flying a kite in his question. It is something like twice the amount of money that we spent on redundancies in the previous financial year. I believe that it is an entirely reasonable way to proceed. It is an opportunity the administration generally has not had before, and it is an opportunity the Government is willing to take in order to achieve further efficiencies, further reductions in the cost of our own administration. I know that members opposite have no comprehension of this kind of approach. I know that they are extremely unwilling to consider any concept of a voluntary separation scheme, where the employees themselves are able to take the initiative. What we have seen from members opposite - in relation to Mr Louttit, for instance - is their approach to dealing with staff, which is to sack them, just get rid of them.

**Mr Westende**: I have an objection, Madam Speaker, on a point of order. I seek time to make a personal explanation.

**MADAM SPEAKER**: We can do that at the end of question time, Mr Westende. Continue, Ms Follett.

**MS FOLLETT**: Madam Speaker, our approach is not to sack people; our approach is to abide by the relevant award - in this case, the RR(R) award - and to say to our employees that they have this opportunity, if they wish to take it up, to put forward their names, their expressions of interest in the voluntary separation scheme. The final decision on whether they are made an offer of a separation package remains with management and with the Government and in the interests of the whole community.

**MR KAINE**: I have a supplementary question, Madam Speaker. Last year the Chief Minister claimed that "by good management, we underexpended $30m". Is this an example of the kind of provision they make in their budget where, by "good management", at the end of the year we do not spend it, or is this an isolated case?

**MS FOLLETT**: Mr Kaine is confused as well on the question of provisions.

**Mr Berry**: Alzheimer's Disease Week.

**MS FOLLETT**: Madam Speaker, it is Alzheimer's Disease Week; I acknowledge that. The amount of provisions that the Government has carried forward is, in fact, around $40m, not $30m.

**Mr Kaine**: Which made your budget program easier.

**MS FOLLETT**: Yes, as Mr Kaine said, it has made the budget program easier. I said that at the time.

**Mr Kaine**: Why are you saying that it was a tough one? It was as easy as falling off a log.

**MADAM SPEAKER**: Order! The Chief Minister is answering your question, Mr Kaine.

**Mr Kaine**: She is not answering the question at all.

**MADAM SPEAKER**: Because you are interrupting. Would you let her speak, please.

**MS FOLLETT**: Madam Speaker, the provisions that were carried forward, as I was happy to explain to Mr Kaine, related to a number of items. One of the largest of them, about $15m, related to the fact that in this financial year there are 27 paydays instead of 26. We had made provision for that money and had carried it forward, so it is available. Madam Speaker, it is available and it is included under the heading of provisions in the budget documents. Another item that was carried forward, as members know, was the expenditure on the bus replacement program. As it turned out, the buses that we wished to buy were not available at the time. So, Madam Speaker, that funding is carried over. I believe that it is good management to carry that money forward rather than to spend it during the year for some other purpose. Clearly, we need to maintain our bus replacement program, and we will. We have the funds to do it, thanks to good management, which Mr Kaine does not understand.

## Sports Funding

**MRS GRASSBY**: Madam Speaker, my question is to the Deputy Chief Minister as Minister for Sport. Can the Minister inform the Assembly of the reaction of the sporting community in the ACT to the ACT budget, and particularly to the wonderful softball complex that he is putting in West Belconnen?

**Mr Kaine**: Absolute disgust; that is the reaction.

**MR BERRY**: Not so, not so. "Good news for sport in the ACT Budget", said ACTSport. I quote:

> "The Minister for Sport, Wayne Berry, has delivered for sport", according to Mr Naar. "The outcome demonstrates a commitment to sport and the positive benefits it offers".

That is the sort of reaction. The initiatives in the sports budget include $1.85m for a district playing field at Conder-Gordon - I know that you would welcome that, Mr De Domenico; $500,000 to commence work on a specialist softball centre at Belconnen; $500,000 for the upgrade of Boomanulla Oval; some portable seating to accommodate 1,500 people; funding for grants being maintained in real terms at $1.89m; joint funding with the Australian Sports Commission for a volunteer development officer; and support for an Aboriginal development officer. These are very important initiatives which are going to be carried through.

This is particularly interesting to me as Health Minister as well. Sport plays an important role in the development of the community. Some sports might be excluded when it comes to the injury list; but, in general, participation in sport is healthy and it leads to a better quality of life out there in the community. As a government we have been very proud to have been able again to deliver for sport. We have been congratulated by the president of ACTSport, and we welcome that, and the executive director of ACTSport has welcomed the maintenance of funding for sporting organisations. All this is good news, I think, for the sports budget and for the future of sport here in the ACT.

**Education Budget**

**MR CORNWELL**: Madam Speaker, my question is directed to the Minister for Education. I refer to the Minister's media statement yesterday which, in part, said that overall this year's budget requires the government schooling program to achieve savings of 2 per cent. He went on to say:

> Most of the reduction will be achieved through economies in operating costs which will not affect the level of service to schools ...

Minister, how can you make that statement when we have a reduction of approximately 80 school based positions announced in your budget?

**MR WOOD**: It is a statement of fact. Actually, I am surprised that Mr Cornwell was prepared to ask a question today. I have been trying to get a concerted view from the Opposition about education. We have had three spokespeople in education - Mr Cornwell, Mr Kaine and Mrs Carnell - and they all seem to be saying different things. Mrs Carnell's view more recently, like Mr Cornwell's, has been, "Do not worry about the kids down in Banks, Gordon and Conder and those places; do not worry about Palmerston and Ngunnawal and Nicholls; we do not need schools there. Apart from knocking down existing schools, we do not need new schools". That has been the Liberal Party policy, as far as I can ascertain.

**Mr Cornwell**: There is to be a reduction of 80 school based positions. Would you mind answering the question? That is not going to help the new schools.

**MR WOOD**: If you went further into the papers, Mr Cornwell, you would see the items there. We are making 2 per cent savings, adding up to $3.48m. There is a further productivity saving, as a result of enterprise bargaining, of $750,000, for a total saving of $4.25m. Of that, school based salaries for the positions come to $1.5m. That is, effectively, in the half-year from January next year. That is where the 80 positions are affected. I point out that $1.5m is quite a deal less; about a third of the $4.26m total savings.

In strict answer to your question, the statement I made in my media release is absolutely correct. I might further say that education is of the highest priority for the Labor Government. Given the Grants Commission figures, which Mr Kaine frequently uses - Mr Kaine is the one who says that there is room for significant cuts in ACT education - showing that we are very much in excess of State levels

of funding, if we were harsh in our attitude to education we could take a lot more off. If we took Mr Kaine's advice, and the advice of other people over there, we would take a lot more off. When education is very much overfunded by those Grants Commission comparisons, to take a mere 2 per cent off is treating education very generously.

**MR CORNWELL**: I have a supplementary question, Madam Speaker. I repeat: How can this Government claim that the level of service to schools will not be affected when they are planning to reduce approximately 80 school based positions? Am I to assume that, under your tutelage, they were surplus to requirements for the last three years or not?

**MR WOOD**: Mr Cornwell is not well aware of how schools operate, although I would have thought that after all his years here he would have been. If Mr Cornwell thinks that simply putting more and more money into schools brings better outcomes, higher standards of attainment and the like, he is wrong. Go back to 1974 when Professor Karmel, at the behest of Mr Whitlam, instigated a vast increase in education funding across Australia which did wonderful things for education; but then, some time down the track, people began to realise that things were better but educational outcomes in every instance were not all that much better. You do not simply equate expenditure with educational outcomes. It does not work that way. It is what happens within those schools that is much more important.

I would have thought that Mr Cornwell did understand our schools a little because of some background in the Schools Authority, although he is trying not to draw on that knowledge today. If he thinks it is impossible for schools to look at the way they run things, if he thinks that schools can keep on running year after year in exactly the same way, he is wrong. Schools are capable of structural change. Indeed, we have a long process this year leading up to an intensive debate about structural change. I can tell you that the outcomes in our schools are continuing to get better and better, and they will next year and the year after and into the future.

## Fluoridated Toothpaste

**MR STEVENSON**: My question is to Mr Berry and concerns the recent media reports about dental fluorosis being caused by fluoridated toothpaste. I believe that that concern has been acknowledged by the National Health and Medical Research Council. I draw the Minister's attention to the report of the inquiry into fluoridation in the ACT which was published in January 1991, and to two specific recommendations. I quote:

> ... the ACT Government initiate proposals through its membership on various interstate councils and make direct representations to toothpaste manufacturers to:
>
> . make unfluoridated toothpaste readily available at prices comparable with fluoridated toothpaste; and
>
> . cease practices that make fluoridated toothpaste unduly enticing and palatable to children (eg the addition of colourings (other than white) and flavourings).

Would the Minister indicate whether any action has been taken on that, or would he give attention to that matter as one of importance?

**MR BERRY**: I am not as hooked on the fluoride issue as Mr Stevenson is, but - - -

**Mr Stevenson**: It is a good one to get your teeth into.

**MR BERRY**: Of course, all those people who have fluoride in their water will have their teeth longer, so they will be able to get them into it. In relation to the issue you raise, it is largely a private sector and marketing tool which is used by the toothpaste manufacturers. Of course, there is an issue about an overload of fluoride through toothpaste, particularly for youngsters. I will ask exactly where we have got to in relation to that. I do not have any information in front of me and I will make sure that I keep you all informed.

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

## PERSONAL EXPLANATION

**MR WESTENDE**: Madam Speaker, I seek leave to make a personal explanation under standing order 46.

**MADAM SPEAKER**: Proceed, Mr Westende.

**MR WESTENDE**: It was inferred from the other side of the house that Mr Louttit was dismissed by an organisation with which I have some connection. For the purpose of the good name of this gentleman I might point out that he had been speaking to us for two months about resigning because he felt that his duty to get IOF straight again had finished and he was looking for other alternatives. If they would like to check that with the said gentleman, Madam Speaker, I think they will find that confirmed.

## PAPERS

**MR BERRY** (Deputy Chief Minister): Madam Speaker, for the information of members, I present the Department of the Environment, Land and Planning annual report for 1992-93, and feast your eyes on page 68; the ACT Electricity and Water annual report for 1992-93, and financial statements for the ACT Electricity and Water Authority pursuant to section 79A of the Electricity and Water Act 1988, and the Canberra Milk Authority annual report for 1992-93, together with financial statements pursuant to section 93 of the Audit Act.

## ACTS AMENDING REGULATIONS - OPINION
### Paper

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): For the information of members, I present a paper from the Chief Parliamentary Counsel, being a legal opinion entitled "Acts Amending Regulations - Opinion". I ask for leave to have the paper incorporated in *Hansard*.

Leave granted.

*Paper incorporated at Appendix 1.*

## VICTIMS OF CRIME - COMMUNITY LAW REFORM COMMITTEE REPORT
## Paper and Ministerial Statement

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, for the information of members, I present report No. 6 of the Community Law Reform Committee of the Australian Capital Territory, entitled "Victims of Crime". I ask for leave to make a ministerial statement.

Leave granted.

**MR CONNOLLY**: This report is the most detailed final report yet issued by the ACT Community Law Reform Committee. Mr John Kelly, QC, former judge of our Supreme Court and the chairperson of that committee, was its principal author. The wide range of written and oral submissions received has enabled the committee to work from a broad community base. Because of this extensive consultation, the report truly represents a community effort. The result has been a most impressive and comprehensive package of recommendations to the Government aimed at the best possible delivery of justice to victims of crime in the ACT.

It is only relatively recently that the interests and needs of victims of crime have been recognised. Historically, the interests of the offender have generally been considered a critical, if not central, concern of the criminal justice system. Vast amounts of evidentiary and procedural law aimed at ensuring fair trials for offenders have been developed in legal history. It is, of course, quite proper that our system seeks to protect the rights of individuals accused of crime. However, the lack of similar consideration of the rights of victims has been conspicuous in legal history.

Traditionally, the common law has given the victim little status. It was not until the 1960s that victims were considered as a general class by criminologists. Twenty years later a number of Australian State governments and, to some extent, the Federal Government have addressed the range of issues relating to the rights of victims. In the past decade attempts have been made to assist victims of crime in the ACT. Examples of this include the enactment of the criminal injuries compensation legislation and the provision for reparation under the Crimes Act. However, until the issue of victims of crime was referred to the committee, moves to improve the lot of victims tended to be piecemeal. This reference gives the ACT community, as well as the Government, its first opportunity to consider this issue in a holistic way.

The committee found that victims of crime often feel a sense of inequity, that what has happened to them in their contact with the criminal justice system is unfair. Many crimes are not reported. One of the most chronically unreported crimes is sexual assault, which only an estimated 25 per cent of victims report. There are many reasons for not reporting crime, including fear, family loyalty and misplaced self-blame. However, it must be faced that a lack of faith in the criminal justice system is also a motivating factor for not reporting this crime. Clearly, for the criminal justice system to work, reporting of crime by victims is essential. The testimony of victims will also be essential for the successful prosecution of offenders in many cases.

Madam Speaker, this report makes many recommendations aimed at the improvement of the delivery of justice to victims. The committee has recommended that the declaration of victims' rights, previously adopted by the ACT, should be enshrined in legislation. This declaration would place ACT agencies under certain obligations in the way they treat victims of crime, including keeping victims of crime informed of the legal processes, and working sensitively with victims. The report also recommends a legislative framework for the preparation and use of victim impact statements. These statements inform the court of the full physical, psychological, financial and social effects suffered by a victim as a result of a crime. The committee considers that victim impact statements will provide a direct input by victims into the sentencing process, and will increase victims' feelings of involvement in the criminal justice system.

The committee has also recommended the appointment of a victims of crime coordinator to ensure the effective and efficient delivery of services to victims and to act as a central contact point for the victims of crime. The report also makes recommendations regarding the trialling of victim-offender mediation in less serious cases involving juveniles, as well as suggesting changes to the criminal injuries compensation process.

Clearly, this extensive report will require careful consideration by the Government, the Assembly and the Canberra community. For this reason, I propose that it should lie on the table for at least two months to allow an adequate consultation period. An appendix to the report, containing draft legislation reflecting the recommendations of the committee, will be tabled as soon as it is settled. This will, in effect, be draft exposure legislation to allow focused consideration of the report during the consultation period. Madam Speaker, I present a copy of this statement, and I move:

That the Assembly takes note of the papers.

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

## SOCIAL POLICY - STANDING COMMITTEE
## Report on Aged Accommodation and Support Services - Government Response

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the Government's response to report No. 2 of the Standing Committee on Social Policy, "Aged Accommodation and Support Services in the ACT".

Leave granted.

**MS FOLLETT**: I thank members. Madam Speaker, on 27 May 1992 the Social Policy Committee decided to undertake an inquiry into aged accommodation and support services in the ACT on the basis that it was both timely and necessary in light of the increase in the number of aged persons in the ACT population and the proportion of the population which belonged to this group.

The inquiry focused on the concern that some older Canberrans, who were not eligible for public housing and not able to afford the more expensive private accommodation being developed, had no option but to stay in housing that was either not appropriate or not adequate to meet their needs. The committee was particularly keen to address this perceived gap in the provision of aged accommodation. To this end the committee examined a wide range of options, including remaining in the family home. The option of remaining in the family home continues to be the most favoured accommodation for aged persons in the ACT, with about one-half of all people aged over 60 years continuing to live in their own home.

The committee examined a range of options in pursuit of innovative and creative approaches to accommodating our aged citizens. These included dual occupancy, Housing Trust accommodation, self-care and independent living units, hostels, nursing homes, hospital accommodation and the Abbeyfield concept. The Abbeyfield concept is of particular interest. In Canberra it involves a house built by the ACT Housing Trust and located at Wakefield Gardens, Ainslie. The house provides accommodation for 10 people with a live-in housekeeper. Residents pay a weekly contribution to cover board and lodging. The attraction of this concept relates in part to the companionship and supportive home-like environment which is available to those not able to remain in a home of their own. The committee also examined the support services delivered under the home and community care program, services provided by ACT Health, and services provided by the ACT Council on the Ageing.

As a result of its inquiry the Standing Committee on Social Policy made 26 recommendations and tabled its report in the Assembly in December 1992. The Government is pleased to be able to agree to the great majority of the committee's recommendations and has already put in place a number of measures for dealing with the issues raised by the recommendations of the inquiry. For example, consistent with the thrust of the committee's recommendations, my Government already ensures that all Cabinet submissions take into account the principles of social justice and that, in particular, they take into consideration the impact of policies, programs, services and proposed legislation on groups such as the aged who may experience disadvantage.

Over recent years there has been increasing emphasis on active ageing. The Government has continued to encourage the development of a positive attitude to ageing, not only amongst the aged but amongst the community in general. Such an approach emphasises the opportunities which exist to harness the skills and the energies of an ageing population. Consistent with the recommendations of the committee's report, my Government places a high priority on preventative health measures and active ageing through its Community Nursing Service, which provides a range of services and group activities for older people focusing on the promotion of health and well-being. Furthermore, the Government is currently developing a healthy ageing policy through a community consultative process. This policy will include strategies which focus on preventative health measures for our senior citizens.

Appropriate accommodation for the aged is a high priority. We acknowledge that the joint venture approach to providing aged accommodation identified by the Social Policy Committee is an innovative solution which assists in providing accommodation for those who are not eligible for public housing and yet cannot afford to purchase accommodation which is

suitable for their needs. The Government, through the ACT Housing Trust, has already been involved in several joint venture projects with community groups and private enterprise. The Abbeyfield House and Goodwin Gardens joint ventures have been successful in expanding the range of accommodation options for older people, and the Government supports the concept of similar developments occurring in the future. The Government recognises the heterogeneity of the ACT community and its diverse needs through the principles and policies of the Territory Plan. This plan allows for a wide variety of housing types, including dual occupancy. The flexible approach taken by the Territory Plan provides encouragement to older people to remain resident in their localities even when their housing requirements change.

In keeping with this approach and in response to the committee's report, the Government will, as part of a study into expanding housing options available to aged persons, consider the viability of introducing a scheme which would enable people to rent or purchase a mobile home from the Government. Furthermore, the Government will examine the innovative homeswap and homeshare schemes with a view to assisting a broader range of older people in the ACT. The Government will continue to assist charitable not-for-profit organisations with exemptions from land tax to facilitate the provision of aged accommodation.

Madam Speaker, it is important to recognise that my Government shares responsibility for aged care with the Commonwealth Government. The Government is currently pursuing with the Commonwealth a number of matters which focus on improved services for older people in the ACT, including the case for an increased allocation of nursing home and hostel beds to take into account the estimated 25 per cent of nursing home residents in the ACT who used to live outside the ACT. I am also pleased to advise that additional funding has been provided through the home and community care program to extend the hours of Respite Care Inc. and Dickson and Burrangiri day care centres to include some evening and weekend options. In addition, the Government is negotiating with the Commonwealth for a review of funding arrangements for home and community care funding and for dementia specific units. The long-term future of Lower Jindalee will also be examined. The Government is currently considering the most appropriate site for a new facility. At the same time the Government will examine options for caring for young people with disabilities who are presently catered for in aged persons nursing homes.

The improvement of access by the aged to all relevant information is strongly supported by my Government. However, we do not believe that the one-stop shop approach proposed by the committee is the right way of addressing any problems that exist in this area. We would be concerned that a one-stop shop as proposed by the committee could limit access by a large number of aged persons. The ACT government shopfronts provide a wide range of government information and they are conveniently located in the major town centres. My Government will examine ways of further improving the range and delivery of information specifically relating to the aged at shopfronts. Another recent initiative of my Government to improve communication with ACT Housing Trust tenants and in particular to provide information about maintenance support for older tenants has been the establishment of a maintenance hot line. The tenant newsletter has also been improved and aims to provide useful information for older people.

The Government wishes to congratulate the Social Policy Committee on its thorough investigation of a particularly complex set of issues. The steps already being taken and those being planned by my Government acknowledge our commitment to these important issues and will ensure that we are well placed to respond to the needs of our ageing citizens and to benefit from their capacity to contribute as the population of the ACT moves to experience the same degree of ageing as that experienced by the nation as a whole. Mr Temporary Deputy Speaker, I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

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

## KICK BOXING

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport): Mr Temporary Deputy Speaker, I will take this opportunity to answer a question that was raised yesterday by Mr Stevenson. I omitted to do it when he was in the house, but I will do it now to get it on the record. He asked a question on costs in relation to a kick boxing contest in July. The answer to his question is that the Government agreed to pay the organisers' court costs, and a claim for $5,700 has been received; but there is some concern that this amount may not be appropriate and we have not yet formulated a response. The organisers agreed that they would make no other claims for the purported losses or damages incurred.

## NATIONAL AUTISM WEEK
### Ministerial Statement

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport): I seek leave to make a statement in relation to National Autism Week.

Leave granted.

**MR BERRY**: Mr Temporary Deputy Speaker, 13-19 September is National Autism Week. I believe that there is a lot that the community can do to support people who suffer from autism, a disability which is not well understood by the community. Autism is a severe developmental disorder which usually becomes evident before three years of age and may be diagnosed at any time from two-and-a-half on. Often autism is detected only when professional help is sought because of delays in a child's language development or because of their behavioural problems. It has been identified in all parts of the world, although it is a rare disorder with an incidence of approximately 15 in every 10,000 births. There is a higher incidence for boys, with a ratio of three or four boys to each girl. Although little is known about the cause of autism, it is now generally believed to be biological and probably occurs before birth. There is no known cure. Autism is a lifelong condition.

Autism is characterised by abnormal functioning in social interaction, communication and play. The child or adult may have severe difficulty in understanding other people in social situations. This may result in isolation and mutual misunderstanding. There are no obvious or easily recognisable physical signs of autism. The behavioural characteristics which set children with autism apart from others are often very difficult to manage. Autistic children can suffer from phobias or obsessive interest in a narrow field, or display strong reactions to new things which can make adaption to change very difficult. Autistic children learn to communicate and relate with others best in secure and predictable settings. They will, however, have lifelong needs in terms of accommodation, employment and social support. Behaviours associated with autism can vary from mild to severe. Those children with autism can also vary from being profoundly intellectually handicapped to having a superior range of intelligence. While about 50 per cent of children with autism do not learn to speak, approximately 25 per cent of autistic children develop skills enabling them to live independent and productive lives.

Despite some young people and adults with autism being able to participate in continuing education and to enter the work force, they continue to require high levels of support in areas of behaviour, social situations and work environments. The poor social judgment of people with autism often leads to misunderstanding and, occasionally, victimisation. This, in turn, stands in the way of the individual reaching his or her full potential. Even when adults or young people are capable of reaching a level of independence, it is often achieved only with the assistance and vigilance of the family and carers in coaching the person in socially appropriate and conforming behaviours. Having a child or older member of the family who suffers from autism places a high level of stress on the family. Significant adjustments need to be made to accommodate the demands of the autistic person. Ongoing support and counselling is usually required for planning all daily routines and family lifestyle.

For the children a highly structured teaching approach, both within the home and in community situations, designed to meet the needs of the individual child, seems to result in the best outcomes. Therefore, appropriate management and education are crucial for the best outcomes. Early recognition of the individual's difficulties and an accurate diagnosis are important in ensuring that appropriate support and early intervention are provided.

The Autism Association of the ACT is an important support group for families. The association employs a psychologist part time to assist families who have an autistic child. ACT Health provides diagnostic and counselling services through the child and adolescent mental health service. The child health and development service also provides parent counselling and support as well as therapeutic programs conducted by speech pathologists, physiotherapists and occupational therapists. These early intervention programs, which are available for children from the time when difficulties are first recognised, aim to maximise learning, communication skills, and social and emotional development. This is done in partnership with families, carers and other community services. Mr Temporary Deputy Speaker, therapy programs are often carried out in conjunction with those of the Department of Education, which provides early education programs as well as a specialist autistic unit. This unit provides a unique program specially geared to the needs of the autistic child. It is an early intervention program for children from three to six years, and children from the unit are integrated in mainstream and special education settings.

A greater understanding is needed of autism, of the unique problems faced by families in coping with the incapacitating behaviours of an autistic child or adult on a day-to-day basis, and of the needs of those who suffer from autism and their carers for specialist resources and services. As this is National Autism Week, I would ask the members of this Assembly and the ACT community to take the opportunity to develop a broader appreciation and understanding of the special problems confronting members of the community who suffer from autism. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

**MRS CARNELL** (Leader of the Opposition) (3.28): I would like to join the Minister for Health in speaking on National Autism Week. I would like to use this opportunity to congratulate the Autism Association of the ACT, which is a group of parents who are concerned with the long-term prospects of education for their autistic children, on the work it does. Membership is made up of families of autistic children and young adults and other members of the community who are interested in aiding autistic children in the ACT. It is a voluntary organisation and it does a marvellous job. It operates on government grants, it is involved in fundraising activities, and it relies on donations and membership subscriptions. Anybody who has had anything to do with autistic children and autistic adults would realise the great strain that autism puts on a normal family unit, and the great need for support for parents of these children.

Mr Berry spoke about the very good work done by the ACT Department of Education in their centre at Hughes Primary School that looks after autistic children between the ages of three and six. Unfortunately, when autistic children graduate from this program there is no identified program or support for them from then on. They are integrated into mainstream schools or into special schools, but the level of individual support that is needed by these children at this stage seems to be sadly lacking. I know that the Government is also aware of this problem.

Currently in the ACT there are 62 children who have been diagnosed as having autism. Of those, 12 children are in the preschool age group or under, 27 are at school and 23 are at high school. Many of these children are also severely disabled. We also have approximately 15 adults in the ACT who have autism. That brings me to an important issue, and that is one of respite care for children and for adults who have autism. I have already alluded to the pressure that is placed upon families in this situation, but that pressure becomes substantially worse when they are faced with a situation where there is very limited capacity for respite care.

There is also no housing policy in the ACT for autistic people. For that matter, there is really no housing policy generally for those who have intellectual disabilities. That means that children, particularly those under the age of 16 who cannot live at home, are placed in an invidious position. Families who cannot cope with their autistic child at home are faced with, I suppose, the option of foster care, although we know about the problems that currently exist in that area. Birralee respite care is available to some, although the availability has become much less of late. Alternatively, they have to move interstate.

That obviously causes very great pressure on families. For children or young adults that are over the age of 16, the problem becomes substantially worse. Autistic people are not terribly socially well adjusted. Therefore, the idea of putting like with like, which is often done in other areas of disability, does not work with autistic people. Therefore, we have to spend, as a community, a lot of time thinking about what is the best approach for these people.

The problems of employment should not be underestimated and we really must spend time during National Autism Week considering the difficulties that these people are placed under. It is not a terribly common problem, but it is one that, from an ACT perspective, we have to take into account. This is a good opportunity for us all to think of the problems of the parents of the families in these situations and also to express our gratitude to the Autism Association of the ACT.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.33), in reply: I will close the debate. I heard Mrs Carnell say that there were no housing policies for people with autism in the ACT. I met one on the weekend who was living in a group house.

**Mrs Carnell**: I am not saying that they are not living anywhere. There is just no policy.

**MR BERRY**: Say what really is going on. People with autism are being looked after in government housing, in group houses, and the Government ought to be applauded for it. That just puts a bit of a negative slant on it, which is not - - -

**Mrs Carnell**: I am reading straight from the association's briefing paper.

**MR BERRY**: There are opportunities for group housing. As I say, I met one on the weekend. Anyway, I am pleased that Mrs Carnell has joined the debate on this issue. It is an important week for people in the community who have autism, and I urge members to support this very important motion.

Question resolved in the affirmative.

## PUBLIC ACCOUNTS - STANDING COMMITTEE
## Report on Review of Auditor-General's Report No. 5 of 1992

**MR KAINE** (3.34): Madam Speaker, I present report No. 5 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 5 of 1992", together with a copy of the extracts of the minutes of proceedings. I move:

> That the report be noted.

Members will recall, I am sure, that late last year the Auditor-General produced a report dealing with the form of presentation of government accounts. That report, as is required, was examined by the Public Accounts Committee, and our report today deals with that. I should make the point quite strongly that this report deals with the Government's accounts and reporting up until 1992.

It is totally unrelated and has nothing to do with the budget and reports tabled yesterday by the Government. The committee, no doubt, will look at those at some future time. Our report deals with the Government's accounting and its reporting up until June last year, which was what the Auditor-General's report No. 5 of 1992 was about.

The committee was greatly interested in what the Auditor-General had to say. Anybody who has been a member of this Assembly for any length of time will know how difficult it is sometimes to take a budget and the subsequent reports of progress that relate to that budget and make any sense out of them. The reports have different formats and do not necessarily relate to the original budget so that it is possible to see what on earth is going on. There has been some criticism, in the course of various estimates committees over the last two to three years, that the information is presented in different formats; it is hard to reconcile it; and it is very difficult to see how the Government is managing the money that has been appropriated for its purposes. So we were greatly interested in what the Auditor-General had to say about the form and format of the Government's accounting and its reports.

The Auditor-General made a number of recommendations which we believe are of value and which we would like the Government to look at and take on board. We did look at one or two particular things to inform ourselves, particularly in light of what is happening elsewhere in the world in terms of government accounting and the form, format and content of the way government accounts are maintained and reported. We looked at a number of different aspects of what the Auditor-General had to say.

I would have to say, Madam Speaker, that the committee, by and large, was disappointed at the Treasury response to what the Auditor-General had to say. We found that the submission from the Treasury, which we sought through the Treasurer, was lacking in any detail. One had to wonder whether Treasury officials had really examined what the Auditor-General had to say and whether they took it seriously; whether they considered that there was anything for them to learn from what the Auditor-General had to say in his comments on their performance. We found that there was a seeming disregard on the part of the Treasury for giving any priority to these matters. There was no timeframe that they could place on when they intended to look at their accounting systems and their practices, their budget preparation and the like. I would urge the Government to have a close look at what the Auditor-General has said and perhaps generate a little bit of enthusiasm on the part of the Treasury for pursuing some of these matters in more detail.

On the question of budget paper presentation - a subject that has been discussed in this Assembly and in its committees, particularly the Estimates Committee, over the years - we thought that the Auditor-General was making some pertinent comments about the way the budget was presented. If his views were at least considered by the Government - not necessarily implemented, but given due regard - then the format of the budget in future years might be a little bit better, a little bit more comprehensible. It might be more easily readable. We were concerned on that particular aspect that the Treasury did not seem to be able to give us any indication of where the Government was going on this matter.

In fact as recently as mid-August the Treasury told us that the Government had not yet made a decision regarding the form of presentation of this year's budget. We found that rather curious. The budget was presented yesterday. Only a month ago, according to the Treasury, the Government had made no determination about what form the budget papers were going to take. I find that unbelievable. We felt that either the Treasury was not consulting with the Government on what their intentions and wishes were, or they felt constrained about telling the committee what was going on. The Public Accounts Committee has a specific statutory role to carry out and we felt that we were not receiving sufficient information, in terms of our inquiry, as to just what the process was.

In that connection one of the matters that concerned us in the Treasury response to our requests for an input was their statement:

> ... an attempt will be made to conform with the second stage of uniform reporting agreed at the 1991 Premiers Conference.

What does that mean? Does it mean that they are going to conform? Does it mean that there is an agreement, of which the ACT Government is a part, that we will adopt uniform reporting, or that we have some reservations about uniform reporting? Just what does that comment mean? Does it represent the attitude of the Government, that we do not care very much about the subject, or is it representative of the view of the Treasury? We could not determine that. Since the committee accepts the general thrust of the Auditor-General's report and his recommendations in this matter, we would like to feel that the Government at least has some enthusiasm for taking on this task.

We found it difficult to determine whether another extract from the response constituted a definite statement of intent or whether it was merely a pious hope of something that might happen in the future. I quote from the submission:

> Subject to these commitments at a national level, attempts will also be made to include in the 1993-94 Budget Papers an overall statement of the ACT Public Account as proposed by the Auditor-General.

This was only in August. We were not sure whether that meant that they would do so, that they might do so, or that they would not do so. They said, "Attempts will also be made ...". When you are within one month of presentation of the budget it is a bit hard to accept that as a response from a Treasury as to what their intentions are. They did, however, in some respects, indicate that they were prepared to pick up some of the Auditor-General's responses. For example, they did indicate that it was proposed to treat all uses of reserves and provisions, of which the Chief Minister has made much this morning, I understand, as below the line transactions in the Consolidated Fund statement, as was suggested by the Auditor-General in order to achieve some clarity as to where the money was coming from.

The Auditor-General had commented at length on the question of the aggregate financial statements. The committee endorses the comments of the Auditor-General to the effect specifically that the provision of these statements to the Assembly long periods after the end of the year on which they are reporting reduces to a negligible level the value of the information disclosed.

In other words, if these reports are not timely there is no point in producing them at all. We were expecting some sort of commitment from the Treasury and from the Government that these reports would be produced in a timely fashion.

A matter of great public debate these days, certainly within Australia and I am sure elsewhere, is the question of accrual accounting. The Auditor-General concluded that opportunities exist for the ACT to move more swiftly to accrual reporting in comparison to the Commonwealth and most other State and Territory governments. That is a statement with which I would totally agree. When it came to finding out from the Treasury what their intentions were in connection with accrual accounting - this is not a new debate; it has been going on for years - there seemed to be a certain amount of ambivalence about when all this was going to happen.

For example, we were disturbed to note that the submission from the Treasury puts the expected compliance date with the proposed accounting standard for public sector departmental reporting as being four to five years away. Why? Why is it taking so long to pick up an accounting standard that has been agreed across Australia in terms of universal and uniform accounting standards? We are still talking about four or five years from now before we might do it - not we will, but we might. Our report states:

> The Committee sees the transition to accrual accounting for all public sector activities as a particularly important issue and views with concern comments of Treasury officials during the hearings that further development of the Exposure Draft et cetera was awaited before the ACT would progress further.

We are unclear as to what that means. In other words, we have no idea of the timetable that the Government or the Treasury is working to. The committee expressed quite strongly our opinion that the ACT Treasury should be taking a more active role rather than a passive role in the development of improved financial management and reporting tools for the ACT public sector. Why do we need to wait to see what has happened elsewhere? We have a fairly small, tightly knit government sector, and it should be possible here to move much more quickly than perhaps is the case elsewhere.

There are some genuine concerns on the part of the committee that perhaps the Treasury is not as enthusiastic about some of these improvements - I use the word advisedly - in the way that government maintains and produces its accounts and presents its reports, particularly the latter, with all of its financial reports being in such a format that they can be readily related one to the other so that you can see what is going on, so that you can see how the Government is dealing with the money that is appropriated for its purposes. The committee sees that as an important development, one where, in some respects, we are lagging behind the rest of the country instead of being in front of them.

I commend the report to the Assembly and I would ask the Government to consider seriously the matters raised by the Auditor-General and our comment in connection with those matters. The committee will be reviewing these matters again in the future and we would like to see an indication of rather more commitment and dedication to achieving some beneficial change than we have had presented to us in the past.

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

## STAMP DUTIES AND TAXES (AMENDMENT) BILL (NO. 2) 1993

**MS FOLLETT** (Chief Minister and Treasurer) (3.47): Madam Speaker, I present the Stamp Duties and Taxes (Amendment) Bill (No. 2) of 1993.

Title read by Clerk.

**MS FOLLETT**: I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill proposes a number of amendments to the Stamp Duties and Taxes Act 1987 which were foreshadowed in my Government's 1993-94 budget. These proposals restrict the refund provisions in respect of duty paid on the conveyance of real property, introduce a $20 minimum duty on certain documents required to be lodged with the Commissioner for ACT Revenue, and enable the imposition of conveyance rates of duty on leases and subleases which exceed 15 years.

Madam Speaker, property speculation in the ACT is being facilitated by the refund provisions of the Act. Cases have come to the attention of the ACT Revenue Office where builders have agreed to purchase land from a developer and, when the builder subsequently finds a third party buyer for that property, the original agreement is rescinded. Until the third party buyer is found the original contract is binding and the builder has contractual obligations towards the developer. However, by rescinding the agreement once a buyer is found the builder is entitled to a refund of any stamp duty paid. The opportunity to avoid payment of stamp duty through the use of the refund provisions in this way was never intended.

The Bill therefore proposes a tightening of the refund provisions to require that the application for a refund of stamp duty must be made within 30 days from the date of assessment of duty. It is proposed that an extension of the 30-day limit will be given in the case of the purchase of property which is intended to be the principal place of residence of the buyer. This proposal will make it more difficult for the refund provisions of the Act to be used for speculating in the ACT property market. The restriction on refunds will not impact on ordinary home buyers who may encounter delays in acquiring finance after entering into an agreement to buy their home. To ensure that the ACT revenue base is fully protected, it is proposed that this measure be effective for transactions entered into from today.

Madam Speaker, currently documents which are exempt attract no fee or charge whatsoever. In other cases only a nominal duty is payable. In the 1992-93 financial year there were over 11,000 exempt documents processed relating to marketable securities alone. The result of this is that a considerable amount of resources is devoted to the processing of documents without any revenue receipt or cost recovery. To recoup part of the costs of processing documents which must be lodged under the Act, this Bill therefore proposes to impose a $20 minimum duty on exempt documents and documents where the primary stamp duty is less than $20.

Madam Speaker, a number of cases have been identified where long-term leases have been granted by the owner of a crown lease, which effectively transfers an interest in a portion or the whole of the crown lease. The terms of these subleases range up to 99 years and in effect possess most of the attributes of a conveyance of the property. This practice is considered to have developed to minimise stamp duty liability. To combat these practices it is proposed that stamp duty, at conveyance rates, be imposed on leases and subleases where the term and options for renewal, if any, exceed 15 years. Options to renew leases beyond an initial period need to be included as assessable to prevent this proposal being easily circumvented. To allow lease renewal options to be included as an assessable part of these long-term leases, the definition of "lease" within the Act will need amending. This Bill proposes an appropriate amendment to the definition of "lease" to allow this measure to be implemented. Madam Speaker, I commend the Bill to the Assembly, and I present the explanatory memorandum to the Bill.

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

## BUSINESS FRANCHISE (TOBACCO AND PETROLEUM PRODUCTS) (AMENDMENT) BILL 1993

**MS FOLLETT** (Chief Minister and Treasurer) (3.51): I present the Business Franchise (Tobacco and Petroleum Products) (Amendment) Bill 1993.

Title read by Clerk.

**MS FOLLETT**: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The Business Franchise (Tobacco and Petroleum Products) Act 1984 imposes business franchise licence fees on the supply of tobacco and petroleum products in the Australian Capital Territory in order to regulate the activities of these industries and as a source of general revenue. The Territory has operated a diesel fuel exemption scheme for off-road users of diesel fuel since 1987 in line with exemptions provided in the States. These schemes are intended to provide relief to primary producers in the forestry, pastoral, agriculture and fishing industries. Some 4,500 people currently hold exemption certificates in the ACT. Diesel sold to certificate holders is exempt from the franchise fee, currently 7.08c per litre. In the ACT, however, only about one per cent of exempt fuel is used for farming operations, with the remainder being used for various other business activities, including off-road plant and heating.

The current scheme is burdensome to the diesel suppliers and it is difficult to police. The Commissioner for ACT Revenue advises that there is widespread abuse of the scheme, with exempt fuel being diverted to on-road use in vehicles serving the construction and transport industries, as well as personal use in four-wheel drive and other diesel-powered vehicles. Madam Speaker, the current scheme is inequitable. It is inequitable because it is a concession to users of diesel while commensurate benefits are not available to users of other types of fuel for similar purposes, and because the exemption scheme in its present form is not means tested; nor is it targeted at any disadvantaged group.

The Business Franchise (Tobacco and Petroleum Products) (Amendment) Bill proposes to modify the present diesel fuel exemption scheme by making diesel fuel used for home heating and other off-road purposes subject to franchise fees, and to redirect the concessions, specifically for home heating, to pensioners and beneficiaries in order to properly target disadvantaged groups such as the unemployed and low income families. I commend the Bill to the Assembly, Madam Speaker, and I present an explanatory memorandum to the Bill.

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

## AGRICULTURAL AND VETERINARY CHEMICALS - NATIONAL REGISTRATION SCHEME

**MS FOLLETT** (Chief Minister and Treasurer) (3.54): Madam Speaker, I move:

That the Legislative Assembly -

(1) Notes that -

(a) At the October 1990 Special Premiers' Conference, Heads of Government identified the need for there to be a national registration scheme for agricultural and veterinary chemicals to replace the existing eight State and Territory registration authorities. Such a scheme would encapsulate all evaluation and registration matters up to the point of retail sale, with the States and Territories retaining responsibility for post-retail control-of-use matters. The States and Territories would also undertake surveillance and compliance activities on behalf of the Commonwealth on an agency basis;

(b) The *Agricultural and Veterinary Chemicals (Administration) Act 1992* established a National Registration Authority to oversee the Commonwealth's role in the proposed National Registration Scheme;

(c) To give effect to the arrangements envisaged under the Scheme, it was also agreed that the Commonwealth would pass additional legislation which would define the powers and duties of the Authority in relation to the States and Territories. Adoption of such legislation by all jurisdictions would then formally establish the National Scheme;

(d) The Commonwealth Government has sought the consent of the ACT Legislative Assembly to allow it to use its section 122 powers under the Constitution to pass the *Agricultural and Veterinary Chemicals (Administration) Act 1993* which would make law for the ACT in respect of agricultural and veterinary chemicals registration and evaluation matters. The adoption of this legislation by other jurisdictions would then enact the uniform national scheme; and

(e) Under such an arrangement, the ACT's interests would be protected by way of an intergovernmental agreement, which would ensure that, apart from forgoing its ability to legislate in this field, the ACT would be in the same position as the States and the Northern Territory under the arrangements.

(2) Consents to the Commonwealth using its section 122 powers under the Constitution to legislate in and on behalf of the ACT in respect of the proposed National Registration Scheme for Agricultural and Veterinary Chemicals.

At the October 1990 Special Premiers Conference heads of government identified the need for there to be a national registration scheme for agricultural and veterinary chemicals to replace the existing eight State and Territory registration authorities. Following that decision the Australian Agricultural Council agreed in August 1991 to the establishment of a national scheme which would see the Commonwealth taking responsibility for evaluation and registration matters up to the point of retail sale. The States and Territories would retain responsibility for overseeing control of substances after their sale, as well as undertaking surveillance and compliance activities on behalf of the Commonwealth.

To give effect to the establishment of the national registration scheme, the Commonwealth Parliament has now passed legislation establishing the National Registration Authority, which will oversee the Commonwealth's role in the scheme. Establishment of the authority will bring together the majority of those functions and employees previously undertaking registration and evaluation functions in the various Commonwealth departments. Madam Speaker, the Prime Minister has recently written to me giving his assurances that it is the Commonwealth's intention that the authority and its functions will remain in the ACT.

The next step in implementing the national scheme will require the Commonwealth to put forward legislation which will define the powers and duties of the national authority in relation to the States and Territories. Adoption of this legislation by all other jurisdictions would then formally establish the national scheme. In order to put this model legislation forward, the Commonwealth is required to legislate in respect of another jurisdiction for which it has the power to do so. Members might recall that this complementary adoptive approach was used in relation to the national road transport reforms undertaken during the Special Premiers Conference process. With this in mind, the Prime Minister has written to me seeking my cooperation in gaining the consent of the Legislative Assembly for the Commonwealth to use its section 122 powers under the Constitution to legislate in the ACT as a means of putting forward the required model legislation.

Madam Speaker, I believe that the ACT, along with all other jurisdictions, will enjoy significant advantages from the establishment of a national and more uniform approach to the issue of registration and evaluation of agricultural and veterinary chemicals. The ACT will also benefit from the establishment of a single registering authority which, I have the Prime Minister's assurance, will remain located in the ACT, thus protecting the jobs of some 150 Canberrans.

Madam Speaker, I have written to the Leader of the Opposition and to the Independents in this Assembly advising them of this motion and offering them the opportunity for briefing on the matter. I am aware that some members have taken up that opportunity, and I commend to the Assembly the course of action that is embodied in my motion. As I said, Madam Speaker, this is not the first time that this Assembly has been asked to provide model legislation for the Commonwealth. On every occasion that that occurs I will seek the consent of this Assembly to that course of action.

It is my general view that the Assembly is in charge of its own destiny, and to allow another parliament to legislate on our behalf is a significant step. However, Madam Speaker, in this particular case, and in previous cases, that step has been as a result of coordinated national decision making. In this case it was the October 1990 Special Premiers Conference which identified the need for this national registration scheme for agricultural and veterinary chemicals. Madam Speaker, I commend the motion to the Assembly and, as I have said, members have had the opportunity for briefing. I thank those who have taken advantage of that opportunity for the time that they have put into this matter.

**MS SZUTY** (3.59): Madam Speaker, this is an unusual step for the ACT Government and the Assembly to be involved with. However, the Chief Minister did inform MLAs that she would be moving this motion today. She also informed members about the terms and the reasons for moving it. I am pleased to say that I took the opportunity to receive a detailed briefing from the Chief Minister's officers about this matter. At that briefing, which my colleague Mr Moore also attended, those officers informed us that the Commonwealth could have gone ahead regardless of whether or not the Assembly of the ACT agreed with what was happening. The Commonwealth thought it fitting to write to the Chief Minister to inform her of what they proposed to do and to seek the Assembly's consent. I think it appropriate that they took that action and I also think it appropriate that this Assembly consent to this motion.

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

## PRISONERS (INTERSTATE TRANSFER) BILL 1993

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

> That this Bill be agreed to in principle.

**MR HUMPHRIES** (4.01): Madam Speaker, the Liberal Party will be supporting this Bill. I would like to thank the Minister for providing me with a briefing on elements of this Bill prior to this week's sitting. Like some other legislation which has recently been dealt with by the house, this Bill does not change the law in any significant respect. It merely reconstitutes the law as an ACT enactment rather than a Federal one. Prisoners are routinely transferred to and from the ACT, Madam Speaker, for reasons of welfare, to face charges standing in other jurisdictions and reasons of that kind. That transfer presently occurs under Commonwealth law, the Transfer of Prisoners Act of the Commonwealth. With the patriation of our court system and our criminal justice system, it is appropriate for this process to be governed by an ACT law, as it is in all the other jurisdictions in this country. No change in policy or practice of any significance is being proposed here; nor, I think, do we need at this stage to consider such.

First, Madam Speaker, let me make clear what this Bill does not do. It does not deal with an area of some significance within the question of treatment of prisoners sentenced in ACT courts, and that is the problem of the transfer of prisoners within New South Wales. Clearly, the vast majority of offenders who are dealt with in ACT courts and who are sentenced to a term of imprisonment are sent to the New South Wales gaol system and become prisoners in that system. Obviously, the place within New South Wales where ACT prisoners get housed is a matter for the New South Wales Government.

I might mention that this is a welfare issue of considerable urgency for prisoners sentenced by ACT courts. It is probably a matter of more significance than prisoners being transferred to and from other jurisdictions other than New South Wales or the ACT. I think the legislation in that sense highlights or underscores our lack of control over our own corrections policy in this Territory. It is a matter on which I think we all should feel some regret. Many provisions, for example in this Bill, are in fact anticipatory. To operate fully they depend on the creation of a proper ACT correctional institution, not just the Belconnen Remand Centre or a police cell, and that option will not be available for some time in the future.

We are dealing with the problem at the fringes, in many respects. This legislation, for example, will affect about 10 people each year in the Territory, and that is about one-tenth of the number of people who are currently going interstate annually, mainly to the New South Wales, to be housed in the New South Wales gaol system. Those other people will be untouched by this legislation. The general provisions of the Bill provide for the transfer of prisoners to or from the Territory - and in the sense of transferring from the Territory that includes, by definition, New South Wales - to stand trial or to be housed elsewhere for their welfare. Thus, for example, a prisoner who might be housed in a Queensland gaol can be transferred to the ACT to answer charges arising out of an offence alleged to have been committed in the ACT. This is obviously in the prisoner's interest. It will ensure that if a prisoner is convicted of that second offence in the ACT he or she will be able, in many circumstances at least, to serve both terms concurrently, and that will provide for a reduction of what otherwise might be the length of time that they spend behind bars.

Also, for example, a prisoner in a Tasmanian gaol might be able to be transferred to Goulburn, for example, to be near his or her family in the ACT; but that, of course, depends to some extent on the consent of the New South Wales Minister, based on his resources and the capacity of the system to provide for choice, as it were, which is obviously very limited. Not all ACT prisoners can be housed close to the ACT. That is an unfortunate fact of life. As much as we would like to do otherwise, it cannot be done. This Bill deals also with prisoners transiting through the ACT, escaping prisoners transiting through the ACT and the royal prerogative of mercy, and I see that there is an amendment coming forward on that subject.

Turning to a couple of provisions in the Bill particularly, Madam Speaker, subclause 27(4) deals with translated sentences. It demonstrates, I think, one point: That the ACT criminal justice system is not quite what you would call fully patriated to the ACT. The power to grant what amounts, I suppose, to a release on licence is a power exercised formally, in effect, by the Commonwealth Government rather than the ACT Government. Perhaps the amendment that has

just been put before us will deal with it. I do not know; I have not had time to read it. Certainly, as far as the Bill as presented is concerned, the power to release such prisoners depends on the Commonwealth Governor-General consenting to such a course of action. Presumably in these circumstances in respect of an ACT prisoner, that is, a person who has offended against an ACT law and has been sentenced in an ACT court, the Government would apply for the release of that prisoner and would make an application to the relevant Commonwealth Minister, the Attorney-General, and he or she would in turn recommend to the Governor-General that this particular course of action be adopted or otherwise.

We have a problem here, I think, due to the fact that we do not have any viceregal representative in the ACT; we have nobody to exercise those powers. I take it that the Government intends to confer on the ACT Executive the full powers of State Governors or Administrators at some point in the future, to overcome this problem. It might even consider appointing an Administrator for the Territory, but I have my doubts.

**Mr Cornwell**: Another ALP job for the boys.

**MR HUMPHRIES**: It could be. I think there is a danger, Madam Speaker, in dispensing with the capacity of a body or a person such as an Administrator to be involved in this process. Let me illustrate that. If you create in the Executive the power to exercise this royal prerogative of mercy, then, effectively, you are politicising the process to some extent. Politicians could be expected to be lobbied about whether particular individual prisoners - - -

**Mr Connolly**: But they are now.

**MR HUMPHRIES**: They are, but they do not make the final decision.

**Mr Connolly**: The Executive Council does.

**MR HUMPHRIES**: No, they do not make the final decision. There is a final step from which they can take a step back. There is a process whereby you can say legitimately that there is another person involved who cannot be lobbied and whose role is slightly different from that of the politicians who serve a political interest. It is a person who serves a community interest, an interest beyond that of a politician. I think that other States have preserved their capacity to have that role conducted by the Administrator or the Governor, as the case might be, because they see value in that, and I think we would find value in such a process in the ACT as well.

Subclause 31(1) deals with the interesting situation of a citizen being able to apprehend a person who is escaping from lawful custody. When I read that clause I wondered whether there was a general power, a common law power, for a citizen of the ACT to apprehend a person escaping from custody. Of course, an invidious situation would arise if it were to be the case that there was not such a general power. A person who might see, for example, someone knock over a policeman and run from a paddy-wagon would have to ask themselves, if they were familiar with the law - the Attorney-General, for example - "Is this a prisoner escaping pursuant to some provision of the Prisoners (Interstate Transfer) Act or is it a prisoner escaping pursuant to some process of incarceration involving some other Act?". He would be undecided as to whether to run after the prisoner and tackle him or whether to lay off.

**Mr Cornwell**: A young person around a bus station would get off for nothing.

**MR HUMPHRIES**: I think they might. I am relieved to discover, Madam Speaker, that this provision reflects common-law provisions that allow any citizen to apprehend a person who is escaping from lawful custody. So we need not ask ourselves that threshold question before we decide to assist our trusty police man or woman when they are dealing with an escaping criminal. Madam Speaker, this legislation, as I said, is an important way of providing for a comprehensive system of dealing with prisoners and their welfare under the court system. I think that our system will be better served by legislation such as this. I commend it to the house.

**MS SZUTY** (4.12): I also would like to comment briefly on this Bill. Mr Humphries spoke at length about what the Bill does not do. It might be useful to remind members of what it does do. It is a Bill for an Act to provide for the interstate transfer of prisoners in accordance with a national legislative scheme. That point, I think, is a very important one. As members would have noted by the language that is used in the Bill, it is rather archaic and quite difficult to understand in some places in particular, perhaps a little more so than legislation that we would normally see here in the ACT. This appears to be due to the need for uniformity in legislation across jurisdictions on this particular subject.

A good example of the difficulty in understanding particular language in the Bill is subclause 31(3), which refers to the execution of a warrant "according to its tenor". I assume that "according to its tenor" means according to the terms and conditions contained in the warrant, and that is correct. The advice from Mr Connolly's officers on this matter was that the same term is used in corresponding provisions of the legislation of other States. For that reason we have a similar provision in our Bill.

There are other clauses of the Bill which I would like to comment on. When I was involved with the briefing from Mr Connolly's officers I asked what the timeframe for the changes to other States' legislation would be, following the passage of the legislation here in the ACT. I was assured that that would not be a problem because parliamentary counsel from all jurisdictions around Australia have been preparing for these changes and that various States and the Northern Territory will have their amendments ready to go in their particular Acts once the legislation has passed this Assembly.

I was particularly interested in clauses 9 and 19 in the Bill. The question I asked was, "What is the practice in other jurisdictions with respect to notifying people of the reasons for the Minister's decision either to agree or not to agree to an interstate transfer, as the case may be?". On checking, Mr Connolly's departmental officers said that the Commonwealth and New South Wales Attorney-Generals' departments advise that there is no requirement to inform prisoners of the reasons for decisions made about transfers. Questions about whether a jurisdiction should accept the transfer of a prisoner are regarded as matters for each jurisdiction to determine, as they involve the allocation of resources within each jurisdiction. They are not matters for other jurisdictions or the courts to canvass. The legislation therefore simply provides for each jurisdiction to tell the others whether they will or will not accept a transfer.

I think Mr Humphries referred to about 10 situations where prisoners could be transferred into or out of the ACT. I would hope that these matters would be handled in a fairly sensitive way and that, where possible, reasons for the decisions that the Minister may make will be available. There are provisions whereby the Minister's decision on whether to accept a transfer on welfare grounds will be subject to the provisions of the Administrative Decisions (Judicial Review) Act. Thus a prisoner will be able to seek reasons for the Minister's decision to refuse to agree to a transfer, but I would hope that this would not happen in terribly many cases.

There are two other issues that I wish to draw attention to, the first being subclause 15(4). I asked the officers who briefed me a question about whether a prisoner can represent himself or not on the occasion of a review of a decision of the Magistrates Court. Subclause 15(4) says:

> A prisoner may only be represented at a review by a legal practitioner.

I read that as being a fairly exclusive clause, but the advice to me indicates that that is not the case and that a prisoner can represent himself or herself in that situation or can arrange representation by a lawyer.

The other clause which I wish to comment on is clause 32, which refers to the penalty provisions for escape from custody. As this legislation that we are considering today is in line with legislation for other jurisdictions, it is noteworthy that the penalty in our ACT legislation is seven years and the penalty in Commonwealth legislation is five years. I asked the reason for that difference. The information that I have received indicates that the Bill was drafted on the basis of the equivalent New South Wales legislation and that, as ACT prisoners are held in New South Wales gaols, it is appropriate that they be subject to the same penalties as other prisoners in New South Wales who escape. That seems to me to be sensible; but it would have been helpful, in considering the Bill and the explanatory memorandum, if that information had been more clearly provided to members. That is all I wish to say on this Bill. It is an important Bill for the ACT, and I support it.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.19), in reply: Madam Speaker, I thank members for their contributions. Obviously, Mr Humphries and Ms Szuty took a close interest in the matter. They availed themselves of the opportunity to be briefed by officers and raised some quite significant questions. At the outset I would acknowledge that what Mr Humphries said is right; this is very much an early stage in addressing the issues in relation to reform of sentencing and prisoners in the ACT. It really does apply only to those comparatively few cases where we have welfare transfers into and out of the Territory and a prisoner needs to return here briefly.

It is an appropriate occasion for me to publicly thank the New South Wales Attorney-General, Mr Hannaford. Some weeks ago an ACT prisoner's spouse passed away suddenly and it was necessary for the prisoner to be transferred from a New South Wales gaol to come to Canberra for the funeral arrangements. We were applying Commonwealth law and it was a very complex process that required lots of paper to fly between my office, Commonwealth officials and the

New South Wales Attorney. The New South Wales Attorney was extremely helpful. A member of his staff devoted about half a day to chasing the papers around the bureaucratic maze in order to get that prisoner to Canberra in time for the funeral. It is appropriate that I should thank Mr Hannaford's office for that courtesy. It was a problem where we had Commonwealth law applying, me as the Minister here, and the New South Wales Attorney seeking to facilitate a transfer to Canberra.

Mr Humphries raised an interesting point. He noted the citizen's power to arrest the absconding prisoner. There is a general citizen's power to arrest persons committing an offence, which is to be found in section 352 of the Crimes Act. I am always loath to refer the law and order obsessed Liberals to citizens' powers of arrest for fear that they might be lurking in the streets of Civic arresting people, but Mr Humphries was right to mention that there would be an anomaly if there was a power to arrest only escaping prisoners and not other malefactors. There are, indeed, powers to arrest all malefactors. If you want to go for your lives, Liberals, there is your legal power; but I suggest that it be left to the Federal Police, who do a very good job of it.

**Mr De Domenico**: Yes, we would probably be asked to move on.

**MR CONNOLLY**: Fortunately, no-one will be asked to move on on any more occasions. The issues that Ms Szuty raised have all been addressed in those briefings that she received from departmental officers. Her first point was that it is not particularly elegant legislation.

**Mr Kaine**: Unlike yesterday.

**MR CONNOLLY**: It is not as elegant perhaps as the forestry appropriation Bill of yesterday, Mr Kaine. It is a dilemma when you are taking part in a uniform scheme, particularly one that has been around for some years, when the ACT is joining it as a consequence of self-government. If this Act were to be rewritten, I am sure that it would be in a much simpler form; but we are joining a fairly old Act.

Mr Humphries raised the issue of executive pardons and it is one, as he says, that the Government will have to address in due course. It is one that I can certainly flag as causing me some of the same concerns that it causes Mr Humphries. While we are not looking at creating the position of Administrator, and I do not think you need to create the position of Administrator to solve this problem, it does cause me some concern to have a situation where the Executive, the Cabinet - four politicians from the majority party or the party that has sufficient support to form a government - is making decisions to let people out of prison. I do not think that is a decision that I should be making. I think that is generally a decision that a court should be making.

I suspect that we may see in the ACT, rather than a replication of the traditional executive power to pardon, some regime that takes it out of the hands of politicians and puts it more in the hands of the judiciary, where I believe these matters more properly fit. I think it is something of a false hope to suggest that having a Governor takes it out of the hands of politicians because, quite clearly, a Governor acts on the recommendation of the ministry. Where a royal pardon is granted, it is granted on the recommendation of a State Cabinet, and there is no question that it is State politicians, the Ministers, who are making that decision.

Mr Humphries was right in raising whether it is appropriate for politicians to be making decisions to let people out of gaol, and I think that is a substantial question that we will be addressing in due course.

There is an amendment which I foreshadowed. I had assumed that, when Mr Humphries and Ms Szuty were receiving a briefing, this would have been raised with them because it has been around for some weeks now. I apologise if it was not raised by the officers at that briefing. It is a comparatively minor matter. Under the Bill, where a prisoner is transferred to the Territory from another State the sentence is treated as imposed by a Territory court, and therefore any pardoning provisions apply as if it were an ACT sentence. The situation of a prisoner transferred from a non-participating Territory, an external Territory or Jervis Bay - there are hardly likely to be many of those, I would think - has to be treated differently because the interstate transfer of those prisoners is not a part of this uniform scheme. It still falls under Commonwealth legislation.

The Commonwealth is proposing to change its legislation, consequent upon our legislation, to provide for the Governor-General to exercise the royal prerogative of mercy in favour of prisoners transferred to the ACT from Jervis Bay or an external Territory, although why the Commonwealth Parliament should be troubling itself with such a matter, which is very unlikely to arise, is another question. In drafting this Bill we had mistakenly assumed that the ACT Executive would be able to grant that pardon. The proposed government amendment will correct this mistake by changing subclause 27(7) to omit the reference to the grant of pardon by the ACT Executive. Madam Speaker, I thank members for their support in general for the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail Stage**

Bill, by leave, taken as a whole

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.24): Madam Speaker, for the reasons I gave, I formally move the following amendment to subclause 27(7):

> Page 20, subclause 27(7), lines 10 to 17, omit all the words after "Territory,", substitute "but that does not prevent the Governor-General from exercising the royal prerogative of mercy pursuant to subsection 24(2) of the Commonwealth Act in relation to that conviction".

Amendment agreed to.

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

Bill, as amended, agreed to.

## AGE DISCRIMINATION
## Paper

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

That the Assembly takes note of the paper.

**MR KAINE** (4.25): This raises a matter of considerable community interest, I believe, one that the Assembly has wrestled with for some time, as have other legislative jurisdictions in Australia. We have had our Discrimination Act in place for some time now; but age discrimination was omitted from that legislation for good reason, and that was the difficulty in defining what is meant by age discrimination. I would like, Madam Speaker, to compliment the author of this discussion paper. It was produced, we are told, by Pam Davoren of the human rights and community law section of the Attorney-General's Department, and was based in part on the work of former officers of that section. I think it is one of the most comprehensive discussion papers on the general question of age discrimination that I have ever read.

I read it with great interest because sometimes when we talk about age discrimination we tend to think of it in a very narrow sense. We think of old people who are discriminated against or perhaps very young people who are discriminated against, but when you read this paper you discover that age discrimination can relate to anybody and it can relate to a wide range of life situations. I have to say that it has added to my knowledge and understanding of the problem. I am sure that it has done that for every member of this Assembly and for everybody that has read it. I think it is a paper that is deserving of some commendation.

Attached to this document was a draft Bill, and I suppose that my concern about the matter, to the extent that I have some, flows from the fact that this was distributed in March and comment was due by 31 May. It is now September and we have not been informed by the Government of just what comment was made in response to this discussion paper; whether it was significant, whether it is likely to result in a change to the proposed draft Bill which was attached and, more importantly, when that Bill is likely to come to this Assembly for debate. The matter is an important one and, I think, is deserving of priority in the scheme of things. I would like to see, first of all, the Government's summary of the comments that it received in response to the distribution of this paper and, secondly, its response to those comments, and what, if anything, it intends to do to change the draft Bill. I am sure that the Minister can understand that we do have concerns about that, particularly having read this paper which was cause for some reconsideration, perhaps, on the part of some of us as to what we thought discrimination was.

I think that there is little doubt that people are discriminated against regularly and frequently on the basis of age. I am quite sure that people are denied access to accommodation, for example, because they have young children, which is age discrimination; that people are denied access to services and facilities because they are either too young or too old or some other age related reason. So I compliment the author of this paper. I hope that the Minister has taken to heart the content of it. I would seek to have the Bill that flows from it tabled for consideration in the Assembly at the earliest opportunity. Perhaps the Minister could indicate when that is likely to take place.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.30), in reply: I thank Mr Kaine for his courtesy in complimenting the government officers who were responsible for putting the paper together. We have had a number of very high-quality discussion papers on human rights issues from that section and this is certainly no exception. It stands, I think, in very marked contrast with the comments Ms Szuty made a few minutes before, although not in terms of courtesy. Ms Szuty was not being discourteous, but she noted that the Bill we just considered - - -

Debate interrupted.

## ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

## AGE DISCRIMINATION
### Paper

Debate resumed.

**MR CONNOLLY**: Ms Szuty correctly commented that the previous Bill was extremely difficult to read and difficult to comprehend, and this discussion paper and the annexed draft legislation, I think, in contrast, were very clear and simple to understand. Mr Kaine's comments about what is happening are properly made. The department did widely circulate this discussion paper when it was tabled. We received some 20 written submissions, we held a public hearing which attracted some considerable community interest, and we received many telephone calls from members of the community. Draft legislation in the discussion paper is currently under review and the plan is to have legislation before this Assembly in November. So, Mr Kaine, we are certainly hoping to get this legislation through this year.

Most States and Territories, as is said in the discussion paper, have similar legislation, and since the discussion paper was tabled New South Wales has indicated that it is now looking at more general age discrimination provisions, in addition to the mere bar on age retirement. It would appear that New South Wales is moving along similar lines to those proposed in the ACT legislation.

We got some quite diverse views as a result of the public consultation process, as is to be expected. Some responders, while giving general support, felt that the legislation did not go far enough and, surprisingly, some felt that some of the changes were far too far reaching. We will have to deal with those divisions

of opinion. There has been some consternation within the business community as to the issue of age based retirement. While we thought we had unanimity on that issue through our Industrial Relations Advisory Council, it now seems that there remain some reservations about the issue of compulsory age retirement.

Our intention when we introduced this was to have a two-year delayed commencement in the draft legislation. We believe that this will provide adequate time for employers to adjust to the change, but that clearly has been a matter of some concern. Some employers have expressed concerns about issues such as safety and efficiency and have argued that there are some occupations where there may be a link between age and ability to safely perform particular work. The Government's response is that this has adequately been met by a health and safety exception which does allow special terms and conditions to be set where safety is an issue. There is also an existing provision in the Discrimination Act that will allow those with a genuine case to request a further temporary exemption from the legislation from the Discrimination Commissioner.

Madam Speaker, the paper has attracted widespread community interest. It is generally supported, much for the reasons expressed by Mr Kaine. I think I recall that Mr Kaine, when Chief Minister, did indicate that this was something on his legislative horizon as well. It is a matter on which we have had extensive discussion with the community and we do hope to bring the final fruit of that - that is the Bill in a final introduction form - into this Assembly this year.

Question resolved in the affirmative.

## BUSINESS DEVELOPMENT - GOVERNMENT'S POLICIES
## Ministerial Statement and Papers

Debate resumed from 18 May 1993, on motion by **Ms Follett**:

> That the Assembly takes note of the papers.

**MRS CARNELL** (Leader of the Opposition) (4.33): Madam Speaker, the Chief Minister's statement on the business development strategy seems to take credit for everything good that is happening in the business sector in Canberra; but, as we know, much of it has absolutely nothing to do with the Government. The Chief Minister did say, though, that the future development of the ACT must be a partnership between the public and private sectors. It is a great pity that Mr Berry is not here. Mr Berry seems to want to undo what little corporatisation or joint venturing has occurred. Mr Berry certainly seems to be the spoiler of what little reform has been embarked upon in this area. In fact, the Chief Minister did make some very laudable comments in her speech. She said:

> ... the ACT Government is creating a business environment in Canberra that supports private sector investment and growth.

She also said:

> ... the Government is taking advantage of every opportunity to continue to promote Canberra as a vibrant and dynamic regional centre with enormous potential for the private sector ...

It is very hard not to break into hysterical laughter; but, Madam Speaker, let us look at the current environment for Canberra business. I think this is a good opportunity to talk about some specific examples. A specific example, just to start with, is a computer business that was moving down from Sydney not too many months ago to set up in the ACT. They required a partition to be built in their new premises for the cost of $3,000.

**Mr De Domenico**: How long did it take?

**MRS CARNELL**: Before we talk about time, they had to pay $100 to the leasing section, a $240 building application fee, an application fee of $200 for a building permit, plus 25 per cent of the permit fee to the Fire Brigade. This was just the financial side of putting up this one partition that this firm wanted to put up so that they could move from Sydney to set up business here. Apart from the cost, it took nearly three weeks to get the approval to put up one partition. If the same firm wished to move a sink, a plumber would charge approximately $70 for the service and that would take about an hour. However, in the ACT, he has to draw up a plan, have the plan approved and pay a fee, get an inspection done, and pay a fee for the plumbing permit. The end result is that moving a sink costs from $700 to $800 instead of, say, $100. Of course, one would have to ask: If the plumber is licensed to do a job, is all the rest of this carry-on really necessary? Those are the questions that business is asking.

Many of us, on this side of the house anyway, get questions about the leasehold system. In quite a number of circumstances in the ACT the present leasehold system is also a disincentive to buying commercial property in the ACT. I think it is important, when talking about business development, to have a look at what is really happening out there in business; not the rhetoric, but what is really happening. As we have seen in newspaper articles recently and have heard about in the media, and as, I am sure, all of us have seen in our local shopping centres, small Canberra businesses in the retail sector are being forced out of business. They are being forced out of business because the large chain-stores have taken full advantage of extended trading hours. We totally support extended trading hours. The problem for small Canberra based businesses is that they do not have the capacity to enter into enterprise based agreements as do the major large chain-stores.

Penalty rates are still a huge disincentive to small business. It is impossible for small business to compete unless the labour market is deregulated, or, at the very least, small employers are placed in a position of being able to enter into workplace based agreements with their predominantly non-unionised employees. In the current situation that is not possible, so they are going broke. They are going to the wall and are closing their doors. This problem was noted in the first EPACT report and it seems that the Government has taken absolutely no notice of it. In fact, it was suggested that this problem was one of the reasons we had youth unemployment in Canberra. Canberra, in some areas, has one of the highest levels of workers compensation in Australia. All of these extra costs on business make it harder to employ, harder to set up, and they will stop business growing in Canberra.

When talking about costs for ACT business, it is hard not to talk about occupational health and safety, with Mr Berry's wonderful piece of legislation requiring all businesses with more than 10 employees to set up designated work groups. That is a dramatic impost on business. I am finding it quite interesting

that in our ongoing consultations with business in Canberra, and with just about everybody else, virtually nobody knows anything about it. It seems that Mr Berry thinks his job is over once he puts up legislation. He does not seem to think it important to actually go out and tell anybody about it. But, so be it.

Small business continually tells us that there is far too much red tape required to get established in the ACT. There is a huge number of different government departments that they have to deal with just to do the jobs that they are set up to do, the reason that they are employing people. I think everybody who is involved in the building industry finds that the number of licences that they require to perform a job is quite remarkable. This is at a time when the people who are actually doing the job are tradespeople and therefore are trained and licensed to do that job. Small business gets bogged down in paperwork every day of the week.

**Mr Berry**: Oh, bogged down in paperwork, red tape and bureaucracy.

**MRS CARNELL**: That is right.

**Mr Connolly**: Liberal Party rhetoric manual, volume I.

**Mr Berry**: Page 22.

**MRS CARNELL**: It is not. It is actually interesting. If you go out there and talk to people in business they will tell you how much of their time is taken up by these sorts of problems - filling out application forms, filling out statistical forms and so on. Their story goes on. The ACT Government regularly also goes out of Canberra to contract - for consultants, for printing, for software, and the list goes on. Often local firms are superior. They are familiar with the system, they have local knowledge, they can provide local service and, of course, they employ local people. Often these contracts are not even put out to tender, which means that local companies do not even get a chance.

**Mr Berry**: How often?

**Mr Humphries**: Very often.

**Mr Berry**: Oh, get out!

**MRS CARNELL**: Do you want to come out with us? No, I am sure that you do not. ACT payroll tax is another great problem for business in Canberra. It is amongst the highest and it has one of the lowest levels of exemption. If this Government really wanted to stimulate business in the ACT, there is one obvious and simple way to go. We have also of recent days seen quite dramatic increases in land tax, which at the end of the day is just another impost on business.

The Chief Minister's comments, and I think Mr Berry's comments too, regrettably demonstrate their total ignorance of business and the environment that we need to make business flourish. It is not good enough just to form advisory bodies, to produce videos or to print glossy brochures, often outside the ACT; the Government actually has to do something. I know that you get quite upset about the idea of having to do something. A lot of obvious things could be done.

There actually has to be a reason to come to Canberra to do business, and there actually has to be a reason to stay in Canberra as well. There have to be incentives, or at least the removal of disincentives by the Government, to come to Canberra. We know that a number of businesses have left Canberra of recent days. Why have they left Canberra? Because other State governments have offered them better deals. If they leave Canberra, we lose jobs. We do not lose only jobs, though; we lose the economic stimulation that these businesses bring, the taxes they pay, and the list goes on.

Across the border in Queanbeyan there are active and quite dramatic programs to encourage business development. There are programs such as the regional business development scheme, the business expansion scheme, and the list goes on. ACT business is involved with some of those programs, by the way, but many are not. There are even situations under which payroll tax is at least relaxed for a period for businesses that can prove that they really have a future and really have a capacity to be an integral part of the economy. As I said, Madam Temporary Deputy Speaker, if this Government were really serious about a partnership between the public sector and the private sector they would not be laughing at the comments I am now making.

A recent publication by the Institute of Chartered Accountants contains resolutions from a national small business member survey conducted in May and June this year. It showed the problem areas in business as those members saw them. This national survey showed that the most dramatic problems for small business were the cost of regulation and the shortage of equity capital. They were followed by overregulation by government and high taxes and imposts, for example, payroll tax. The list went on with things like the availability of debt finance. Labour laws and union regulations were high on the list as well. As you can see, Madam Speaker, there are a number of areas in which this Government can play a role, not only in the development of business, but also in the expansion of business.

As the survey indicated, two major problems experienced by small business are the cost of regulation and overregulation, the time taken to fill in the forms. I would suggest that this is particularly the case in Canberra. Madam Speaker, if the Government would accept the need for a review of only these two areas, I think they would be surprised at the positive impact that this would have on small business in Canberra. Our next-door neighbour, New South Wales, governed by a coalition government, is in the process of having a red tape review. The express purpose of this red tape review is to remove impediments on business. In fact, after the Greiner Government came to power in New South Wales 3,000 pages of regulations were removed from the books. Furthermore, in New South Wales, there is a mandatory five-yearly review of all regulatory requirements, and if regulations are not justified they lapse. Currently they are having a red tape review because they understand that this costs business money. This is the positive kind of government action we need in Canberra, not just words.

Canberra business is not asking for a handout. Canberra business requires the Government to have the courage and the foresight not only to introduce good legislation but also to remove inappropriate and inefficient laws, regulations and costs. This Government has the power to do that. You have the power to do it now, if you really wanted to do something. EPACT has brought down three

reports now, two of which made many recommendations which would help business in a tangible way and would help business to employ our young people. All I can do is hope that Ms Follett implements more of the recommendations of this report, the business development report, than they did of EPACT's youth employment report, which was abysmal.

**MR WESTENDE** (4.48): Madam Speaker, the Chief Minister, in bringing down her budget yesterday, has placed further stifling disincentives on the ACT business community. In her mini-budget in June the Chief Minister increased land taxes and increased rates, as well as further increasing the ACT government levy on petrol tax. Now the Follett Government budget has hit out again at the business community by, once again, increasing the levy on petrol by half a cent a litre, bringing the ACT Government's petrol tax to 7c a litre, and fuel is a very important part of the cost of a business.

I wrote to the Chief Minister on 12 May 1993 suggesting that she seek input from businesses which are in daily contact with clients and who operate cash flows in the true sense of the word - in short, the real world, real business; not some airy-fairy, make-believe situation. Although I believe that some consultations do occur with the business community, mostly through EPACT and others, as advised in the Chief Minister's reply which I received on 11 June, I indicated to the Chief Minister that, while EPACT is made up of eminently suitable people, they are not out there at the coalface. For example, EPACT does not have to run a business or make a profit in order to employ more people. Further, EPACT does not have to put its hands in its own pocket, risk its own capital and put its equity on the line.

Why then, in the 1992-93 budget, did the Chief Minister make so much noise about setting up a Supply and Tender Agency? Can the Chief Minister tell me why, 12 months later, businesses in Fyshwick, Mitchell and Hume are not even aware that the agency exists, let alone being given the opportunity to tender for goods and services required by the Government? The ACT business community does not want any special treatment or preference. It would be pleased just to have the opportunity to quote and to show how effective they are, to compete against interstate tenderers; but they are not given the opportunity. In fact it seems that this Government shows a preference to let tenders to interstate companies, thus ignoring local payroll tax paying companies. Is it not extremely foolish that the Government does not support companies that actually help to fill the coffers - local companies, not those where the benefits are going interstate?

In my letter of 12 May I also asked whether the Chief Minister might consider setting up a business portfolio. I have yet to see any moves in that direction. I note with dismay that this has not been taken into account in this year's budget. It is obvious that this Government considers that business does not need its own voice and that it is of no consequence to Canberra or this Territory.
Madam Speaker, why does the Chief Minister not follow up on our suggestion? Why does she not set up a business portfolio, just as my party has a special portfolio on business? Is the
Chief Minister afraid that the business community might discover that the Government is not really concerned with the ACT business community? If not, why has there been so very little reaction or so few positive moves in that direction? Could it be that the Chief Minister relies on the business community's resilience to actually succeed in spite of adversity?

I ask the Chief Minister: What is so difficult about embracing business? After all, government is just a big business conglomerate. Big, yes; a conglomerate, yes; but business nevertheless. Why not take heed of the people who are actually out there and who know how to sell in a difficult economic environment to the customers, to the electorate? Madam Speaker, I give a warning to this Government that, if it does not act and look after the business community, this side certainly will. At the next election we will communicate vigorously with business and listen to its voice.

**MR KAINE** (4.53): Madam Speaker, I would like to add a few comments to what has been said already in response to this report. It is timely that we are discussing it today because only yesterday the Government brought down a budget that did little to provide assistance to our local business community and did even less to produce any jobs. I think, Madam Speaker, that there are few matters more crucial to our future well-being in the ACT than business development here. It is the private sector that is going to create the jobs, and it is the private sector that is going to generate the future revenues of this Territory.

Madam Speaker, by definition, development is something that is going to happen in the future. You can forget what has happened in the past. Indeed, very little has happened in the past. It is very interesting that the Chief Minister has within her own organisation an Economic Development Division which employs a quite large number of people. You have to ask: What have they done over the last four years of self-government? What have those people contributed to economic development in the Territory? Where is the industry that they have generated? Where is the business that has resulted from what they have done?

When the Government gets their back up against the wall they have to employ somebody like these people - eminent people, certainly - to tell them what they should be doing. One could easily argue, I think, that, on its record, we could do away with the Economic Development Division and ask these people to give the Government some advice from time to time, and we would be a lot better off. Government really can contribute to business only by creating an environment in which the private sector can thrive. But, again, the Government is not doing anything about that. We hear a lot of rhetoric about it, but we do not see much.

I would have to say that business is not about making government feel good. One gets the impression sometimes when one hears the Chief Minister speaking that that is what it is all about, and that she can claim the credit for all of the things that the private sector is doing. Business is about creating new wealth from natural resources and human labour, about converting goods and services and adding value, and then competing in the market. We are not doing that in the ACT. Part of the objective in setting up the South East Economic Development Council, which, I remind this Assembly, Nick Greiner and I set up, was to identify those natural resources in this region where we could add the value and we could create the jobs that would flow from that, rather than exporting it to Japan or somewhere else. Now, three years downstream, this Government has not yet taken a single recommendation from the South East Economic Development Council and turned it into something practical. I ask again: What is the Economic Development Division of the Chief Minister's Department doing? Why is it not picking these things up and why is the Government not doing something practical about them?

Government's involvement in business is merely to regulate it, and then only when it is necessary. It might be necessary to create an environment in which business operates, to protect the consumers perhaps. When business thrives, government can feel good - that is fine - because, apart from anything else, it generates a new revenue base for them. Taxes and other charges can be collected, not only from the business enterprises that are generating the new wealth but also from a lot of people who are making inputs to that business. Everybody is better off. Sometimes government itself might engage in business, but I can think of few times when they can do it better than the private sector. Sometimes they can do it as well - I am not arguing against that - but one would believe sometimes that this Follett Government does not even want to know about business.

I think the Chief Minister completely missed the target in her statement of 18 May in connection with this report. She attempted to set out the Government's policies for assisting business development in the ACT. In fact, the statement is mostly about her and the Government patting themselves on the back for a series of business developments or proposals in which the Government was, at best, the facilitator and in some cases had no part at all. If business is so good, why do we need to claim credit for everything that happens? Why do we claim credit for turning the airport into an international freight terminal? That came from no initiative of this Government, but one would swear sometimes that it was in fact a government initiative.

While the Government can preen itself when looking into the past, it is not so good at telling us how good it is going to be in the future, and that is what this ought to be about. There ought to be a strategy that tells us what is going to happen in five years' time, and that is what it attempts to set out to do. I was disappointed in it, but I am more disappointed in what the Government does with it. It gets a report like this that does suggest some good things that should be done, but again we get a budget that does not pick up any of it. We are not going to spend any money on anything like this. We will spend money and we will ask people to commit their resources and their time to thinking about the problem and giving us some good suggestions; but when it comes down to the point of actually doing something about it this Government fails, as it does in so many other ways.

Madam Speaker, I think it is yet another case where this Government is long on words, long on claiming credit for things that it has no control over and makes no input into. When it comes to delivering the goods, to stimulating the private sector that is so necessary at the moment in Canberra - I repeat, for two reasons; firstly, to generate additional revenues for the Territory, and, secondly, to create the jobs that are not going to be created anywhere else - we do not see any performance at all on the part of the Government. We need a lot more action, a lot less talk, and a lot less of claiming credit for things that we have had nothing to do with.

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

## ADJOURNMENT

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

That the Assembly do now adjourn.

**MR HUMPHRIES** (5.00): Madam Speaker, I wanted to say a few words, but I am not sure whether - - -

**MADAM SPEAKER**: You have eight seconds.

**MR HUMPHRIES**: Then I will not bother.

Question resolved in the affirmative.

**Assembly adjourned at 5.00 pm**

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## ANSWERS TO QUESTIONS

## ACT LEGISLATIVE ASSEMBLY QUESTION ON NOTICE NO. 873

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

### Question No. 873

### Tourism Commission - Employees Interstate Travel

MS CARNELL - Asked the Chief Minister upon notice on 17 August 1993:

(1) During the 1992-93 financial year how many employees of the Tourism Commission travelled interstate on official business.

(2) What was the nature and purpose of each and every trip.

(3) What was the total cost of each and every trip.

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

(1) During the 1992-93 financial year 35 employees travelled interstate on 116 trips for official business.

(2) A detailed breakdown of the nature and purpose of every trip is attached for your information. A number of trips were undertaken by the Commissions Sales staff to centres in South Australia, Victoria, NSW and South-East Queensland to make sales calls and attend Travel and Consumer shows. These activities form an integral part of the Commissions marketing strategy and serve to increase the awareness of the ACT as a tourist destination. Other trips involved attendance at interstate tourism and associated industry conferences and forums.

(3) A detailed breakdown of the cost of each and every trip is provided in the attachment. The total cost of all interstate trips was $59,658.

3143

ACT TOURISM COMMISSION

DOMESTIC TRAVEL 1992 - 93 F/Y

| WHERE | PURPOSE | COST |
|---|---|---|
| Sydney | Meeting with NSW Travel Centre & Spanish Community | r$ 184.55 |
| Sydney | To participate in the Sydney Holiday & Travel Show and conduct a series of sales calls in Sydney | $1479.10 |
| Melbourne | Participate in Melbourne Holiday & Travel Show | $ 558.15 |
| Brisbane | Conduct sales calls in Brisbane and central and north coast of NSW and staff ACT stand at Sydney Garden Festival | $2146.10 |
| Surfers Paradise | Staff ACT stand at Royal Life Saving Society Show in connection with Life Saving Gateway Celebration in Canberra | $ 963.75 |
| Brisbane | Conduct sales calls in Brisbane thru to Canberra & represent ACT at Talkabout conference in Brisbane & Sydney | $1564.15 |
| Bathurst- Dubbo-Parkes | To conduct Sales Calls on tour operators, information centres and travel agents | $ 332.55 |
| Moruya - Nowra - Wollongong | To conduct Sales Calls on tour operators, information centres and travel agents | $ 342.45 |
| Bathurst- Dubbo-Parkes | To conduct Sales Calls on tour operators, information centres and travel agents | $321.70 |
| Brisbane | Staff ACT stand at Holiday & Travel Show | $1171.00 |
| Albury- Wagga Wagga | To conduct Sales Calls on tour operators, information centres and travel agents | $ 223.55 |
| Gosford | Staff ACT stand at Springtime Flora Festival | $ 602.70 |

3144

Adelaide Australian Federation Travel Agent Travel Fair $1267.95
Sydney Attend Australian Standing Committee On Tourism $ 270.00
Meeting at NSW Tourism Commission
Sydney Tourism Commission Board Meeting $ 327.00
Sydney To attend Australian Tourism Awards and meet with $ 189.00
publisher
Katoomba To inspect Blue Mountains Information Centre $ 122.30
Sydney To attend Australian Tourism Exchange & Sydney $ 181.95
Holiday & Travel Show
Hobart To attend Public Relations Managers Meeting $ 489.30
Brisbane To attend Public Relations Managers Meeting $ 705.15
Melbourne- Sales Calls Visitor Information Centre & SA & to $1856.40
Adelaide participate in Melbourne Holiday & Travel Show

Melbourne To conduct Sales Calls on tour operators, information $ 693.25
centres and travel agents

Adelaide To conduct Sales Calls on tour operators, information $1263.15
Geelong- centres and travel agents
Bendigo .
Adelaide- To represent ACT at the Australian Federation Travel $1436.05
Melbourne Agent Travel Fair & Talkabout Conference
Melbourne To conduct Sales Calls on tour operators, information $ 851.10
centres and travel agents
Wollongong To conduct Sales Calls on tour operators, information $ 173.00
centres and travel agents

| | | |
|---|---|---|
| Albury | To conduct Sales Calls on tour operators, information centres and travel agents | $ 125.40 |
| Sydney | Attend Australian Tourism Exchange official opening | $ 315.00 |
| Wollongong | Speak at the Inbound Tourism Operators Association Symposium with a view to getting the 1994 Symposium for Canberra | $ 39.00 |
| Sydney | Attend Australian Industry Commission Governmentt Policy Conference & discussions | $445.35 |
| Sydney | Attend discussions with Coach Operators & Inbound Tourism Operators | _ $523.35 |
| Sydney | Attend discussions with organisers of Mind, Body, Spirit Show re attracting a similar event to Canberra | $ 459.85 |
| Sydney | Attend Australian Standing Committee On Tourism/Australian Tourist Commission Marketing meeting | $ 309.00 |
| Sydney | Attend Inbound Tourism Organisation of Australian Aviation Seminar | $ 537.95 |
| Brisbane | Attend 44th Australian Standing Committee on Tourism meeting & Strategic Marketing Meeting | $ 940.95 |
| Sydney | Attend discussions with Australian Tourism Commission | $ 190.05 |
| Sydney | Attend Pacific Asia Travel Association Annual General Meeting | $ 233.90 |
| Sydney | Do presentations to Seniors Clubs & Motoring Organisations | $ 334.95 |
| Melbourne | Presentation of Seminars on ACT | $ 656.30 |
| Sydney | Staff ACT stand at Leisure & Lifestyle Show | $ 538.40 |

3146

Wollongong- To attend Inbound Tourism Operators Association $1662.35
Sydney Symposium & Australian Tourism Exchange 93
Adaminaby Attend Canberra Region Tourism Marketing Group $ 29.00
Meeting
Sydney Discussion with Publishers and Designers and Japan $ 355.80
Inbound Operator calls.
Batemans Bay Attend Canberra Region Tourism Marketing Group $ 29.00
Sydney Attend meetings with NSW Tourism Commission re $ 343.40
Mission Japan/Newtracs
Sydney Attend NSW Tourism Commission meeting re Mission $ 29.00
Japan
Sydney Attend Commission Department Tourism Regional $ 472.95 .;:
Planning meeting
Melbourne Attend Canberra Promotion for Inbound Operators $ 606.85
Katoomba Accompany & brief Public Affairs officers on $ 29.00
requirements for Visitor Information Centre Displays
based on operation at Blue Mountains
Sydney Attend meeting with Australian Tourism Commission on $ 138.00
product marketing
Sydney Attend meeting on Tourism Development with NSW $ 305.00
Tourism Commission and Australian Tourism
Commission
Sydney Meeting at Sydney Reservation Centre $ 29.00

Sydney Joint presentations with Casino Canberra to Ethnic $ 302.70
Communities & meeting with Council of the Ageing
Sydney Seniors retirement Lifestyle Expo in Adelaide $ 836.10

3147

Sydney Attend meeting NSW Council on the Ageing
Genuinely no cost - no T.A. 200 series car driven to
Sydney
Melbourne Meeting with Manager NSW Travel Centre $ 168.55
Perth- Special presentation to Seniors & Multicultural groups & . $ 531.50
Adelaide sales calls on tour operators

Sydney Meeting with NSW Travel Centre Manager & meeting $ 184.55
with Ethnic Communities
Sydney To approve printing material for Holiday Planner $ 305.00
Sydney Attend Australian Tourism Exchange & Holiday & $ 181.95
Travel Show
Sydney Proofing of Holiday Planner $ 305.00
Sydney Meeting with Publishers $ 138.00

Wagga Wagga To attend Wagga Wagga Travel Show $ 153.30

Wollongong- To represent ACT at Inbound Tourism Operators . $1332.35
Sydney Association Wollongong & Australian Tourism
Exchange Sydney
Brisbane- Represent Canberra at Talkabout Conference & $4280.55
Sydney- Australian Federation Travel Agent Travel Fair & Sales
Adelaide- Calls
Melbourne
Perth
Sydney Conduct a series of sales calls on inbound tourist $ 949.50
operators.
Melbourne To conduct Sales calls to inbound tour operators & $ 897.65
presentations to Senior Citizens with Local Industry
representatives
Sydney To conduct Sales Calls on Sydney Inbound Tourist $ 631.80
Operators

| | | |
|---|---|---|
| Sydney | Meeting with Country Link Manager to arrange representation through Country Link offices in NSW | $ 270.00 |
| Sydney | Attend Australian Airlines Inbound function at Darling Harbour | $ 135.00 |
| Adelaide | To represent the ACT and to staff Australian Federation Travel Agent Travel Fair . | $1267.95 |
| Katoomba | To inspect Blue Mountains Travel Centre | $ 122.30 |
| Sydney | Discussions with ABC re Canberra Coverage | $ 472.95 |
| Melbourne | Meeting with Australian Airlines & Ansett | $ 207.30 |
| Sydney | - Design meetings with Publishers and to Advertising | $ 796.15 |
| Coolangatta | conference | |
| Hobart | Attend Public Relation Managers meeting | $ 608.40 |
| Sydney | Attend design discussions re Canberra Holiday Planner | $ 484.30 |
| Sydney | Travel Auction on Radio 2KY - Canberra promotion | $ 484.30 |
| Sydney | Radio Promotion on 2KY Breakfast Show | $ 434.85 |
| Sydney | Meetings- Australian Tourist Industry Association | $ 484.30 |
| | - NSW Tourism Commission | |
| | - Capricorn Publishing | |
| Melbourne | Attend Canberra promotion for Inbound Operators & Sales Calls to inbound Tour Operators | $ 578.30 |
| Adelaide | Attend National Events Australian Tourism Commission Meeting - . | $884.40 |

3149

Adelaide Radio promotion on station 5AA - travel auction on $780.30
behalf of the industry
Melbourne- Attend meeting/seminar at AGE Newspaper. Meeting $1365.80
Adelaide with SA Tourism. Commission to discuss advertising
. campaign. Inspection of tourism radio station.

Sydney Attend meeting National Tourism Awards Co-ordinating g$270.00
Committee
Sydney Meetings with publishers and to deliver ACT Tourism $264.00
Awards submissions to Australian Tourism Industry
Association Sydney Office
Adelaide- Attend SA Tourism Awards. Set up Canberra promotion - $1692.25
Coolangatta- for National awards. Ditto Qld
Brisbane

Sydney Set up & attend NSW Tourism Awards - Canberra $439.55
promotion for National Awards -

Melbourne Set up & attend Victorian Tourism Awards - Canberra $535.85
promotion for National Awards
Sydney To attend computer training course - Sonic Sun System $305.00
Sydney To staff ACT exhibit at Sydney Garden Show $635.55
Sydney To staff ACT Stand at Leisure & Lifestyle Show $538.40
Orange- To conduct sales calls on Travel Agents, Tour Operators $329.45
Dubbo-Young and Visitor Information Centres
Sydney Inspect ACT stand at Holiday & Travel Show $29.00
Albury- To conduct sales calls on Travel Agents, Tour Operators $153.30
Wagga Wagga and Visitor Information Centres
Narooma- To conduct sales calls on Travel Agents, Tour Operators $342.45
Nowra- and Visitor Information Centres
Woollongong

3150

Orange- To conduct sales calls on Travel Agents, Tour Operator $329.45
Dubbo-Young and Visitor Information Centres
Sydney Participate in Talkabout Conferences $502.25
Albury- To conduct sales calls on Travel Agents, Tour Operators . $436.90
Wagga Wagga and Visitor Information Centres & participate in Wagga Wagga Trade Fair

Narooma To conduct sales calls on Travel Agents, Tour Operators $160.00 and Visitor Information Centres
Albury To conduct sales calls on Travel Agents, Tour Operators $125.40 and Visitor Information Centres
Bathurst- To conduct sales calls on Travel Agents, Tour Operators $332.45
Dubbo-Parkes and Visitor Information Centres -
Sydney Computer Training Course - Sonic Sun System $305.00
Sydney Attend Australian Tourism Exchange & Sydney Holiday $181.95 & Travel Show
Sydney Attend Australian Tourism Exchange & inspect final art $484.30 proofs for 93/94 Holiday Planner
Sydney Attend marketing presentation by ACT Tourism $300.95 Commission staff.
Sydney Represent & observe ACT stand at Australian Tourism $29.00 Exchange
Sydney Attend Holiday & Travel Show $29.00
Sydney Attend Holiday & Travel Show $29.00
Sydney Attend Holiday & Travel Show $29.00
Sydney Attend Holiday & Travel Show $29.00
Sydney Attend Holiday & Travel Show $29.00
Sydney Attend Holiday & Travel Show $29.00
Sydney Approval of printing material - Holiday Planner $305.00
Sydney Meeting re- Holiday Planner $305.00
Sydney Attend and observe Australian Tourism Exchange & $181.95 Holiday Travel Show

3151

ACT TOURISM COMMISSION

INTERNATIONAL TRAVEL 1992 - 93 F/Y

| WHERE | PURPOSE | COST |
|---|---|---|
| Sydney<br>Pt Moresby- Lae<br>Pt Moresby- Brisbane | To represent the ACT on a travel mission with Australian Tourist Commission representations to travel industry in Lae & Port Moresby & participate in a consumer show in Port Moresby - | $995.15 |
| Kuala Lumpur | To represent ACT Tourism Commission at NATAS & | $5367.98 |
| Singapore-Bangkok | MATTA travel shows & conduct retail training seminars | |
| Tokyo-Atami-Osaka-Nagoya | To attend Sydney Garden Festival - view exhibition stand & NSW Tourism Commission "Mission Japan 93" | $2739.88 |

3152

**ACT LEGISLATIVE ASSEMBLY QUESTION ON NOTICE NO. 874**

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

**Question No. 874**

**Tourism Commission - Employees Overseas Travel**

MS CARNELL - Asked the Chief Minister upon notice on 17 August 1993:

(1) During the 1992-93 financial year how many employees of the Tourism Commission travelled overseas on official business.

(2) What was the nature and purpose of each and every trip.

(3) What was the total cost of each and every trip.

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

(1) During the 1992-93 financial year 2 employees travelled overseas on official business, on a total of four trips.

(2) The Sales Manager represented the ACT on an official trip to Papua

New Guinea (PNG), as part of an Australian Tourist Commission mission to promote Australia to the travel industry in PNG. This area of the South Pacific holds significant potential as a target market for Australia and the ACT. - -

The Sales Manager represented the ACT on two occasions at South-East Asian trade and consumer shows in conjunction with members of the local tourism industry. Highly successful retail training seminars and sales calls were also conducted in Singapore, Kuala Lumpur and Bangkok.

The Marketing Director joined the NSW Tourism Commission in its "Mission Japan 93" as part of a cooperative exercise to promote NSW and the Australian Capital Territory. The trip opened an important and cost effective avenue for marketing the ACT in one of our prime target markets.

All overseas trips were undertaken to increase the awareness of the ACT as a tourist destination and were consistent with the Commissions Marketing Strategy.

(3) The trip to PNG cost $995, including a heavily discounted airfare. The two trips to South-East Asia cost, in total, $9,150 and the trip to Japan was $6,980. The total cost of the four overseas trips was $17,125.

3153

**MINISTER FOR EDUCATION AND TRAINING**
**LEGISLATIVE ASSEMBLY QUESTION**
**QUESTION NO 907**

## Government Schools - Diplomats Dependants

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

(1) Is the Government paying to educate some 350 children of diplomats in the Government school system at a cost of some $1.5 million as claimed by the ACT Council of Parents and Citizens Associations.

(2) If these figures are incorrect what are the correct figures.

(3) Do any of these children have access to the special services aimed at children from non-English speaking backgrounds.

(4) What is the Government doing to obtain funding from the Commonwealth in respect of the cost of these childrens education.

MR WOOD - the answer to Mr Cornwells question is:

(1) Dependents of diplomats receive government schooling on the same basis as the dependants of other ACT residents. The Department has not kept statistics on the total number of dependants of diplomats in the past because there was no call for such data.

(2) See (1).

(3) Since the dependants of diplomats are treated in the same way as the dependants of other ACT residents, they have access to the same services as other students.

In February 1993 there were 407 dependants of diplomats identified as requiring some form of English as a Second Language (ESL) assistance. The number of dependants of diplomats not requiring ESL assistance is not known.

Using the 1991-92 average net cost per student by sector, the cost for these 407 students is estimated to be as follows:

Primary 228 students $3842
$875976
High School 118 students $4708
$555544
College 61 students $5147
$313967

Total 407 students $1745487

(4) The ACT is receiving funds from the Commonwealth by way of general revenue assistance and per capita funding to provide education to these students as it does for other students.

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 912**

**Residential Development - North Duffy/Holder**

Mr Cornwell - asked the Minister for the Environment, Land and Planning - in relation to the proposed development at North Duffy/Holder

(1) Will development be undertaken by the Government, by joint venture with the private sector or solely by the private sector?

(2) If undertaken solely by the private sector, will the Government recoup the full cost of new infrastructure or the full cost of upgrading existing infrastructure?

(3) Has a cost - benefit analysis of the proposed development, or parts thereof, been undertaken and, if so, can copies be provided to interested parties, including myself?

(4) Is the cost of development of the site cheaper than greenfields development and how do the respective costs compare?

(5) What is the anticipated average price and the anticipated range of prices for blocks in the development?

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

(1) It would be the Governments intention to develop North Duffy/Holder as a joint venture with the private sector in preference to a sole private sector development. The Government is continuing to review land development opportunities in the light of its policy to move gradually and carefully to public sector land development.

(2) See 1.

(3) As the proposal is still subject to consultation with a number of parties including the community and the detailed scope of the development has yet to be settled, it has not been possible to finalise all details of the cost/ benefit analysis. However, the initial assessment is that the development will generate a substantial saving for the ACT community. The Governments final Variation package that will be presented to the Standing Committee on Planning, Development and Infrastructure will include all

relevant costs and anticipated benefits for the ACT community. I will forward a copy of the final Variation package to you when it is available.

(4) As noted in (3) above the North Duffy/Holder proposal is still subject to consultation and its final makeup will determine the actual costs involved. On the basis of the Preliminary Assessment and subsequent studies it can be concluded that North Duffy/Holder will cost considerably less to develop than an equivalent greenfield site. The extent of these savings will be fully analysed and made available to the Standing Committee on Planning Development and Infrastructure when the makeup of the proposed development is finalised.

(5) It is the Governments intention to encourage a range of dwelling types with an emphasis on those that are suitable for families or suitable for older existing Weston Creek residents that may wish to change over to dwellings more suited to their current lifestyle. In terms of pricing it is difficult to provide an accurate answer however it could be expected that house and land packages would generally mirror prices for the range of housing types found in Weston Creek.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 940**

**Higgins Primary School - Surplus Classroom Space**

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

What has been the disposition of the six classrooms at Higgins Primary vacated by the regional Support Office in 1992

MR WOOD - the answer to Mr Cornwells question is:

When the Regional Support Centre was disbanded in 1992, the Higgins Primary School moved into the area to take advantage of the more recent refurbishment work that had been undertaken. At the same time, the school made arrangements to rationalise their own space usage. This has in turn created surplus classroom space elsewhere in the school available for appropriate tenant use.

3157

**MINISTER FOR HEALTH**
**LEGISLATIVE ASSEMBLY QUESTION**
**QUESTION NO: 948**

**Health Portfolio - SES Officers**

Mrs Carnell - asked the Minister for Health:

"How many SES Officers or equivalents were employed in Health (the Board of Health and the Department of Health) at (a) 30 June 1989; (b) 30 June 1990; (c) 30 June 1991; (d) 30 June 1992; (e) 30 June 1993."

Mr Berry - the answer to Mrs Carnells question is as follows:

1. 1 December 1989 12*
2. 30 June 1990 13*
3. 30 June 1991 11 SES occupants
3 Equivalent occupants
TOTAL 14
4. 30 June 1992 11 SES occupants
4 Equivalent occupants
TOTAL 15

3 (additional officers back filling maternity and sabbatical leave)

5. 30 June 1993 8 SES occupants
5 Equivalent occupants
TOTAL 13
1 (additional officer back filling maternity leave)

* This figure does not include SES equivalent numbers as these were not recorded during this period.

3158