DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 October 1993

Tuesday, 12 October 1993

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MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

PAPER

MR BERRY: Madam Speaker, I seek leave to present a petition which does not conform with standing orders as it does not address the Assembly and does not contain a request.

Leave granted.

MR BERRY: I present an out-of-order petition from 2,113 residents opposing the introduction of legislation to ban smoking on licensed premises. Madam Speaker, at this point I would like to make a couple of remarks about the petition. The AHA were behind this petition and it is a great pity that the Australian - - -

MADAM SPEAKER: That is out of order. You need leave to do that, Mr Berry.

Leave not granted.

QUESTIONS WITHOUT NOTICE

Hospital Waiting List

MRS CARNELL: My question without notice is to the Minister for Health. Will the Minister confirm the waiting list - - -

Mr Berry: I am ready.

MRS CARNELL: No, you are not sure what question I am going to ask. Will the Minister confirm that the waiting list for elective surgery in ACT public hospitals has increased from 1,789 when the Minister took office in June 1991 to 3,119 at the end of the June quarter this year? Can the Minister account for what is a staggering 75 per cent increase in the waiting list in just over two years?

MR BERRY: Lesson No. 22, it seems, because the first 21 did not sink in. We have always had difficulty with Mrs Carnell understanding how you measure hospital performance. From her background I would expect that she would have - - -

Mr Kaine: Do you understand the measurement of hospital performance, Minister?

MR BERRY: You can ask that question after and I will answer it. I will deal with Mrs Carnell first. You did not understand it when you were Chief Minister. We will give you lesson one in a minute.

Mr Kaine: You have not done so well so far and you have been there three years.

MADAM SPEAKER: Order!

MR BERRY: We will give you lesson one in a minute. It has taken a long time to get Mrs Carnell to try to understand how we measure hospital performance. Last year we were able to treat 5 per cent more people than we would otherwise have treated. So you can measure performance by the number of people who were admitted. At the same time there was an increase of about 9 per cent in service in the outpatients area, so you can say that that also is a measure of how the hospital is performing. We know and understand from the PAC's inquiry that the way we manage our finances is far better than ever before. That is a measure of how the hospital is performing. They are all important measures. We have also a falling length of stay, which is also a measure of how a hospital is performing. Our lengths of stay are falling, so it is performing better. We also are using fewer beds to provide those additional services, so we are more efficient. That is an important measure of how a hospital is performing.

In relation to waiting lists, it has been said by experts across this country and in other countries that increasing performance within the hospital system and increasing admissions does not necessarily mean that waiting lists will fall. We can say that the hospital system in the ACT is performing well. It is being managed well and the people of the ACT can be confident in their hospital system. They can be confident that it is delivering first-class care to the community. At the same time, like the rest of Australia, we have been suffering some difficulty with waiting lists. The problem is that you can always use waiting lists to create a bit of hyperbole out there in the community, a bit of misinformation. That raises the question of whether this is a deliberate campaign of disinformation, or is it just incompetence by Mrs Carnell?

One other thing that you can draw from the information that I gave you in answer to a question a little while ago is that around half the people - half of the entire waiting list - are waiting less than three months. That is a good measure of performance. So the hospital - - -

Mr Humphries: Not if you are in pain, it is not.

MR BERRY: These are elective patients.

Mrs Carnell: And 13 per cent have been waiting more than 12 months.

MADAM SPEAKER: Order! The Minister is answering the question.

MR BERRY: Thirteen per cent have been waiting more than 12 months, and that depends on a range of factors which Mrs Carnell tends to try to hide. Let us come back to the growth in waiting lists. It is a problem that has existed right across this country. No other State provides the level of information that is provided here in the ACT, and the Labor Government, for one, provides accurate information. I took on notice at the Estimates Committee a question in relation to waiting lists. We are providing some more information and this is to complete the information which is provided by the public hospital system. It is not provided anywhere else in the country, but it is provided here in the ACT.

I was asked that we provide some information by specialty in the ACT, and we did that. We also showed an additional figure, which even Mr Humphries did not include when he was Health Minister; that is, the figure for the people who are waiting from the time they are allocated a day for their surgery to the day they actually get it. So we now have a more complete measure of waiting lists within the hospital system. But again I caution everybody; do not use waiting lists as the measure of hospital performance.

I have demonstrated, right across the board, that the public hospital system is performing much better in all respects. It has all happened under Labor. We are doing much better, and the community knows that. We cannot continue to tolerate the misinformation which Mrs Carnell tries to peddle out there in the community. Just a little while ago, when I was considering this answer to the committee's response, I looked at these figures and I saw - - -

Mrs Carnell: Considering what?

MR BERRY: Considering the answer which was to go to the committee. I looked at the figures and I thought, "Hello, here is a little opportunity for a press release from Mrs Carnell - the number booked". We were going to include the number booked. The answer went to the committee and I waited and waited. It has taken almost a week, but she has woken up at last that there is a new figure in there. The new figure is the number booked.

Mrs Carnell: It is the number waiting.

MR BERRY: The new figure is the number booked for surgery.

Mr Humphries: Oh, there is a difference.

MR BERRY: Mr Humphries giggles and laughs. He did not even count them. Mrs Carnell knows exactly what I am talking about, but she would prefer to misinform the community. This is a campaign of misinformation about waiting lists. So there we have it, Madam Speaker; lesson No. 22. I am quite happy to issue lesson No. 23 if she asks the same question again.

MRS CARNELL: I have a supplementary question. Will the Minister confirm that the real number of people waiting for elective surgery in the ACT at the end of June is 3,119, not 2,870 as he claimed in his June quarter activity report?

MR BERRY: Lesson No. 23.

Mrs Carnell: Is it true or not? Yes or no.

MADAM SPEAKER: Order! Mrs Carnell, Mr Berry is endeavouring to answer your question.

MR BERRY: If she could be quiet she might get a chance to listen and it will start to sink in. Mr Humphries counted the waiting list the same way as everybody else from the time that he went out of office. In fact, when Labor was in government in 1989 we counted them without including those booked figures. By way of explanation, so that you will understand, when the booking office calls somebody who needs some surgery and gives them a date, they ring their doctor and say, "Your date for surgery is such and such" and then strike them off the list.

Mr Humphries: But they are still waiting?

MR BERRY: That is right, but you did not count them that way. They were not in your figures. There is something wrong when I show you the complete picture, but it was all right when you were keeping it a secret.

Members interjected.

MADAM SPEAKER: Order! I believe that Mr Berry has the floor.

MR BERRY: Nineteen minutes to go, boys and girls.

Mr Kaine: And you have not answered the question yet.

MR BERRY: Eighteen-and-a-half. We are telling you now where everybody is on the list, not like it was when Mr Humphries was the Minister.

Maternity Services

MS ELLIS: My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Is the Minister aware of calls by a Liberal member for the establishment of peer review mechanisms in maternity services? Will the Minister respond to those calls?

MR BERRY: I certainly will. Thank you, Ms Ellis, for the question. Mrs Carnell is wrong again. Her record is clean - 100 per cent wrong. She continues to present the public health system in the community out there as if there is something terribly wrong. She will call for anything. We have heard all sorts of calls for different sorts of referenda and councils - anything that comes to mind on a given day, without really considering the issues.

The maternity section at Woden Valley has ongoing peer review about the level of obstetrician and nursing staff. There are also combined meetings and programs with the obstetrics, paediatrics and neonatal intensive care areas. Each month the obstetricians meet to review trends of practice within their area and to discuss the clinical management of special cases. The Maternal and Neonatal Morbidity and Mortality Committee established on 12 March 1992 by me meets bimonthly. I will say it slowly so that you will understand. It meets bimonthly and is composed of paediatricians, obstetricians and neonatologists. Its purpose is to review obstetric outcome in terms of the result in the health of neonats transferred to a neonatal intensive care unit, and so on.

Mrs Carnell: So you think 26 per cent caesarean births in the ACT is all right?

MR BERRY: What I am saying is that Mrs Carnell calls for peer review as if it is not happening, and it is happening. So she is 100 per cent wrong again and is keeping her record clean. Woden Valley Hospital has received accreditation from the Royal College of Obstetricians and Gynaecologists for training obstetrics and gynaecology from 1994. This accreditation is dependent on ongoing quality assurance and peer review mechanism within the hospital. It is already happening.

Mrs Carnell: That is right.

MR BERRY: So why did you call for it if you know that it is already happening?

Mr Connolly: Anything for a headline, Mr Berry.

MR BERRY: Anything for a headline. Why mislead the community, as if to say that nothing is happening out there, as if there is no peer review? Why call for it? The hospital will be strengthened with the appointment of a professor in obstetrics and training registrar staff in 1994, consistent with our commitment to establish a clinical school in the ACT.

Mrs Carnell interjected about intervention rates within the public hospital system. It so happens that the Government supports the maternity services review. It is now out for consultation, as a result of this Government's support for it. It has long been known that the intervention rates in the ACT have been high when compared to other places, and, in my view, without a proper explanation, unacceptably so.

Mrs Carnell: Then, what are we talking about?

MR BERRY: Again, I will answer this question. We have put in place the committee that I referred to, and that happened on 12 March 1992. This problem has been around for a long time and it is not going to change overnight. We have also said that we will establish a clinical school here in the ACT, and that will have a great effect on the quality of care that women - - -

Mrs Carnell: On the number of caesareans?

MR BERRY: Here we go. I will tell you a little bit about what will happen. There is nothing that gingers up a specialist more than having a young, freshly trained student looking over his shoulder and saying, "We do not do it that way any more". Does that explain one of the reasons why things will improve under the clinical school? Of course. I get that from the professionals themselves. We have established the Maternal and Neonatal Morbidity and Mortality Committee to make sure that that peer review is strengthened within the hospital system. So do not call for it again. It is already happening. Of course, the clinical school will strengthen, even more so, our public hospital system.

Health System Costs

MR DE DOMENICO: Madam Speaker, my question without notice is also to Mr Berry. Noting his response to Mrs Carnell's question when he said "performing better in all respects", is the Minister aware of the report of the national costing study which reconfirms the fact stated in the 1992-93 supplementary budget information - that the cost of operating the ACT public health system is 30 per cent above the national average? Why is this the case, and what is the Minister doing about it? Why has the Minister not achieved any cost improvements over the last two years?

Mr Connolly: He is going to tell us to spend more.

MR BERRY: Yes, Mrs Carnell mostly asks us to spend more and make it more expensive, or to supply more services.

Ms Follett: All it takes is money.

MR BERRY: All it needs is money. I have heard that one. That was a good one, Kate. I saw those figures. They were taken over a six months period, so you would have to be very cautious - - -

Mrs Carnell: Where did they get the figures from?

MADAM SPEAKER: Order! Mr Berry is trying to answer the question.

MR BERRY: Those figures were drawn from a six months survey. I would be very cautious about those figures. I do not think they are over a long enough period. The people who did the survey expressed caution about using the figures that they had provided - - -

Mr De Domenico: Whose shoulder were they looking over?

MR BERRY: Would you wait? That is another question. They expressed caution about using the figures that they provided in their survey for interstate comparison purposes. They also expressed caution about the quality of the information collected because it is the first time they have been collected.

Mrs Carnell: We are not comparing them with interstate, just with the national average.

MR BERRY: You are. How do you think you get a national average if you do not have interstates? Gee, it is taking some time. I think you have to be very cautious about those figures. The people that pulled them together have expressed that view as well. The Grants Commission's 1991-92 figures, as I recall, said that we were overfunded to the level of 4.9 per cent. I would have to say that if you compare the figures there is a great big gap; and it is not explained, except by the fact that the people who collected the figures in that survey to which Mr De Domenico referred said themselves that you ought to be cautious about them because they are not sure about the quality of the data. They also said that you ought to be very cautious about comparing them with other interstate figures, which you have chosen to do.

MR DE DOMENICO: I ask a supplementary question. Is there a timeframe, Minister, for reducing the cost of the ACT public health system in line with national averages? Do you have a timeframe?

MR BERRY: If I were in opposition it would be yesterday, but in government we have to be realistic. Restructuring the hospital system, as Mr Humphries might recall, if he has not lost his memory, is a difficult issue. This Government has given a commitment to restructuring our health system. I think I demonstrated part of that restructuring - nearly all of it, in fact - in answering the earlier question which I answered here today. I demonstrated how much better health is doing, how many more people we are treating, and so on and so forth.

Mr Humphries: There are more people on the waiting lists, fewer beds, the health budget blows out - - -

MR BERRY: Mr Humphries was the chairman of the beds committee which clearly demonstrated that you do not count a hospital's performance by the number of beds in it. Is that not right, Mrs Grassby?

Mrs Grassby: That is right. That is what we were told everywhere we went.

MR BERRY: Mr Humphries again grabs a figure that is not suitable for demonstrating a hospital's efficiency.

Mr De Domenico: What is your timeframe, though?

MR BERRY: In terms of reducing the cost, as soon as we can do it, and at the same time continue to provide first-class care to the community. We are not like Kennett in Victoria. We are not going to rip apart what is left of the public system in Victoria, just on a cost basis. We are interested in social justice and in providing services to the community, and we are going to continue to do that. At the same time, though committed to social justice, we are going to make our hospitals more efficient. We have done so, as I demonstrated earlier in question time today. This year we are targeted to save another $3m in health.

Mrs Carnell: You do not know how, though.

MR BERRY: I think that was explained to you, Mrs Carnell. I get a little bit tired. I am not a teacher. I am sure that if you were my only student I would have failed.

Development Guidelines

MR MOORE: Madam Speaker, my question is directed to Mr Wood as Minister for the Environment, Land and Planning. Minister, I understand that the Planning Authority has received letters from the Royal Australian Planning Institute, the Institute of Landscape Architects and others calling on you to prevent the development of North Canberra and South Canberra until guidelines are established and approved. In Kingston, you may recall, there was a popular technique by a number of speculators and developers who simply allowed a house to go to ruin as part of the process of putting pressure on nearby neighbours to sell their houses. What action are you taking to avoid the experiences in Kingston and Griffith, where people were in breach of their lease conditions, and will you extend the time for public comment on those guidelines?

MR WOOD: Madam Speaker, I did receive a letter of the nature indicated by Mr Moore. I have to say that I was a bit surprised when I received it because there was a significant planner who wrote to me displaying ignorance of what had been happening in planning in this Territory in the last three years, or more than three years. I have to say that I was very surprised about that because this was a person who I thought was well up with what was happening, certainly in the job he formerly had and in the position he would now seek to advertise to people in the community. I do not know whether that letter was formally approved by the organisation or was written on spec. I have written back to that person in considerable detail, pointing out what members in this Assembly know - that long grind and all that public activity which has seen the development of the Territory Plan.

Mr Moore made some comments about Griffith and the way, he claimed, that things were done there. I have noted at various times some houses falling into disrepair. I am not in a position to say whether that was a deliberate tactic or not. No-one has ever given me any evidence, or any suggestion even, until his comment today, that it was. The areas now of concern - suddenly, abruptly of concern - to that letter writer, and others, have all the protection of the Territory Plan and of the residential policies in that Territory Plan. In addition to that, because we recognise the importance of those areas, we are establishing guidelines that will further provide the necessary protection for that area.

In addition to that, because it is the nature of the Government, we have asked the community, including those people, to give us their comments on those guidelines. Officially that period of comment has passed, but I do not mind if they keep sending in comments; we will take them. So, yes, I will extend that period. That seems to apply universally when we put out documents. The guidelines have the purpose of protecting that area of streetscapes, of urban design, the whole range of things that people think are important, and they are in addition to what are already, I think, very strong requirements in the Territory Plan and in addition to the appeal mechanisms that I will be saying something about shortly. I think the interests of the residents will be well protected.

Territory Plan - Carport Approvals

MR KAINE: Madam Speaker, I would like to direct a question also to Mr Wood, on another aspect of the Territory Plan. Obviously, as we get closer to the implementation date of the plan, people are looking at it more closely and they are discovering some unintended consequences.

Mr Wood: Oh!

MR KAINE: I think this is a serious matter, Minister, and I think you might believe it to be so when you hear what I want to ask you. At Appendix 3 of the plan it talks about where carports can be located on blocks. It says that, on an already developed block, unless the carport is to be 15 metres from the front boundary, you now have to get approval from the Planning Authority to build. You did not have to before, but from next Friday you do. The people who build carports and garages in Canberra have suddenly realised that, as of Friday, they have to have approval, and they have discovered from the Planning Authority that it is going to take 12 to 13 weeks to get the necessary approval. That means that there is going to be a hiatus in the activities of all of these small businesses. One business alone employs 20 people who, for a period of 12 weeks, may simply be unemployed. Obviously this small businessman cannot afford to pay wages for 12 weeks when he cannot get on with work. There are a number of people who are doing this. Potentially, there are 40 or 50 people whose employment over the next three months is somewhat in jeopardy because of this new requirement. Minister, are you aware of this? Is there anything that you can do to ameliorate the impact of this new law over this 12-week period which, unless you do something, is going to cause great concern to a good number of people in the community? Is there anything you can do, or will you look at it to see whether there is something that you can do?

MR WOOD: Madam Speaker, I will look at it in the way that we do business. I will always look at these things. I am not sure that the situation is as serious as claimed. I think that members of this Assembly are more aware of what is in the plan than most people. I do find it a little difficult to accept now comments from the community about what is and is not in the plan, what it says, and the requirements that are now being imposed, because it really has had such a run. At the same time, I acknowledge that if you are flat out earning a crust in the prefabricated garage business, as elsewhere, you do not have time to keep on top of these things. As Mr Kaine asked, I will have a look at the problem.

Self-Government Legislation

MR STEVENSON: My question is to the Chief Minister. I refer to the Commonwealth Arts, Environment and Territories Legislation (Amendment) Bill 1993, which resulted from a 1992 review by the department and the ACT Administration. A further review is now on, according to Queensland Liberal senator, Ian Macdonald. On 1 September the senator understood that the current review was being done behind closed doors between the department and the minority administration in this Assembly, and that neither the other major party nor the Independents were consulted, nor the wider community. The senator asked how the ACT Government could expect support for important changes to the Constitution of the Australian Capital Territory if it consults only with its own mates as to how the Constitution should be changed. Will the Chief Minister, from behind closed doors if she must, tell the Assembly and the wider community what further constitutional changes are contemplated, and what unpublished changes have already been made to the ACT's Constitution by the Arts, Environment and Territories (Amendment) Bill 1993?

MS FOLLETT: Madam Speaker, I will do my best with Mr Stevenson's question, which is bizarre in a number of ways. Members might recall that during the course of the First Assembly there was a select committee established - chaired in the first instance, I think, by Mr Kaine and then by Mr Norm Jensen - to look into the question of self-government and a number of aspects of it. That committee reported to the Assembly. At the time that it reported there had been a change of government and Mr Kaine was the Chief Minister. The committee recommended a number of changes to be made to our regime of self-government, broadly in order to make the Assembly more responsible, more accountable, for its own actions. It included things like handing over to the Assembly control over the sitting pattern, for instance, control over the number of members of this Assembly, and a range of other matters, some of which were just tidying up matters.

In responding to that report, Mr Kaine, as the leader of the government of the day, accepted all of the recommendations of that committee and undertook to convey them to the Federal Parliament so that the recommendations could be implemented by way of amendment to the Australian Capital Territory (Self-Government) Act. Mr Kaine took that action quite properly, and, Madam Speaker, it is a position which I supported. Indeed, the Assembly supported it. It was, in fact, acting upon a report of an Assembly committee.

Madam Speaker, the amendments to the self-government Act initially were to be made before the last Federal election, but in fact they were delayed by the Federal election and have recently been back into Federal Parliament. It is, I think, very surprising, Madam Speaker, that Senator Macdonald, the so-called opposition spokesperson on the ACT, has not sought any advice from me or, indeed, from Mrs Carnell on the matter of these amendments and has taken it upon himself to unilaterally oppose some of them and to attempt to make political capital out of them. Senator Macdonald has behaved even more strangely in making some further comment about a further review going on. I know of no such review, but I think it would have been perfectly open to Senator Macdonald to ask me if there were such a review going on. He conducts his shadow portfolio in mysterious ways, Madam Speaker; ways in which he has indicated that he is not prepared to support the recommendations made by the then Liberal Chief Minister of this Territory. I think anything that Senator Macdonald says in relation to the ACT has to be taken with a massive grain of salt, and that is how I would treat this apparent statement that Mr Stevenson has alluded to.

MR STEVENSON: I ask a supplementary question. Has the Government had any discussions on matters that do affect the ACT that were not included in the recommendations?

MS FOLLETT: Madam Speaker, discussions with whom and about what? I cannot answer a question like that, as it is entirely speculative. All I can say is that I have not discussed with any member of the Federal Parliament any changes to the self-government Act over and above those recommended by this Assembly.

Hospital Care

MR HUMPHRIES: Madam Speaker, my question is directed to the Minister for Health. The Minister would, no doubt, have heard comments this morning by the Federal Health Minister, Graham Richardson, on the *AM* program on the ABC, concerning the Victorian health budget. Mr Berry has alluded to that already. I seem to recall that Senator Richardson said that the reduction in the number of hospital beds in that State would result in people missing out on hospital care. Given that the ACT has the lowest proportion of beds per head of population in Australia, does the Minister concede the possibility that people in Canberra might also be missing out on hospital care, using Senator Richardson's criteria?

MR BERRY: No.

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

Tourism Commission - Advisory Board

MS FOLLETT: Madam Speaker, on 26 August I was asked a question without notice by Mr Humphries concerning Mr Charles Wright. I have provided Mr Humphries with that answer, Madam Speaker, but I seek leave to have it incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

Band Festival

MS FOLLETT: Madam Speaker, on 24 August Mr Kaine asked me a series of questions relating to the international high school band festival. I seek leave to have that answer incorporated in *Hansard* as well.

Leave granted.

Document incorporated at Appendix 2.

Supply and Tender Agency

MR CONNOLLY: Madam Speaker, on 14 September Mr Westende asked me a question about some details of staff of and financial allocations to the Supply and Tender Agency. All of that was canvassed in the Estimates Committee, but I seek leave to have incorporated in *Hansard* a formal answer to Mr Westende's question.

Leave granted.

Document incorporated at Appendix 3.

PERSONAL EXPLANATIONS

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

MADAM SPEAKER: Proceed, Mr Humphries.

MR HUMPHRIES: There are two matters, Madam Speaker. A moment ago in answering a question the Chief Minister made a remark about consultation between the Liberal Opposition in the ACT Assembly and the Liberal Opposition in the Federal Parliament. She asserted that there had been no consultation between the Opposition, and Mrs Carnell in particular, and members of the Federal Parliament, and Senator Macdonald in particular. That is not true. Senator Macdonald has been in close consultation with the ACT Liberals about the position - - -

Mr Berry: I raise a point of order, Madam Speaker. Standing order 46 relates to personal matters. This is hardly a personal matter.

MADAM SPEAKER: I think that is correct. Mr Humphries, would you get onto the second matter, please?

MR HUMPHRIES: Madam Speaker, it was I who was consulted by Senator Macdonald.

MADAM SPEAKER: Thank you. Would you raise your second matter now, please?

Ms Follett: I was right. I said "Mrs Carnell".

MR HUMPHRIES: Both of us have been consulted. Madam Speaker, Mr Lamont this morning, on the whiplash program on the ABC, was talking about the Estimates Committee process and made the rather surprising assertion that I personally and members of my party had not asked any questions of the Chief Minister concerning the redundancy scheme that had been put forward in the budget.

Mr Berry: This is hardly of a personal nature.

MR HUMPHRIES: I know that you do not want to hear this, but you are going to have to, Mr Berry.

MADAM SPEAKER: Mr Berry has a point of order, Mr Humphries. The standing order is quite specific in relation to matters of a personal nature. Would you please talk about just yourself?

MR HUMPHRIES: Certainly, Madam Speaker. It was suggested that I had not asked any questions about the voluntary redundancy scheme.

Mr Berry: If Mr Lamont had said that you do not clean your shoes, that would be a personal explanation; you could say that you do.

MR HUMPHRIES: This is very painful for him, I understand, Madam Speaker.

MADAM SPEAKER: Order! Continue, Mr Humphries.

MR HUMPHRIES: Madam Speaker, I perused the *Hansard* of the Estimates Committee of 30 September and I found not less than 26 different questions asked by me and my colleagues concerning the so-called voluntary redundancy scheme that the Government put forward in its recent budget, on top of a series of questions asked by me and my colleagues of Mr Wood, of Mr Berry and, I think, also of Mr Connolly.

Ms Follett: Not one to the Treasurer.

MR HUMPHRIES: The Chief Minister is the Treasurer, is she not? The questions about the voluntary redundancy scheme were asked of the Chief Minister. Madam Speaker, I think that Mr Lamont deserves a special reward for his outstanding effort in misleading the public of the Territory, and I present him with this small Havana cigar as a sign of his great achievement in indicating so falsely what the situation was in the Estimates Committee.

MADAM SPEAKER: Order! Your personal explanation has been made.

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I would like to make a short statement also. It relates to what Mr Humphries has just said. The fact is, and an examination of *Hansard* will bear it out, that the very day after the Industrial Relations Commission made its ruling on the voluntary separation scheme, the following morning, I was in the Estimates Committee as Treasurer for five hours. In the course of that five hours I got not one question on the voluntary separation scheme, and that was the time when they should have been asked.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Pursuant to standing order 47, Madam Speaker, I seek leave to make a short statement in relation to what Mr Humphries was referring to, particularly in relation to the use of tobacco products.

Mr Kaine: No.

MADAM SPEAKER: As a matter of personal explanation or under a member's speech that has - - -

MR BERRY: It is standing order 46.

MADAM SPEAKER: Proceed, Mr Berry.

MR BERRY: I was personally - - -

Mr Kaine: I declined leave, Madam Speaker. He had to seek leave.

MADAM SPEAKER: Under standing order 46 it is my leave, Mr Kaine, which was why I was asking.

Mr Kaine: Madam Speaker, he was not asking you under standing order 46. He sought leave to make a statement about what Mr Humphries said. It is a different thing.

MADAM SPEAKER: Thank you, Mr Kaine, for your point of order. I think we have since clarified the situation. Under standing order 46 Mr Berry now has leave.

MR BERRY: I found it personally offensive, Madam Speaker, that Mr Humphries was promoting the use of tobacco products in this Assembly.

Mr Moore: That is not a personal explanation.

MR BERRY: I am offended by it. I think Mr Humphries, as a former Health Minister, ought to be - - -

Mr Moore: I raise a point of order, Madam Speaker. You were very relaxed with Mr Berry - appropriately so, of course - with reference to standing order 118(a) and (b) throughout question time; but this is really pushing the luck on standing order 46 in terms of a personal explanation. Madam Speaker, he is about - - -

MADAM SPEAKER: Mr Moore, I do not take that as a point of order. Anything I do under standing order 118 is entirely my responsibility. Please proceed, Mr Berry.

Mr Moore: Madam Speaker, I am raising standing order 46, which relates to a personal explanation. Mr Berry is now talking about tobacco, which, anyway, pre-empts what he is going to say in a minute. It is certainly not anything to do with a personal explanation, Madam Speaker.

MADAM SPEAKER: Thank you for that information, Mr Moore. Mr Berry, I will listen with interest. Proceed.

MR BERRY: I have finished; thank you, Madam Speaker.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

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

The schedule read as follows:

Animal Welfare Act - Code of practice - Approval - Determination No. 139 of 1993 (S206, dated 28 September 1993).

Boxing Control Act - Boxing Control Regulations (Amendment) - No. 36 of 1993 (S193, dated 17 September 1993).

Business Franchise (Tobacco and Petroleum Products) Act - Determination of fees - No. 122 of 1993 (S188, dated 14 September 1993).

Credit Act - Declaration No. 130 of 1993 (S198, dated 23 September 1993).

Dog Control Act - Determination of fees - No. 134 of 1993 (S204, dated 28 September 1993).

Drugs of Dependence (Amendment) Act (No. 3) - Notice of commencement (20 September 1993) of sections 3 to 11 (S190, dated 15 September 1993).

Health Act - Determination of fees and charges - No. 131 of 1993 (S199, dated 23 September 1993).

Housing Assistance Act -

Variation - No. 135 of 1993 (S205, dated 1 October 1993).

Variation to HomeBuyer Housing Assistance Program - No. 136 of 1993 (S205, dated 1 October 1993).

Variation to Scheme for Providing or Assisting in Providing Dwelling Houses - No. 137 of 1993 (S205, dated 1 October 1993).

Variation to Scheme for Providing Concessional Home Loans - No. 138 of 1993 (S205, dated 1 October 1993).

Rent Relief Program - Variation - No. 140 of 1993 (S205, dated 1 October 1993).

Public Rental Housing Assistance Program - Variations - No. 141 of 1993 (S205, dated 1 October 1993).

Short Term Lodging Housing Assistance Program - Variation - No. 142 of 1993 (S205, dated 1 October 1993).

Land (Planning and Environment) Act -

Determination of criteria for the direct grant of holding leases for estate development by Government Joint Venture - No. 132 of 1993 (S200, dated 24 September 1993).

Determination of fees - No. 143 of 1993 (S209, dated 11 October 1993).

Landlord and Tenant (Amendment) Act - Notice of commencement (27 September 1993) of uncommenced provisions (S203, dated 27 September 1993).

Motor Traffic Act -

Determination No. 133 of 1993 (S202, dated 24 September 1993).

Motor Traffic Regulations (Amendment) - No. 37 of 1993 (S201, dated 27 September 1993).

Motor Traffic (Amendment) Act - Notice of commencement (27 September 1993) of uncommenced provisions (S201, dated 24 September 1993).

Motor Traffic (Amendment) Act (No. 2) - Notice of commencement (27 September 1993) of uncommenced provisions (S201, dated 24 September 1993).

Motor Traffic (Alcohol and Drugs) (Amendment) Act (No. 3) - Notice of commencement (27 September 1993) of uncommenced provision (S201, dated 24 September 1993).

Occupational Health and Safety Act - Instrument of approval for the adoption of the National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment - No. 121 of 1993 (G37, dated 15 September 1993).

Public Place Names Act -

Determination No. 128 of 1993 (S197, dated 23 September 1993).

Determination No. 129 of 1993 (S197, dated 23 September 1993).

Radiation Act - Determination of fees - No. 127 of 1993 (S194, dated 17 September 1993).

Rates and Land Rent (Relief) Act - Notice fixing rates of interest - Determination No. 125 of 1993 (S188, dated 14 September 1993).

Rates and Land Tax Act - Determination for the purposes of the *Rates and Land Tax Act 1926* - No. 126 of 1993 (S188, dated 14 September 1993).

Registrar-General Act - Notice of commencement (1 October 1993) of remaining provisions (S207, dated 29 September 1993).

Registrar-General (Consequential Provisions) Act - Notice of commencement (1 October 1993) of remaining provisions (S208, dated 30 September 1993).

Taxation (Administration) Act -

Determination No. 124 of 1993 (S188, dated 14 September 1993).

Stamp Duties (Interests in Land) - Determination No. 123 of 1993 (S188, dated 14 September 1993).

SMOKE-FREE ENVIRONMENTS
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 smoke-free environments in enclosed public places and workplaces.

Leave granted.

MR BERRY: This might explain, Madam Speaker, why I was so offended by what I thought was Mr Humphries's use of this place to promote the use of tobacco products. Encouraging members to smoke cigars is, in my view, encouraging use of tobacco products.

Mr De Domenico: He smokes cigarettes.

MR BERRY: Yes; but, whatever people do in this place, Mr De Domenico, none of them, except Mr Humphries, have ever tried to promote the use of tobacco products in this chamber.

Madam Speaker, this Government believes that all members of the community should be able to go about their daily lives in an environment free from unnecessary and avoidable health risks. This includes being able to work, to shop, to dine and to enjoy entertainment without exposure to the carcinogens, toxins and irritants that comprise environmental tobacco smoke. The overwhelming majority of Canberrans support this view. Two years ago 75 per cent of Canberrans said that they favoured smoking being prohibited in all enclosed public places. Two years ago 97 per cent of Canberrans wanted restaurants to be smoke-free or to be required to substantially restrict smoking.

This was well before Liesel Scholem's victory in the New South Wales courts which signalled to workplaces that passive smoking exposure must be taken seriously, and it was well before the US Environmental Protection Agency named environmental tobacco smoke as a recognised carcinogen with no known safe level for human exposure. It is undeniable that, over the past few years, scientific opinion and legal opinion have strengthened and have moved in the same direction, that is, towards supporting the need to protect non-smokers from other people's smoke. There is no question that public opinion also has gathered strength and moved in the same direction.

It is the Government's responsibility to take initiatives where public health is concerned and also to take account of the views of the community in implementing these initiatives. It is for this reason that we have issued two discussion papers. One concerns proposed legislation for smoke-free enclosed public places. The other contains a draft code of practice for workplaces, under occupational health and safety legislation. The intention of the public health legislation is to extend protection to all members of the community by establishing non-smoking as normal practice in a range of enclosed public places. The proposals, as outlined in the discussion paper, have been developed following intensive research into similar legislation which has been in effect elsewhere for up to 20 years. The proposals also follow informal consultation with a wide range of community and business groups, nearly all of whom understand and welcome the idea of government action and the creation of a level playing field on this issue.

The legislative proposals provide for the fair, equitable and predictable introduction of non-smoking arrangements. Many of the places on the list of those which may go smoke-free first are already smoke-free as a result of management policies. The Government is confident that there is strong popular support for these policies. I might just interject there, Madam Speaker, in relation to a document that I tabled earlier - a petition which was organised by the Australian Hotels Association - and be critical of the association in relation to its involvement in that matter. The Hotels Association made no attempt to properly inform the petitioners of exactly what was going on.

Mr Cornwell: How do you know?

MR BERRY: You only have to read the top of the petition to see that. They said that there were going to be laws introduced - - -

Mr Cornwell: Not necessarily.

Mr Humphries: What does it say?

MR BERRY: We have circulated discussion papers, certainly, as a precursor to smoking in public places legislation. What the AHA failed to tell patrons of the establishments where they had the petition tucked away was that laws already are in place which protect people who serve behind the counters and who pick up glasses in order that they be provided with a safe workplace. The employers in those establishments are obliged to provide a safe working place for their workers, and the evidence demonstrates fairly clearly that in most cases they are not - in fact, in all cases where they allow smoking around their employees.

Madam Speaker, the proposals that we have put forward also allow for changing community norms to be taken into account. They also provide for smoking to be allowed in certain types of places as long as certain conditions are met. The proposed conditions concern the posting of signs, the use of separate ventilation, and measures to ensure that children and young people are not exposed to smoke. These seem inherently reasonable. It is proposed that the types of places which may be allowed to permit smoking, according to the agreed conditions, could include licensed premises whose primary business is other than the sale of food to be consumed on the premises; in other words, licensed premises whose primary business is the provision of gaming facilities or the serving of alcohol. Other types of premises not included in the proposed list of places to go smoke-free - initially, that is - are separately enclosed areas of restaurants and hotels used for meetings and private functions, and areas of hotels and other multi-unit residential facilities which are not common areas. All premises which are also places of work, but which are not specifically listed in the legislation, will be expected to abide by the occupational health and safety standards which I mentioned a little while ago.

I would like to say a little more about that matter. As I have indicated from the release of the two discussion papers, a dual approach is proposed. We are fortunate to have in the ACT a recognised and well-established tripartite body which addresses workplace health and safety issues on a cooperative and consultative basis. This body, the Occupational Health and Safety Council, has prepared a draft code of practice on passive smoking in the workplace. The draft code follows formal consultation with public health bodies and employer and employee groups, and reflects similar moves in New South Wales, which also were based on an extensive consultation process. The council has taken into account, and will continue to take into account, likely developments on a national level.

The workplace code of practice and the legislation are intended to complement each other. Under the proposed legislation there will be no smoking in parts of workplaces to which the public normally have access, where smoking is prohibited under public places legislation. If, for example, shops and restaurants are included in the legislation, then the public areas of these places will be smoke-free. Areas normally frequented only by employees will be covered by the occupational health and safety measures. Managers will therefore be responsible for applying the legislation in public areas, and the code of practice in employee areas. This arrangement builds on the roles that managers already have in administering policies for their customers and for their employees. The new arrangements are expected to be self-enforcing, through the provision of education, information and the use of clear and appropriate signage. The new arrangements will be beneficial in a financial sense to both employers and ratepayers. We know that passive smoking can trigger asthma attacks, cause acute and chronic respiratory problems, increase the risk of lung cancer and heart problems, irritate allergies, and contribute to a host of other health problems in non-smokers. The cost of this increases pressure on our hospital system. At the same time, businesses suffer from lost work days and lower productivity.

No-one is expecting or proposing overnight changes, yet we must take account of our responsibility to act strongly in this area when other approaches have already been tried and have been shown to be lacking. Madam Speaker, we must also take into account the significant changes that have already occurred in society. The 1993 national household survey, conducted for the national campaign against drug abuse, shows how socially unacceptable tobacco use has become.

Two years ago just over half the people thought that regular tobacco use was acceptable. This year only 36 per cent think it is acceptable. Over three-quarters of people in the national sample say that passive smoking constitutes a real health risk.

Any Minister for Health would be delighted to announce measures which would result in the cost-effective reduction of health risks which potentially affect thousands of people, including infants, children and other vulnerable groups. It gives me additional pleasure that, with the release of these two discussion papers, the ACT has become the first jurisdiction in Australia to propose a comprehensive strategy for the phased elimination of environmental tobacco smoke from a wide range of public and work places. As I mentioned, I have already consulted with community and business groups, and I have been gratified by their acceptance of and support for the Government's approach. During the public consultation period I hope to receive constructive comments from all sectors, including from those who have been overtly critical. I would hope that the concerns and criticisms initially expressed by the Australian Hotels Association will be followed up with a more considered response, and I would trust that that response would have regard to the future health of Australians, once the association's members have had an opportunity to study the proposals in more detail. In the legislative proposals, in particular, every possible consideration has been given to the hospitality industry, and the hotel sector is no exception.

The purpose of discussion papers is to elicit public comment. Further development of the legislation and the code of practice will take place only following the close of the consultation period. We mean it when we say that we will consult. For the legislative proposals, this is 12 November; and for the workplace code, this is 3 January. The Government is not unaware of the landmark nature of these proposals, and of the reasons that the tobacco industry and its allies have for opposing them. After all, the tobacco industry have it in their interests to slow down the process of change. However, I think this Assembly and anybody else who is concerned with the health of the community will not let these people stand in their way.

Mr Cornwell: Why does not your Federal Government ban the growing of tobacco? You are just telling us how difficult it all is, how terrible it all is.

MR BERRY: I hear an interjection from Mr Cornwell. Mr Cornwell, lack of understanding amongst the Liberals must be catching. This is not about whether people smoke; it is about where they smoke. You will understand - - -

Mr Cornwell: All I have heard from you is a long diatribe about how terrible it is. Now you are going to put down conditions.

MR BERRY: You will stand out alone if you say that it is a good thing.

Mr Cornwell: You are totally inconsistent.

Mrs Grassby: Mr Berry, you can tell the smokers in the Liberal Party.

Mr De Domenico: Who are they? He is not a smoker. No-one is. How many smokers have you on your side?

MADAM SPEAKER: Order! Mr Berry has the floor.

MR BERRY: On the other hand, we also believe, along with the majority of the community, that the measures we have proposed not only are inevitable but also will constitute a major step forward towards achieving a healthier environment for us all. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

MRS CARNELL (Leader of the Opposition) (3.25): I would like to use this opportunity to support in principle, as Mr Berry knows well, his proposals for improving the general health of the community. I was very pleased, though, to hear Mr Berry say that he was not going down the track of making changes overnight. As much as we must take into account the real health of the community and the obvious problems that passive smoking causes for the community as a whole, we also must take into account the viability of small businesses in our region and in our city. It is not appropriate to make changes overnight, and I was very pleased to hear Mr Berry say that he was not planning to do that. I think he made the comment that he was looking at a phased-in approach - something that the Liberal Party would very definitely support. We definitely support an approach that will give small businesses an opportunity to come to grips with the changes in the community and the changes that will be required of them. This will not be something that they will be able to achieve over a few weeks or a few months; it will take time.

I know, as the Chief Minister does, that small business in this city employs a very large percentage of Canberrans, particularly our young people. The industries that this change will hit the worst are those in the hospitality area that employ our young people. I know that Mr Berry would also agree that the last thing we want to do is to make one young person lose their job, or, alternatively, stop a hotel, a tavern or a restaurant employing one of the 37 per cent of our young people who are currently unemployed. We certainly do support Mr Berry's real efforts to improve the public health, the health of the people of Canberra; but, I say again, it is very important for him to take heed of his own words - that the changes must not be made overnight. They must be phased in and small business must have an opportunity to adapt in a cost-effective manner.

MR HUMPHRIES (3.28): Madam Speaker, I would like to support the comments made by Mrs Carnell and to reflect on the very long and tortuous process whereby the Territory has come to the position where it can consider proposals such as this. Members will recall that, over a great many years, legislation has been developed to deal with the problem of passive tobacco smoking, the availability of tobacco products to young people, the problem of advertising tobacco products in the community, and a whole series of issues associated with the harm that tobacco does. I am very proud to have been responsible for tabling in this Assembly in 1990 the legislation which created so many landmarks, as it were, in Australian health development in dealing with tobacco products in the ACT in a way which had not previously been the case in other jurisdictions. This was the first jurisdiction in the country to just about totally ban tobacco advertising. It was the first jurisdiction, I think, to deal with the sale of tobacco products to children under the age of 18 years, and we have led the field in that respect. Many other jurisdictions have now followed the lead that we set.

The step that the Minister has taken in making and in tabling this statement today, I must admit, is a fairly game one. Mr Berry knows how many people he will antagonise by taking this step. He knows that there are many people who will not see the purpose behind this step, but will rather see the immediate inconvenience that is occasioned to their business, their personal environment, or their own addiction by the decision that he and this Government have made. Mrs Carnell is quite right to say that it is very important to bring people along, to win people's hearts and minds with these changes, as much as it is to challenge the expectations of their lungs, so to speak.

I might say that, in the past, on occasions when the former Government of which I was a member attempted to make some of these changes, we sometimes had to contend with very virulent criticism from Mr Berry about the timing - - -

Mr Berry: Not about this.

MR HUMPHRIES: As I recall, there were some very strong comments by Mr Berry about what he saw as the slow, slow problem of not getting the legislation up fast enough, and he was then concerned about the speed of its passage through the Assembly. He had some concerns about the operation of some of those clauses and asked us to slow down a bit on those, saying that we were going too fast at that point. There are always problems.

I would hope that Mr Berry, and all of us, can strike the right note in this. We will need to stick together in order to convince the community that there is value in going down the path that has been suggested today. I, for one, think we members of the Assembly can do that if we are prepared to undertake the process of talking to each other and talking to the rest of the community, and I suspect that there has not been enough of that in the past. Madam Speaker, I think this is an important first step, and I hope that the goal which is being set by the Government in this respect is a goal which can be met in a reasonable period.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.31), in reply: I thank members opposite for their support in principle on this issue. As Mr Humphries said, this matter has been around for some time, dating back to 1989, in fact, when the first attempts were made to draw up the legislation. I know that Mr Humphries and I had a bit of a contest about who should be introducing the legislation. As I recall, I said that I should be introducing it in private members business and he wanted to introduce it as government business, and I was not able to get legislative drafting arrangements in place, and so on. But it does not matter because the result was a good one. I think anybody who was concerned about the issue of the community's health, as Mr Humphries has said, would have been proud to have been the one who tabled that initial legislation. It has been a difficult period, even within the framework of that legislation, because the power of the tobacco companies is great. We have seen the struggles about advertising that have occurred in relation to the New South Wales Rugby League, and places in this town. There will be, I suspect, more attempts by the tobacco companies to slow down the pace of progress on this very important reform.

I would like now to take up some of the issues that Mrs Carnell mentioned in her speech. I do not want to appear churlish, because that is not my intention; but there seems to be a bit of a misunderstanding about the obligations of employers industrially in terms of workplace safety. If a small business becomes less viable as a result of an important workplace safety initiative, then that is as it has to be, because there is no excuse. Even before occupational health and safety legislation was introduced into this chamber it was never accepted that a safety hazard in the workplace should be allowed to persist, because it could always be fixed, as can tobacco smoke in the workplace. I think it is the wrong path to pursue if you argue that the viability of small business is the most important thing on this very important matter.

We have a couple of hundred years of tobacco consumption behind us, and things are not going to change overnight. But, if there were, say, tomorrow a case that went against an employer and significant damages awarded, then it would change overnight. It would change overnight, with fairly dramatic effects. Employers really have to start doing something about it now, because it is well recognised that there are hazards, even if it costs them to do so, even if the viability, to one extent or another, of their small businesses has to be adjusted. There is no excuse for an unsafe workplace, not even when it comes to the profitability of an enterprise.

Mrs Carnell: A phase-in period cannot hurt.

MR BERRY: Mrs Carnell says that a phase-in period cannot hurt. The reason that we have chosen that path is that we do not want to use shock treatment, but employers have to understand that if something goes wrong in the intervening period it will change overnight, and the effect will be dramatic. As Mr De Domenico knows, the insurance industry will require, overnight, much higher premiums than had hitherto been the case, and it will be like the back of an axe; it will be so blunt. Employers will be forced to do something about it. I do not think there is a clear understanding about that likelihood out there in the business society. Certainly a good many business men and women know and understand the problem, and many of them are doing something about it. I think we have to be perfectly clear on that particular issue; that employers, right now, have an obligation to their employees to provide a safe workplace under the existing occupational health and safety legislation. What we are doing on the occupational health and safety side is showing them the way to provide it. We will be grateful if they provide it before we get to that. In relation to the community generally, we are dealing with it in another way - by way of legislation to deal with enclosed public places. I thank members opposite for their in-principle support for the approach that the Government has taken.

Question resolved in the affirmative.

ENVIRONMENTAL INITIATIVES - GOVERNMENT'S PROGRESS ON IMPLEMENTATION
Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the Government's progress on implementing environmental initiatives.

Leave granted.

MR WOOD: Madam Speaker, in August this year the Chief Minister presented a report to the Assembly regarding the Government's preferred future for the year 2020 titled "Choosing our Future: Canberra in the Year 2020". One of the cornerstones of this future is ecological sustainability. Part of the preferred future described in the document is for Canberra to be planned, developed and managed within ecological principles. The expected outcomes from this are a healthy, vital and sustainable future for all to share, and the maintenance of biological diversity in the ACT and the region. Today I would like to outline some of the initiatives the Government is implementing to achieve this vision for the ACT's environment in the next century.

Throughout the world people have recognised that their future well-being depends on the management of their natural environment in an ecologically sustainable manner. A healthy, natural environment should be a birthright for all, and future generations have a right to the same choices and benefits that we have enjoyed. It is our responsibility as members of the community to manage the environment to achieve this. A responsibility of this magnitude demands a cautious and considered approach. This is embodied in what is known as the precautionary principle, which is an underlying principle of ecologically sustainable development. The precautionary principle advocates the implementation of preventive measures where there are threats of serious or irreversible environmental damage, even if there is a lack of scientific certainty as to the causes and effects of this degradation. Essentially this means that our environment is far too precious for us to risk degradation.

An important aspect of the Government's role in this regard is to work cooperatively with the community to minimise the environmental impacts of human activity. In doing so we must protect and enhance our natural and built environments. At the same time, our use of non-renewable resources should be minimised, and waste products and other pollutants managed so that they have negligible environmental impacts. We must also ensure that species diversity is maintained and that ecosystems continue to function naturally. The 2020 report is explicit in its concern for these issues. In describing Canberra's preferred future it states that compatibility with ecological principles is a guiding principle for land management and development, and that biodiversity is maintained in Canberra and the region. Through the Government's actions now, in 1993, we are laying a firm foundation for achieving the vision for the ACT's environment in 2020. This is clearly demonstrated by the range of initiatives being taken by the Government. These are fully described in supplementary budget information paper No. 2, the 1993 environmental budget statement, which was tabled in the Assembly on 14 September.

As stated in the introduction to the environmental budget, the Government is committed to the long-term strategic management of the ACT's environment. Our commitment in words is being matched by strategic and pragmatic actions on the ground, and also by the allocation of funding despite the difficult financial times we face. We are now developing many innovative programs to ensure the continued protection and enhancement of our environment. These programs are being coordinated across government to produce a holistic and integrated approach to the environmental management of the ACT. These projects are outlined in this year's environmental budget statement, which describes the many and varied environmental initiatives being implemented by the Government. It is important to appreciate that the environmental initiatives outlined in the budget will cover the full range of government activity and are not limited to areas where the environment is the major concern of a particular agency. This coverage demonstrates that issues such as resource usage and sustainability are mainstream concerns and are part of the fundamental business of government.

There are a number of significant areas in which the Government is demonstrating its strategic approach to environmental management and which demonstrate our commitment to achieving our vision for 2020. One of the goals identified in the 2020 report is to develop Canberra as a centre of excellence in environmental planning and management. Implicit in this goal is planning and design for a sustainable urban environment. The Government has already laid a good basis for this through the development of the Territory Plan. The potential for planning decisions to impact on the quality of the environment is great. The plan is a comprehensive document which explicitly requires consideration and amelioration of environmental impacts. The plan establishes land use areas, sets out the policies which apply in each area, and incorporates water resource policies. It will be supplemented by guidelines covering a range of environmental issues such as air quality, noise management, energy and contaminated sites.

The plan also confirms the Government's commitment to increasing energy efficiency across the ACT. There are compulsory energy audits for subdivisions of 30 or more blocks, and compulsory energy management plans for buildings of more than 2,000 square metres. Additionally, the plan provides for the introduction of compulsory energy efficiency ratings for dwellings approved after 1 July 1995. These provisions reflect the Government's belief that the community has much to gain from improving energy efficiency in buildings. The Government has already set a very good example since 1990 with its own energy efficiency initiatives.

The plan also confirms the importance of the ACT's regional context in coordinating environmental issues. Water catchments and control of feral animals and plants are two of the areas where joint activities with governments over the border are very important to a sustainable future.
The implementation of the new plan is a high priority for the Government. The plan allows for explicit incorporation of environmental considerations into the planning process. Therefore it will be a key component of environmental management in the ACT and region.

An integral component of environmental management is planning for the future. Like most other governments, the ACT Government is facing some crucial decisions as to how best to meet the expectations of Canberra's growing population. With nearly 300,000 residents, the ACT, despite its careful planning, is already facing some of the social and environmental problems inherent in an ever expanding urban fringe. The problems include the loss of rural land and the environmental impacts of the expansion of urban development in rural areas, such as the control of solid wastes, stormwater and sewage. In addition, the cost of infrastructure for new areas and the declining utilisation of community facilities have led governments all over Australia to look at the need for the regeneration and better use of existing infrastructure.

We have addressed this issue by adopting an urban renewal policy that establishes a land development program of 50 per cent urban renewal and 50 per cent greenfield development. Urban renewal is identified in the 2020 document as one way of providing greater housing choice and more appropriate use of housing stock. This policy offers other potential benefits in both economic and environmental terms. It allows for a reduction in the demand for new capital works and encourages the regeneration of existing areas. In doing so it results in the more efficient use of existing land, infrastructure and facilities. Environmental benefits will accrue through decreased metropolitan vehicle emissions and associated air pollution. There are a number of excellent examples of the Government's urban renewal policy, including Kingston, North Lyneham and Aubrey Tow Court in Ainslie. North Lyneham is an example of the development of land adjacent to an existing district and has been developed with the need for only very limited government expenditure on social infrastructure. However, it provides a wide range of housing stock and has increased the viability of facilities such as schools in Lyneham.

Turning to another issue - the ACT greenhouse strategy - in May this year I released a strategy which focuses on areas where the ACT can make the most significant contribution to reducing greenhouse gas emissions. These areas are energy supply and use, the transport sector, and waste minimisation. Cross-sectoral issues, including urban design, public awareness, research and development, are also considered. Many of the initiatives outlined in the greenhouse strategy have already been implemented, and I outlined the energy initiatives associated with the Territory Plan earlier in this statement.

Establishment of the eco office scheme across the ACT Government Service is progressing. In fact, the scheme is being expanded to encompass energy and resource saving measures in non-office situations. The trial of wheeled bins for household waste and kerbside collection of recyclables in Kaleen was extended to the suburbs of Dickson and Melba in June this year. The trial will provide valuable data to be used in the selection of an integrated household waste collection and recycling system. This will be a significant component in the development of a comprehensive waste management strategy for the ACT. The transport capital works program includes an ongoing program of on- and off-road cycle facilities provision. This year we are spending almost $200,000 to improve traffic lanes and shoulders on arterial roads between Woden, the city and Belconnen to encourage adult inter-town community cycling. The Federal Government is matching this amount for the project. In the meantime the ACT bicycle strategy is in its final stages of development.

Another target for the environment of 2020 is to establish the ACT as a model for both the protection of biological diversity and the maintenance of ecological processes and systems. We have already developed draft legislation for the identification, declaration and protection of endangered native species and ecological communities of the ACT. This has been circulated for public comment. Specifically, the Bill proposes the establishment of an expert committee to advise me on the conservation status of native species and ecological communities in the ACT. The Bill also proposes that the Conservator of Wildlife prepare action statements outlining conservation issues and proposed management measures for each declared species, community and threatening process. Part of this package proposes that the Conservator of Wildlife, in consultation with the community, prepare a nature conservation strategy for the ACT. The Government has provided $163,000 for the implementation of the endangered species package of initiatives this financial year.

The management of our water resources, including water quality, is considered a priority. We are making progress towards achieving the 2020 goal of environmentally sustainable systems for water supply, sewage and stormwater management. One particularly important issue for the ACT is water management. It impacts on so many areas. To address this, the Government's approach has been to involve many government departments in the management of water in the ACT. Often one agency will take the lead role on a specific project. For example, in March this year my colleague Terry Connolly launched a process to develop a future water supply strategy for the ACT. This project is managed by ACTEW, and other government agencies are actively involved in its development. A significant feature of the project has been community involvement. Community consultation has focused on the areas of education and awareness, water pricing, water conservation practices and appliances, water supply security and alternative water sources. A draft future water supply strategy is currently being prepared by ACTEW for further community consultation before finalisation of the strategy.

The management of the Lower Molonglo Water Quality Control Centre is a good example of the high standard the ACT has set in managing sewage. The plant is a model of inland sewage treatment and the impact on receiving waters is kept to the lowest practical level. This includes the recent decision to build a bypass dam to contain partially treated sewage being discharged to the Lower Molonglo River in times of exceptionally high flows. I might say that the management of that area since coming under Mr Connolly's control has further improved the control of bypasses. The impact on terrestrial habitats has also been considered during proposed modifications to the plant. For example, negotiations on the construction of the bypass dam, within an area inhabited by an endangered species of legless lizard, resulted in $92,000 being allocated for research on the lizard over a three-year period at the University of Canberra. However, the Government will not be lulled into complacency. There is always room for improvement. The performance of the Lower Molonglo plant is continually monitored, and an environment improvement plan is being finalised which will ensure that the plant meets environmental and social objectives as well as operational objectives.

In keeping with its interest in water quality management, the ACT Government has become a partner in the newly established cooperative research centre, or CRC, for freshwater ecology which is partly based at the University of Canberra. The principal aim of the CRC is to develop strategies for the sustainable management of freshwater ecosystems. The ACT is making an annual contribution of $100,000 in cash and $250,000 of in-kind support to the CRC over the next seven years. In return it expects to gain the benefits of research being undertaken on algal bloom management, environmental flows and biological assessment techniques which are of particular relevance to the ACT. The work being undertaken by the CRC demonstrates an often unacknowledged aspect of environmental research - that it can both save and make money. The old adage that prevention is better than cure has never been truer. The work being undertaken by the CRC on assessment techniques will be useful for the preparation of state of the environment reports, which is one of the main responsibilities of the newly established position of Commissioner for the Environment, the first statutory Commissioner for the Environment in Australia.

One of the main roles of the commissioner, Dr Baker, will be to provide an independent assessment of the ACT Government's performance on environmental management. In doing so, the commissioner will act as an environmental ombudsman, investigating community complaints about environmental management policies and practices of ACT government agencies. The establishment of the office of the Commissioner for the Environment demonstrates a genuine commitment by the Government to be accountable for its actions and to improve its environmental management practices. This will set us in good stead for guiding us in the direction of improved environmental management in the future. A separate allocation of $178,000 has been provided for the commissioner in 1993-94.

A further initiative which demonstrates the Government's commitment to excellence in environmental management is the current review of pollution control legislation. A discussion paper on the Government's intention to prepare integrated environment pollution control legislation is well advanced and will be released for public comment in the near future. This should ensure that we have a regulatory framework that will ensure protection of the environment well into the future. Development of integrated environment protection legislation aims to improve environmental outcomes by taking a holistic approach to the environment and fostering the principles of cleaner production and waste minimisation. It also provides opportunities for administrative efficiencies for both the government sector and the private sector, while ensuring effective monitoring and enforcement.

Although I have outlined a range of initiatives, I have only touched on some of the significant ones. The environmental budget is the most comprehensive source of information on the Government's environmental management programs. Most of this material will be linked in one way or another through a strategic document which is close to being finalised for public comment. The draft ACT environment strategy will be available for public comment in the near future. This framework strategy has grown out of the Government's commitment to an ecologically sustainable ACT. Ecological sustainability will be emphasised in the environment strategy and it will provide a framework for the development, review and revision of appropriate strategies to promote effective environmental management well into the next century. Flowing from this framework, it is anticipated that other supporting strategies and policies will be developed in consultation with the ACT community and people in the surrounding regions.

This is in recognition of the fact that the environment does not recognise jurisdictional boundaries. The ACT environment strategy will provide a context, for both those strategies that have already been developed, such as the ACT greenhouse strategy, and those still to be written, including those for environment education, waste management, nature conservation and integrated pest management. Some of these have been identified in the 2020 report.

I would like to conclude by adding that, whilst the ACT is a small jurisdiction, the Government considers the ACT's involvement in the development and implementation of national and international environmental agreements as very important. Our local actions can, and do, make a difference. We have been an active participant in the development and implementation of national agreements, including the intergovernmental agreement on the environment, the national strategy for ecologically sustainable development, the national greenhouse response strategy, the national forest policy statement and national strategies on biodiversity and endangered species. We are also prominent amongst the States and Territories in implementing Australia's commitments to international environmental initiatives. This involvement enables the ACT to ensure that it keeps abreast of national and international developments.

The environment budget demonstrates that the Government is establishing an excellent base for achieving the vision enunciated in the 2020 report, and action to protect and enhance the ACT environment is being taken across a broad range of ACT government agencies. The Government is proud of its environmental management record to date. It is also proud that it has been able to fund a range of environmental initiatives in 1993-94. In its endeavours to create the ecologically sustainable Canberra envisaged by the 2020 report, the Government is committed to continuing its efforts to enhance and protect the environment. Clearly, there is much work still to be done. Nevertheless, the Government is confident that by continuing to work cooperatively with the community the 2020 vision for the environment is achievable. Together we can ensure that the environment is protected in its own right and for future generations. Madam 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 **Ms Szuty**) adjourned.

ANNUAL BUDGETS - EARLIER PRESENTATION
Discussion of Matter of Public Importance

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Grassby): Madam Speaker has received a letter from Mr Kaine proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The benefit to the community of an earlier presentation of the Territory's Annual Budgets.

MR KAINE (3.59): Sometimes when I come into the chamber and I note that there is a matter of public importance on the agenda I wonder just what it is about it that makes it important or of importance to the community. I know that there will be people sitting here today who will say, "Why is this a matter of

public importance?". Well, it is a matter of importance and I will take the next 15 minutes to explain why. I think it cannot be argued that the timing of a budget has a very significant impact on many sectors of our community. Of course, if you are a taxpayer and there are new tax measures, it certainly has an impact. If you are a consumer of services and the value and the nature of the services being delivered are going to change, it has a very significant aspect. So I think there are a lot of people out there in the community who think the timing of the budget is important. I note that the Federal Treasurer thinks it is important, because he has announced his intention to bring his budget forward much earlier than in previous years at the Federal level. I think it can easily be argued that, if it is of advantage for the Federal budget to be brought forward earlier, then it is equally important for us, at our level, to bring ours forward earlier.

I intend to deal with only three reasons why I believe that it is important to the community to deal with the budgets earlier in the financial year than we have done in the past. The first of those has to do with the full-year effect of measures introduced in the budget. There are two elements to that. The first is that, almost invariably, there are at least changes in the existing tax structure, if not new taxes. From the Government's viewpoint, some of those taxes cannot be collected until the Appropriation Bill is passed and the in-principle approval of the Assembly is given to the new tax, if there is a new tax. Then you have to go through the process of getting the enabling legislation to put that new tax into place through the system. So, instead of getting the benefit of the new tax, if it is endorsed by the Assembly, for the whole year, you may get the benefit of it for only a very small part of the year. Clearly, if the tax is a good thing in the first place, it must be better to get it for the whole year than for only part of the year. From the Government's viewpoint, particularly when it sees the desirability of imposing a new tax measure, whether it is to impose a new tax or simply to increase the quantum of an existing one, to get the full effect of that in the year in question could hardly be argued to be a bad thing.

The other side of the coin is when there is a decision to change the way that our expenditures take place, because very often such a change is aimed at achieving savings from the budget measure, whatever it is. A classic case, of course, is the voluntary redundancy packages. The Chief Minister this year hopes, or originally hoped, to spend $17m on redundancy packages with the objective of achieving budget savings in consequence of that expenditure. It is not the first time it has been done. The Alliance Government attempted to reduce the size of the payroll, and the present Chief Minister and Treasurer has attempted to do it in previous years, so it is not new. What we discover in fact is that we rarely achieve the objective that we set out to achieve, because the budget has to be processed and is finally approved round about November. Then you begin the process of putting the budget measures into effect and, particularly with something of that nature, it takes quite a long time.

I believe that it has not taken so long this year to get a lot of people to put their hand up and say that they are willing to go, but you then have to process those applications and you have to consider them in the context of government policy. Are the people that are applying the ones that you want to go, or can you not afford to let them go? And so forth. So the year goes by and to the extent that there were any budgetary savings built into that year's budget as a consequence of such a decision it very often is not achieved. Therefore it must be an advantage to the Government to have its budget brought forward, the whole cycle

brought forward, so that when there are savings to be made you can take advantage of the savings over the whole course of the year instead of perhaps for only three or four months. I think that at the macro level it can be argued very strongly that to bring the budget forward earlier can be a good thing, both from the expenditure side and from the revenue side.

The second impact is on those people, community groups, who are dependent on the budget for their financing. I know from my personal experience that over the years since self-government and, indeed, even before, in the days of the old advisory bodies that I was a member of, there was a regular annual complaint, soundly based, that community organisations relying on the budget for their funding did not know until well into the financial year, first of all, whether they were going to be funded, and, secondly, to what extent they were going to be funded.

I have tried not to be specific about dates; but, if you could bring the budget forward and bring it down, say, in June, people would have a pretty clear indication of whether or not they could expect to be funded, and they could plan accordingly to gear their operations right from 1 July to their expected level of funding. They would not get the funding necessarily at that point; but they could plan on it because it is customary for the Government, once the budget is on the table, to say, "This is the level of funding that we are proposing for certain organisations", but it is not customary to do it until the budget is on the table. Of course, it would be unreasonable to suggest, before the budget has been brought down, what level of funding is going to be provided. A lot of these community organisations, the budget dependent organisations, could say with some certainty right from the beginning of the year, "We know that we are going to be funded and we have some idea, at least, of the level of funding that we can expect. We can get on with providing the service which the Government has agreed that we should be funded to provide". You can argue that there are very significant community organisations which would benefit from having the budget brought down earlier.

The third point that I want to mention is one that is probably dearest to the hearts of members of this Assembly because it would, I believe, allow a more comprehensive Estimates Committee process.

Mr Wood: If it would allow a better one.

Mr Connolly: An Estimates Committee lasting from June to October. What a thought!

MR KAINE: They hate to be accountable. The Estimates Committee process is the most direct way in which members of this Assembly can make the members of the Executive accountable.

Mr Connolly: We were almost agreeing with you, Trevor, up to that point.

MR KAINE: I expected this response; but, in fact, I am not suggesting that the Executive is not responsive now. What I am suggesting is that some of the members who go into the Estimates Committee are not well prepared, are not as well prepared as they might be, because the budget is brought down - - -

Ms Follett: Your members, this is.

MR KAINE: No, both sides of the house. Then members start trying to acquire that additional information that is not part of the budget papers. There is a lot of it. I am sure that the Ministers sitting opposite must have a fairly good idea of the magnitude of the additional information that is being sought now through the processes of the Estimates Committee.

Mr Wood: That you probably will not use.

MR KAINE: We do use it, Minister.

Mr Wood: Mr Humphries says that it is a fishing expedition.

MR KAINE: Perhaps some of us use it better than others. The fact is that the budget papers do not provide all of the information that one really needs in order to pursue a matter in detail with a particular Minister. Once the budget is on the table we start this process of trying to acquire more and more information. I think even the members of the Executive would argue that you would have a better debate in the Estimates Committee if the non-government members were better informed than they have been in the past.

The process is improving. Some of us have been around here for a quite long time. The Chief Minister and I have been here since Methuselah was a pup. Back when Methuselah was a pup the amount of information that we had available to us during the Estimates Committee process was minimal. That was for a number of reasons. One was that we had not yet begun to appreciate that there was a lot more information there that was available for the asking. A lot of it is not available for the asking, but I am sure that there is a lot of information that is still there that would add to the quality of what happens in the Estimates Committee.

Of course, to some degree the additional information that you get when you go out and deliberately seek it can effectively reduce or change the kind of questioning that goes on in the committee process, because if you already have the information you do not need to elicit it from a Minister or senior official. I am not suggesting that you would necessarily lengthen the time taken by the Estimates Committee process. What you would be doing is lengthening the period from the time the budget is brought down until the Estimates Committee process begins, to allow a more comprehensive information gathering exercise, so that members can be better informed and they can identify, perhaps better, the areas that they wish to develop in greater depth with the Ministers and the officials when they are before the committee. I believe that it would add to the quality of the Estimates Committee process.

I know that it might also make it more difficult for Ministers. There is no question that the more information you have the more difficult you can make the life of a Minister when he or she comes before the Estimates Committee; but I think that that is the essence of the Estimates Committee. Our job is to make life difficult for the Ministers. As I said before, this is really the one time during the annual cycle when an individual member of the Assembly can make a Minister accountable for something directly, because we are sitting on one side of the Estimates Committee desk and the Minister is sitting on the other side. We have an opportunity totally different from question time. We can ask questions and elicit information and try to find out just what the rationale is behind government decisions, and the magnitude of the consequences.

Mr Lamont: Is that what you do in question time?

MR KAINE: That is what we try to do in question time, but when a Minister takes 20 minutes to answer one question it is sometimes a bit difficult to get the information that you are looking for, and it is a bit difficult to make the Minister accountable. That, to me, is what the Estimates Committee process is about; it is about the accountability of the Executive. I believe that by having a longer period to prepare for it - I repeat that it does not necessarily mean that we want Mr Connolly to sit before the committee for six days instead of two - if we are better informed, we can get the information that we wish to elicit from the Minister in two days and much more effectively than we have been able to do in the past. I believe that there are very significant benefits in bringing the budget forward.

I said that I was avoiding putting a timescale on this, but I think in the end I have to. If I had my druthers I think I would like to see the budget brought down in June, before the financial year starts, because that signals to the whole community - the business community, the welfare community, everybody concerned - what the Government's objectives are for the year. They know right from the beginning; they do not have to wait until September to find out. I would like to see the budget passed long before November; perhaps by the end of the September, or something of that order. With our present sitting pattern, if the budget were brought down in the last sitting week in June you would have a break of about seven weeks when the Estimates Committee process could take place. You could still leave two, three or four weeks up front for preparation by members; for them to determine what approach they wanted to take in the Estimates Committee process. You could still have your Estimates Committee process over and done with by the time we came back for our first sitting in August. I think there is a time there when it would be best suited.

Madam Speaker, I have been confining my remarks to the matter of public importance that I put on the agenda, but I would argue, as I have done before, that if we were looking at a five-year financial plan, rather than just an individual budget, we would be doing better. If we had such a system your forward estimates would be much more useful than they are now, because they would be expressing the Government's intentions in a forward period rather than merely an extension of what is happening this year. The other thing about it is that the first year would automatically become your budget, almost, I would suggest, without amendment. You would have a five-year forward plan, and year five would become year four, year three, year two, year one, and then the budget year. If you debate your five-year financial plan every year, by the time that becomes budget year it has been pretty much thrashed to death. Everybody knows what the Government's intentions are. They have a good sense of the order of magnitude of things, and the budget falls off the end.
There would not necessarily be such a searching inquiry in the budget year because you have been doing it over the whole five-year forward plan cycle. I suppose that I would argue for changing the system quite dramatically, as I indicated that I would when I was Chief Minister. I hope that I have established to the satisfaction of the members of the Government that there are advantages in bringing the budget down earlier, and they might take note of it for next year and subsequent years.

MS FOLLETT (Chief Minister and Treasurer) (4.14): I do agree with Mr Kaine that there are advantages in bringing down the budget much earlier than has been the case, and I agree with Mr Kaine that presenting the budget before the end of the financial year is desirable, rather than, as is the case now, well after the end of the financial year. But, like the other States and the Northern Territory, the ACT is dependent for a large part of its funding on the Commonwealth; hence we are dependent in many ways on the timing of the Commonwealth's financial decision making. Up until this point in time I do not believe that it has been possible for a State or Territory to bring down a budget substantially in advance of the Federal Government's budget. The Commonwealth Treasurer, in his budget speech for 1993-94, indicated the Commonwealth's intention to bring down the next budget before the end of June. He said that that was to enable decision makers to plan for a full financial year and to be fully informed of the details of government policy. Madam Speaker, at the moment we do not have the precise timing of the Federal Government's budget for the next year. I believe, however, that the indicative dates are somewhere between April and June, and that the month of May is probably the most likely.

In looking at our own budget situation, there are some events which must occur before the ACT can bring down a budget. The key event, of course, is the Premiers Conference. At the Premiers Conference the Territory gets its general revenue grant, which is by far our largest source of revenue, and it is quite crucial to our own territorial budgeting that we know the size of that grant. Before the Premiers Conference each year there usually occurs an update of the Grants Commission's relativities, so that date also would have to be brought forward. I believe, although it is certainly not confirmed, that the Grants Commission's update may occur in late February and therefore allow a Premiers Conference much earlier than is usually scheduled as well, and therefore the Federal Government's budget would also be earlier.

Madam Speaker, the ACT Government is indeed sympathetic to the idea of presenting a budget prior to the start of the financial year. It is an issue that has been around for a number of years, as Mr Kaine pointed out, and I have been considering the practicalities of such a move ever since the Federal Treasurer made that announcement in bringing down his own budget. I think that a sound knowledge and understanding of the budget and the details of government policies will also assist program managers to implement programs early in the financial year, and this will ensure the early delivery of appropriate services to the community in accordance with the Government's policies. I think also, as Mr Kaine pointed out, that an earlier budget would have the effect of bringing forward revenue measures. At the same time I think it is very important that they would be put more into the context of the Government's overall strategy. You would have the revenue measures and the expenditure measures on the table at the same time, rather than, as at present, having the revenue measures brought in well in advance of the rest of the budget. I think that a greater cohesion in the budget would also be achieved by bringing it on earlier.

As I said, it would give much greater certainty to agencies in pursuing their programs. I think at the moment it is extremely difficult, when the financial year is the best part of half over by the time the Appropriation Bill is passed. That seems to me to indicate some uncertainty. You cannot really be confident of starting new programs until that Appropriation Bill is passed. There would also be a reduction in the supply period if the budget were brought on earlier.

Members know, of course, that the supply period is just an interim arrangement to enable the conduct of government business prior to the passage of the Appropriation Bill through the Assembly. I think that any reduction in the length of the supply period would provide for an earlier implementation of government policies which respond to changes in community needs. Supply, as you know, is based on a no-change policy; it is simply a continuation of the status quo, very largely. So for that large chunk of the year, five months usually, the new budget of the Government is not really implemented, and I think that is regrettable.

Madam Speaker, there are a couple of issues that I think we need to be aware of in looking at an earlier budget. As I said, we would have the Premiers Conference result out of the way and we would know where we stood on the general revenue grant, but it would not be until the Federal Government brought down its budget that we would know the detail of specific purpose payments, and that would be rather late in our budget planning. However, Madam Speaker, I think that experience has shown us that, when it comes to specific purpose payments, there are not usually great dramas, and changes in those payments, if they occur, are relatively small; so I think it is possible still to draw up the budget based on the information that we already have in regard to specific purpose payments, and if there is any change it ought not to be critical to a State or Territory's own budget.

Another issue that I want to touch on is that, if we were to bring forward the budget substantially, as I believe we should, the budget outcome for the earlier year may not be available at the time you bring down the budget. Again, Madam Speaker, this is not a critical matter because we always review the budget throughout the year. We have a mid-year review of the budget and we usually have a fair idea of where each program is going. However, the budget outcome has not been known until a substantial time after the end of the financial year. It would have to be taken on faith that that outcome was not going to be widely out of kilter with the predictions. In the years since self-government there has not been a budget outcome that has been dramatically out of whack with the original budget estimation, but that is a matter that I think members ought to be aware of. We would, in effect, be drawing up the budget without having the final detail of the previous year's budget outcome.

Madam Speaker, as I said, this is a matter to which I am giving some attention. I think the practicalities of the issue deserve some attention. There is no certainty at this stage about an earlier presentation of annual budgets, and there can be no certainty even about the Commonwealth's intentions, as they have not committed themselves yet to a date. Issues like the timing and the outcome of the 1994 Premiers Conference and the Grants Commission update are, as I said, yet to be resolved; but I would expect that, if the Commonwealth were to bring down an early budget, those issues would have to be dealt with earlier as well. I understand, Madam Speaker, that the Commonwealth is also working on those sorts of practicalities. As I have said, if the Commonwealth does bring down an earlier budget I think it is very much in the best interests of the Canberra community for the ACT Government also to bring down an earlier budget.

Mr Kaine had a great deal to say about the Estimates Committee process and the possible benefits to the Estimates Committee process of an earlier budget, and I take his point on a great deal of his comment. I think that over the past four or five years we have seen constant improvement in the amount of information that is available on all aspects of the budget and, also, we have seen constant improvement in the amount of scrutiny that goes on of all aspects of the budget.

I believe that that is very much a good thing. I think the more public information there is about budget matters, the more people understand about where the money comes from and how it is spent by governments, the better. I have no objection at all to the Estimates Committee pursuing a very rigorous process indeed. I do think, Madam Speaker, that the Estimates Committee, as it has existed in this Assembly, is perhaps unusual in the way that it operates. It certainly is unusual when compared to other parliaments. I think it is more committed to the seeking of information and the checking of detail and so on than it is to making enormous political mileage out of the Estimates Committee process.

I say that, Madam Speaker, because I know that members of the Liberal Party had the benefit of Senator Bronwyn Bishop's tutelage on Estimates Committee matters. I also know from first-hand experience that that tutelage led to absolutely nothing by way of Bishop-style lambasting in the Estimates Committee. Madam Speaker, I would like to congratulate the Liberals on that. I am not an admirer of Senator Bishop's style. I think that her conduct in Estimates Committee hearings has nothing to recommend it. In fact, I do not believe that she has yet brought forward a major issue through her manner of conducting herself in Estimates Committee hearings. So, Madam Speaker, I am very pleased indeed that the Liberals did not take up Senator Bronwyn Bishop's coaching. Our own Estimates Committee, I felt, operated in a way that brought forward information and that encouraged debate, but without that strident and, I think, quite unnecessarily personal approach that, it seems to me, Senator Bishop has advocated, and to no avail. As I say, I do not believe that any major items of information have been brought forward as a result of her use of those tactics.

Madam Speaker, to conclude, I agree with Mr Kaine that if the Commonwealth brings forward its budget it is very much in the interests of our own community that we bring forward the ACT's budget as well. There are some practical issues that need to be addressed and I am currently addressing those. We need, first of all, to know the precise timing of the Commonwealth's budget and related activities before we can make hard decisions on our own budget, but as soon as those issues are known I will, of course, advise the Assembly.

MRS CARNELL (Leader of the Opposition) (4.25): I thank the Chief Minister for her support for this. I think she has made a couple of very good comments, and ones that were very much along the same lines as Mr Kaine's. It is true that by the time we get to the Premiers Conference the ACT Government usually knows fairly well what it is going to get from that source. I think also that the Chief Minister rightly says that specific purpose payments really do not vary an awful lot from year to year. Those two issues really are not, I think, major to a decision on whether we do go forward and have the budget brought down before the end of the financial year, or at least sooner than our current budget is brought down.

The issue that I would like to talk about is community organisations and organisations that rely on government funding for their ongoing viability. We know that the ACT Government gives grants to organisations in various areas, such as health, sport, art and community services. All of these

organisations are not-for-profit groups. They operate on a shoestring. They do it tough. For them to have to wait until the end of September, or even October, to know how much money they are going to have for that current financial year, the financial year that they are already three or four months into, is totally unacceptable.

I think we saw that recently with the Childbirth Education Association - an organisation that has existed, I understand, for some 25 years, and one that has been getting government funding for in excess of 10 years. That organisation found out, I think on the Friday after the budget, that their $10,000 grant had been discontinued. For any organisation to find out that quite dramatic news so far into the financial year has to be, at the very least, destabilising. Probably more importantly, it means that organisations like that will really have to look at cutting services, and cutting services in an unplanned and non-directional way. I know that that is where the Childbirth Education Association has found itself. It is an organisation that I used when I had my first child, and it was very useful. I take on board some of the comments that Mr Berry made about the funding cut to this organisation. They do charge fees and they do have an income in excess of what some other organisations have. But that does not detract in any way from the real point of this issue and bringing it up in this context. An organisation like that, three or four months into a financial year, should not find out that a large percentage of its budget has been taken away.

If the budget were brought down earlier, before the end of the financial year, organisations would know exactly on what basis they were planning for the next year. We would not find the problems that the Childbirth Education Association has found. For the Childbirth Education Association and most of the other community organisations, going to three-year funding has to be a sensible idea. It would give these organisations some sort of capacity to plan for the future. I know that there have been some steps along those lines that we on this side certainly support.

There are organisations which put forward proposals for new programs when they put in requests for funding from the Government in February or March each year. I assume that we, as an Assembly, would support that. These organisations, as well, do not know until October whether they are going to be able to implement their new proposals. By the time they do know it is almost Christmas. I think we saw in this particular budget what happens to these organisations when the budget is brought down so late. Regularly, when we saw the list of rollover funds, we found that they were organisations which had been unable to spend their extra funding in the financial year for which it was granted. The reason they had been unable to spend it was that they knew so late in the year that they were going to have the money to go ahead. This is not in the interests of the community. It is certainly not in the interests of the Canberrans that these new programs were aimed at, and it is not in the interests of the organisations involved.

Mr Berry: That is nonsense.

MRS CARNELL: If that is nonsense the organisations involved are telling very large - - -

Mr Berry: No. It is budgeted October to October instead of June to June.

MRS CARNELL: That is not how most organisations work, Mr Berry. Unfortunately, the Taxation Office and other places which need reports from these sorts of organisations, particularly ones that are incorporated, have to operate on a financial year basis, surprising as it may seem. These organisations find a great deal of difficulty with this - - -

Mr Berry: But you budget on that. You plan your business affairs around October to October.

MRS CARNELL: They are not confident about what funding they can get. Obviously, bringing forward the budget would help these sorts of organisations greatly in their planning and in doing what the Australian Taxation Office and the securities office and others require. I was very pleased, though, to see that the Chief Minister and Mr Kaine agreed so definitely on how this would improve the lot of Canberrans. It certainly would improve the Estimates Committee procedure, as both the Chief Minister and Mr Kaine have already said. I think everyone who is feeling somewhat exhausted today, after some very heavy weeks, would agree that it is a very appropriate approach. It would certainly help the members of this Assembly, but, more importantly, the people of Canberra.

MR MOORE (4.32): Madam Speaker, it is quite refreshing to hear general agreement on an issue like this within the Assembly. One of the very interesting things in terms of what we know goes on in this Assembly is the compromises and agreements that are reached. The general public is very rarely aware of that side of the Assembly. That happens, I think, in connection with the vast majority of our business. Take, for example, the Estimates Committee, Madam Speaker. There was a genuine effort by members to search out information and to be critical of expenditure - an aim that was shared, I think, by both government and non-government members. Madam Speaker, it is interesting that issues like this are so rarely reported. Of course, good media, as many people see it, requires conflict. It is conflict that maintains interest in a story. So, when members of the Assembly agree that we ought to be attempting to reach a situation where we do not provide supply for basically half of the whole budget at a time without knowing where that money is going to go, it is important, I think, for us to explain that that sort of an agreement is not unusual.

Mr Kaine has raised an important issue, a way of improving accountability. That is what the issue is about - improving accountability. It seems to me that there have been a number of issues where the question of accountability has come to the fore in this Assembly and in the previous Assembly, Madam Speaker. It seems to me that we are slowly making the business of government in the ACT more and more accountable. Some members here, Madam Speaker, pretend to want this house abolished. One member in particular has not been involved in the Estimates Committee process at all and is not interested in accountability. I do not recall seeing that member during any of my public involvement in matters of interest in the time leading up to self-government when accountability was absolutely minimal. Mr Cornwell, for example, will remember those times and the community groups that he and other members here were involved with and which sought accountability in many ways. I think that one of the positive aspects to come out of our self-government is the improvement in accountability of everything that is done within the departments.

Madam Speaker, the suggestion put up by Mr Kaine today is that there will be benefit to the community from an earlier presentation of the Territory's annual budgets, most notably in that area of accountability. It is refreshing to see the Government respond positively to this idea, and also to see that there is general overall agreement on this issue. It is with pleasure that I also add my support to the notion of the process being dealt with at an earlier time, particularly as we provide supply for nearly six months for nearly half of the budget without having set out what is going to happen within that budget.

MS SZUTY (4.36): Madam Speaker, I would like to join with Mr Kaine, Ms Follett, Mrs Carnell and Mr Moore in their comments on this issue. In fact I congratulate Mr Kaine on bringing the issue forward as a matter of public importance for debate today. We have heard in recent times that the Federal Government is planning to bring down its budget at an earlier time than it has traditionally done, and the opportunity presents itself for the Territory's processes to be changed also. I note that the Chief Minister mentioned that perhaps we could have a Grants Commission process in February and a Premiers Conference at an earlier date as well, as part of that general process of consideration of both the Federal budget and the Territory's budget.

Mr Kaine made the point that we really need a longer period between the tabling of the Government's budget papers and the commencement of the Estimates Committee process for it to work at its optimum, and I would endorse those comments. Mr Kaine said that he did not expect the Estimates Committee process itself to take a longer period necessarily, but he did point to that gap between the delivery of the budget papers and the Estimates Committee's consideration of the issues as being an important area that perhaps we could look at in the future in terms of extending the time. I recall that the budget was delivered on 15 September, the Tuesday, and the questioning by the Estimates Committee of the Ministers commenced on the Wednesday of the following week. Given that the budget was brought down on day one of the sitting period in September and we had two further days to go, that is not bad going for the Estimates Committee to prepare itself for the questions that it needs to ask particular Ministers and particular departments.

I note Mr Kaine's preference for times and dates for the estimates process to occur, perhaps commencing in June after the Territory's budget is delivered and concluding in August. According to that timetable, we would probably achieve as much as we are achieving now in terms of the consideration in the estimates process of the Government's budget papers, given that our current timeframe revolves around a budget brought down in September, with a report being presented to you, Madam Speaker, in the middle of November, and then debate on the Appropriation Bill occurring later in that month. I do accept Mr Kaine's point, however, that we may not have a sitting period occurring during the deliberative process of the Estimates Committee. For Estimates Committee members, I think that would also be a change that we could well welcome.

Ms Follett raised a number of issues that we need to bear in mind when we are considering an estimates process for next year. She did note that revenue measures, the budget strategy and the budget would need to be prepared and be ready at the same time. That would be a significant improvement on what occurs at the moment and would effectively link the revenue measures which the Government wants to take with the budget that it actually delivers after that date.

She mentioned that we could possibly look at a reduction in the supply period, which would be reduced from its current five months. I would welcome that outcome as well. She also mentioned that we may not have the benefit of the budget outcome for the previous year; it may not be available in terms of an earlier budget process. That is something that Assembly members may well wish to keep in mind when we are considering further changes to the process in the future.

In conclusion, Madam Speaker, once again I congratulate Mr Kaine for raising this matter of public importance for debate today. I look forward to further discussion and consultation with Assembly members to bring about, perhaps, a very welcome change in the process for next year.

MADAM SPEAKER: The discussion has concluded.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Reports and Statement

MRS GRASSBY: I present reports Nos 16 and 17 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 16 of 1993, which I have just presented, was circulated when the Assembly was not sitting, on 5 October 1993, pursuant to paragraph (5) of the resolution of appointment of 27 March 1992. Report No. 17 contains the committee's comments on 23 pieces of subordinate legislation and three government responses. I commend the reports to the Assembly.

Sitting suspended from 4.41 to 8.00 pm

DISCHARGE OF ORDERS OF THE DAY

MR LAMONT: I ask for leave to move a motion to discharge orders of the day Nos 40 and 42, executive business.

MR DEPUTY SPEAKER: Is leave granted?

Mr Kaine: I am not sure yet. He has not justified this.

MR LAMONT: Thank you, Mr Kaine!

MR DEPUTY SPEAKER: Is leave granted? There being no objection, leave is granted.

MR LAMONT: Thank you. I move:

> That orders of the day Nos 40 and 42, executive business, relating to the Pharmacy (Amendment) Bill 1993 and Credit Laws - Ministerial statement - Motion to take note of paper, be discharged from the Notice Paper.

For the information of members, the Pharmacy (Amendment) Bill 1993 is to be reintroduced, taking into account a number of amendments that have been raised, and the national consultation process on the issue of the credit laws is not yet finalised.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (NO. 4) 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (8.03): Mr Deputy Speaker, I ask for leave to present the Land (Planning and Environment) (Amendment) Bill (No. 4) 1993.

Leave granted.

MR WOOD: Mr Deputy Speaker, I present the Land (Planning and Environment) (Amendment) Bill (No. 4) 1993.

Title read by Clerk.

MR WOOD: I move:

> That this Bill be agreed to in principle.

When I introduced the Territory Plan into the Assembly in June I advised that the Government supported the establishment of a Land and Planning Appeals Board. The Land (Planning and Environment) (Amendment) Bill (No. 4), which I introduce tonight, gives effect to this commitment. The proposal to establish an alternative review body to hear appeals under the Land (Planning and Environment) Act 1991 and the Buildings (Design and Siting) Act 1967 comes from the inquiry of the Standing Committee on Planning, Development and Infrastructure into the new Territory Plan. Presently, appeals under those Acts are heard by the Administrative Appeals Tribunal. However, appeals are from the applicant for approval, a neighbour or a member of the local community, and the Government believes that the appropriate body to hear such appeals should be removed from the judicial process. We agreed with the committee.

During the course of the inquiry concerns were raised with the committee that the appeals process was too formal and costly, and that there were delays in finalising appeals. Costs due to delays are matters that concern the community, applicants and the Government. These are matters which could influence a person to proceed, or not to proceed, with an appeal. They may also affect a proposal being developed in the first place. The concerns that have been raised about the need for improved access and informality in the review and appeals process have been addressed in the proposed amendment to the Land Act.

Rather than discuss each of the provisions individually, I would like to address a number of key elements which highlight the non-legalistic and non-adversarial nature of the proposed Land and Planning Appeals Board. The establishment of the Land and Planning Appeals Board is, in part, based on the principles of informality and accessibility that were used in the development of the

Commonwealth Administrative Appeals Tribunal. However, the Government was concerned to put into place a mechanism that provided for the operations of the Land Act and was seen to be accessible to members of the community; a mechanism that would quickly, informally, and in a cost-effective way, resolve what are, in the main, disputes between neighbours - disputes which should not be resolved by an adversarial process.

The concerns about informality are addressed in a number of ways: An oath or affirmation will not have to be made before giving evidence to the board. This is not to say that the board does not seek the truth, as there are severe penalties for persons who are found to have given false or misleading information. Further, the legislation will provide that the procedures adopted by the board are to be as informal as possible. While the establishment of the procedures is a matter for the board, I believe that the inclusion of this provision indicates the emphasis that is placed on this requirement. I can assure members that the views of the Government on this issue will be made known to whomsoever is appointed as chairperson. I will also be taking a continuing interest in the operation of the board so that the procedures do not become formalised over time.

Another important aspect of informality adopted in the legislation concerns the appearance of parties before the board. The objective of any hearing is to ensure that the parties have an equal opportunity in representing their case. It is considered that it would not be in the public interest if the parties were represented by another person. However, there may be circumstances where it would be in the best interest of a party for it to be represented, and this is set out in the legislation. I should point out that this does not impose a restriction on the use of witnesses before the board. Rather, it imposes an obligation on the decision maker and applicant to appear and conduct their case before the board.

The time taken to process an application is important, and this is addressed in a number of ways. For instance, it will be an objective of the board to complete a hearing, where practicable, within two days, and hand down a decision within five days of the completion of the hearing. The intent is to prevent the board from becoming involved in exhaustive investigations. The objective of speed of process as a means of minimising delay will be met in other ways. Where the chairperson calls a meeting of both parties in an attempt to seek a conciliation of the matter under review, that meeting is to be held within 14 days of receipt of an application for review. Also, the decision maker is required to provide the necessary documentation within five days of being advised that a decision is subject to review. Thus the proposed amendment imposes a discipline on the operation of the department to ensure that it meets the timeframes that are imposed.

While the Bill establishes the board and puts in place the necessary framework within which it will operate, a number of amendments are also proposed to the Land Act and the Design and Siting Act. Generally, these involve replacing the tribunal with the board as the review body. This is the case in all matters except where appeals concerning valuations are made. There are broader issues associated with the valuation of land, such as rates and land use matters. The Administrative Appeals Tribunal handles appeals in these cases and it would not be appropriate to split the jurisdiction, as it were, between two separate bodies. It is intended that appeals on valuations will remain with the tribunal.

It is also proposed that the registrar of the board be responsible for dealing with applications to make an order. By making the registrar responsible, both complainant and lessee can represent their cases directly, and, after taking all issues into account, a decision can be made that will be seen to be independent of any vested interest. As a consequence of this, any appeals on the making of an order will be heard by the board. The Land Act will also be amended to specify that the Executive may make an order of its own, which will not be subject to review.

As I mentioned previously, the principles that were used in establishing the tribunal have formed the basis of this legislation. As such, this recognises the benefits to be gained from a body like the tribunal. However, after taking into account the objectives behind the Land Act, the regime established by the new Territory Plan and the concerns expressed about the operation of the tribunal, it was considered that a more informal and accessible arrangement was required to quickly deal with matters that would generally be simple and local in nature.

This Bill also proposes an amendment to the Land Act for design and siting applications that are received but not finalised before the new Territory Plan commences. It may be that the new plan introduces changes that would make an application presently on hand inconsistent with the Territory Plan. Where such applications are consistent with the present plan it would be inequitable to refuse such applications. A transitional provision, as it were, is proposed which will allow applications received before the new plan commences to be approved provided they are consistent with the current plan. Of course, an application that is inconsistent under the current arrangements will not be approved.

Mr Deputy Speaker, I understand that members of the Assembly, and in particular the members of the Planning, Development and Infrastructure Committee, are waiting for this. There is a fairly short timeframe because the Territory Plan has been gazetted to come into effect on 18 October. It is my understanding that members of that committee, and therefore, I think, the members of the Assembly, expect that this will be dealt with in debate on Wednesday of next week so that the procedure will be up when the plan is in effect. I present the explanatory memorandum for the Bill.

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

LAND (PLANNING AND ENVIRONMENT) (CONSEQUENTIAL PROVISIONS) (AMENDMENT) BILL (NO. 2) 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (8.12): Mr Deputy Speaker, I ask for leave to present the Land (Planning and Environment) (Consequential Provisions) (Amendment) Bill (No. 2) 1993.

Leave granted.

MR WOOD: I present the Land (Planning and Environment) (Consequential Provisions) (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR WOOD: Mr Deputy Speaker, I move:

That this Bill be agreed to in principle.

I have just introduced into the Assembly the Land (Planning and Environment) (Amendment) Bill (No. 4) 1993. That Bill establishes the Land and Planning Appeals Board and provides that, generally, it will be responsible for hearing appeals under the Land (Planning and Environment) Act 1991. The Bill which I now introduce proposes amendments to the Land (Planning and Environment) (Consequential Provisions) Act 1991 which are a necessary consequence of the new appeals arrangements.

Section 29 of the consequential provisions Act provides a mechanism that affords protection to a place of possible heritage significance. This is achieved by an order being issued directing a person to stop or not to commence to work in relation to the external design and siting of a building on a place which may be of possible heritage significance. The decision to make an order is appealable. Appeals relating to heritage matters under the Land Act are to be heard by the appeals board. The consequential provisions Act should be amended accordingly. I present the explanatory memorandum for the Bill.

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

DOMESTIC RELATIONSHIPS LEGISLATION
Discussion Paper

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

That the Assembly takes note of the paper.

MR HUMPHRIES (8.15): The discussion paper that we are considering tonight was tabled in June this year. It is a very significant discussion paper. I think it is fair to say that it has had less attention in the broader community than it probably should have had in the last few months. It seems to have slipped in under the radar to some extent. That is surprising, because its implications are quite important. I think that the implications are so far-reaching that we will need to consider very carefully how we handle the implications of this Bill.

Mr Berry: Come on, Gary! Get on with it. I want to get to the guts of what you are on about.

MR HUMPHRIES: I know that Mr Berry is dying to hear what I have to say, but he will have to be patient.

Mr Deputy Speaker, it has long been acknowledged that de facto partners in the ACT are in a very different legal position from married spouses. The rights of those people in the ACT, and probably many other places in Australia, are subject in many respects to the laws of trusts and the laws of contract, whereas those of spouses, generally speaking, are subject to the Family Law Act, which sets out fairly comprehensively what the position is. Whatever one might think about the Family Law Act, its one major merit is its clarity and the fact that it more or less codifies the law in this particular area. It is possible to examine the Act to find where one stands if one has a marital or domestic dispute, if one is married.

There is no such benefit to de facto relationships or other relationships flowing from the Family Law Act. The Commonwealth head of power under which the Family Law Act is made is a power to deal with marriage, and therefore other relationships need to be dealt with by State or Territory jurisdictions and by parliaments in those places.

It is not just de factos in the conventional sense who miss out in this situation. There are many other personal relationships which evoke the personal interdependence of a marriage and which also, arguably, should be protected by the law; for example, an adult child who resides in a house or a flat with their parent, a companion to an aged person, a parent living in a granny flat. The question, I think, is a worthy one. Should, for example, a child who has made financial commitments on behalf of a parent have fewer rights than a wife who has made such commitments for her husband? Should a strict commercially framed law of contracts define the entitlements of people who are adopting an increasingly diverse range of lifestyles in our community?

It is one thing to be judgmental about some of the relationships and the lifestyles we are talking about here; it is quite another to say that people who adopt those lifestyles deserve no protection from the law. Disapproval of married couples, indeed, of homosexual relationships, is not a pretext for saying that such people have no rights under our law, or should have no rights under our law. That is not to say that all relationships should generate the same rights. At least we should aim, I think, Mr Deputy Speaker, for the goal of certainty. We should be able to find a medium which gives people in those particular relationships some chance of knowing where they stand under the law of this Territory, and that is a very important goal which I believe this discussion paper makes some attempt to address.

The biggest problem at present is that people who are in such relationships and who find themselves in need of resolving some conflict or dealing with some difficulty simply do not know where they stand. The Australian Law Reform Commission made some comments about other sorts of relationships than those which are governed by the Family Law Act. It recommended that the law should recognise as valid the relationships which people choose for themselves, and must support and protect those relationships. Whether or not one recognises them as valid, I suppose, is a question for individuals to answer; but it seems to me that they deserve protection under the law, and in the process whereby we examine this discussion paper we should assess how far we believe we should be protecting those relationships.

The paper is premised on the assumption that this uncertainty should be cleared up as much as possible. I am disappointed, as I said earlier, that there has been little public debate, for example in the media, other than a day or two after the paper was launched, about the implications of this paper. I think it puts the onus on us, as members of the Assembly, to examine community sentiment and to work out just how far we, as an Assembly, can afford to go. My party certainly does not wish to commit itself to the details of the Bill - I assume that the Bill will not be introduced into the Assembly for some time - until the process of full discussion with the community has been undertaken and the result obtained.

It would be helpful, I think, in that process, Mr Deputy Speaker, for the Government to help us understand the public mood by perhaps releasing details of the submissions which already had been received by it, I understand, before it released this discussion paper. It has been out now for about three or four months and I assume that some number of people have responded. I think that, given the very great concerns that we would all have about the direction we are taking here, it would be helpful if we could all have some idea of where those submissions have gone, how many there have been, for example, and their general tenor. At least that would be valuable information.

I might turn to some of the issues which have been raised by this discussion paper and by the draft Bill which is attached to it. The definition of domestic relationship is an interesting one. It is obviously much less easy to pinpoint than in the case of, for example, a marriage, which is a very clear definition. Clause 3 of the draft Bill talks about covering domestic relationships and it defines those as a de facto relationship, which is defined in the preceding subparagraph, or "a personal relationship between two adults, other than a married couple, in which one provides personal or financial commitment and support of a domestic nature for the material benefit of the other". That, I think, is a broad definition. Perhaps we could even say that it is slightly too broad. It would cover family members living in the same household. It would cover people in all sorts of sexual or non-sexual relationships. It would cover people who, for example, were employees - a live-in nurse or a maid - a lodger, possibly, and people sharing a house or a flat for convenience. It is financially convenient to share a house.

As I said before, I am not committing myself to a final view on this Bill, but it seems to me that we would be better off focusing on the personal or emotional nature of a commitment to another individual rather than on the financial commitment which one might make from time to time. I do not believe, for example, that people who merely enter into what amounts to a financial relationship, a financial arrangement, who choose to share costs in a house, ought to be covered by a domestic relationships kind of Act. We are talking about people who make personal or emotional commitments to each other. I think that is what we are talking about. There are other limits put on the extent of this Act by the provisions of the Bill and I will deal with those in a minute.

Although the draft Bill ultimately is about resorting to the courts when you cannot resolve a conflict or a dispute, or you need some intervention from the law to help you resolve some problem concerning property or maintenance, it does contain interesting provisions dealing with mediation and arbitration. I believe that these provisions in Part II of the Bill requiring the registrar of the court to advise people about mediation and arbitration facilities and to facilitate the reference of a particular dispute to those arbitration or mediation opportunities are the sort of provision which arguably, if it works, if it is practicable, should appear in all legislation in the ACT which establishes or deals with courts and tribunals. We would all have seen the initiative by the Law Society recently to think about mediation as a first port of call in dealing with disputes, and I think that measures which we take - - -

Mr Berry: Other people have thought about that.

MR HUMPHRIES: You have not thought about it?

Mr Berry: Other people have come up with that beforehand.

MR HUMPHRIES: Yes, I think they have, and I am commending them for their work. I do not pretend to be the source of all original good ideas - many of them, but not all of them. Mr Deputy Speaker, I think that that is a valuable step.

The provisions of the Bill which deal with property adjustment are quite extensive and, as I indicated before, do not replicate exactly the sort of position that one would find oneself in under the Family Law Act, for example. Part III of the Bill gives the Magistrates Court jurisdiction in land title which it does not generally enjoy at present. That is an important and significant concession to the knowledge that I think we would all have of the difficulty people face in going to the Supreme Court for all matters dealing with land. The Supreme Court is an expensive venue. I know. It is a venue which is complex and which entails much longer waiting periods than are applicable in the Magistrates Court. So, to give the Magistrates Court jurisdiction in land title matters is, I think, an important initiative. I think that is worthy of experiment, worthy of a constructive attempt, if not necessarily making that the way of all other sorts of disputes.

The provisions of the Bill provide that a court may make an order unless the domestic relationship has lasted for less than two years, and there are a couple of exceptions for that. It requires an application for an order to be made within two years of a relationship ending. It requires the court to make orders that will end the financial relationship between the parties and avoid further proceedings between them. It provides for the court to adjust the interests in a property of either or both of the parties, and it requires that any order be just and equitable. It allows the court to consider the capacity in which the parties participated in the relationship, and notes that an order can be made only against property which is held at the time of making the order. So there are some clear limitations. A person in this position is not in the same position that they would be in if they were a married person appearing before the Family Court in any State or Territory of this country.

There are provisions also dealing with maintenance in certain very limited circumstances, particularly where a child is involved. It is possible to make an application for maintenance. There are also provisions dealing with what are called domestic relationship agreements and termination agreements, which provide that after a certain period one might withdraw from a relationship, and which define the rights that you leave that relationship with according to the terms of the agreement. Those agreements are a very good idea. They are also a very good idea in even a conventional marriage; but I must say that, in all the time I spent as a solicitor, when I advised people to take out marriage agreements as a way of sorting out any problems that might ultimately come along, I found, I think, no cases where anyone was ultimately to take that advice. Inevitably people do not think about relationships ending when they start. They think about them going on for ever. Various other provisions in the Bill deal with ways of implementing the agreements concerned and enforcing orders made, and there are important questions about access to remedies.

I think, Mr Deputy Speaker, that this paper raises questions which will be or should be, one would imagine, extremely controversial. We cannot permit ourselves to make decisions on the basis of this paper until we are fully satisfied that the many issues which have been given rise to by it have been canvassed fully in the community. I suspect that many people are not aware of the implications and are not aware of the details of this paper, to be quite frank.

It is not through want of advertising. The Minister has put it out, and there has been some discussion in the media and so on, but I still believe that many people are unaware of the implications of this. I think we need to make sure that they are aware of those implications before we, as an Assembly, seek to adopt legislation of this kind.

However, the question of regularising the rights of people in such relationships, of all the sorts that I have spoken about, is a vitally important one. We can no longer allow people in those relationships to be treated as second-class citizens merely because we have not, in the past, felt sufficiently capable of grappling with the question of how to deal with their position. As the Attorney pointed out in his speech, there are not many people who are in a de facto relationship, so called, but there are many, I think, who would expect to be able to turn to the law and who at the present time simply cannot do that. I commend this discussion paper as a good first step in looking towards ensuring that those rights are regularised in the future.

MS FOLLETT (Chief Minister and Treasurer) (8.30): Mr Deputy Speaker, the financial needs of those living in de facto relationships are often identical to those of married persons. However, these needs are not adequately met at present by ACT law. There are also many who live in domestic relationships, such as adult siblings, or those caring for parents, relatives or the children of either of those, where one party contributes to the financial benefit of another in non-financial ways.

Research in Queensland indicates the need for a broad approach to domestic relationships. In responses by 155 lawyers to a survey carried out by the Queensland Law Reform Commission, and reported in its discussion paper which was called "Shared Property", 98 per cent said that they had been approached for advice about a de facto relationship. However, 80 per cent said that they had given advice to someone who was living with a person who was not their legal or de facto spouse. Fifteen per cent said that they had done so frequently. The survey also indicated that in this non-de facto and non-marital context most of the advice had been given to relatives - that was 46 per cent - and friends - 32 per cent - who were living together. Ten per cent of practitioners commented that they had advised people living in homosexual relationships. From our inquiries in the ACT there is no reason to believe that these figures would not describe the situation in the ACT as well. The law already provides some relief for those living in domestic relationships. However, because it is complex and expensive to seek relief, few people have access to the current law.

Mr Deputy Speaker, the Government is committed to the principle that no-one should benefit unfairly from the financial or non-financial sacrifice of another person who has contributed to their overall financial advantage while trusting them for some consideration for that effort. The proposed legislation is aimed at preventing such financial exploitation. By embracing the many different categories of domestic relationships, the proposed legislation is a trailblazing development of the law for the promotion of social justice. From a social justice perspective, it is most equitable to define personal domestic relationships on the basis of financial arrangements rather than sexual relationships. The proposal is thus concerned with a financial relationship, not a sexual one. It involves looking back over events of the past; it is not involved with future domestic arrangements, unless a specific contract arranging financial affairs is entered into.

The draft law will simplify the resolution of property disputes between those who have been living in a domestic relationship. It will encourage mediation. It will also allow a court or arbitrator to make fair arrangements for the allocation of property between parties in much the same way as the Family Court may adjust property interests between married couples when the marriage fails. In making these arrangements, courts would be able to take into account the direct or indirect financial or non-financial contributions which have been made by one of the parties to the relationship to the welfare or property of the other party. Home care, child-care, and indirect financial contributions to property would also be recognised. However, people would be able to opt out of the proposed system, if they so desired, by making their own financial arrangements by contract. So, courts may, in special circumstances, make provision for maintenance. The legislation is designed to achieve a more equitable adjustment of property rights where a sharing by a person of the value of property in another person's name is justified because of his or her non-financial or indirect financial contributions to that property.

Madam Speaker, as our society has become more pluralistic and multicultural, greater emphasis is being placed on fairness and justice as the mainspring of law, rather than law representing the moral beliefs of any particular group. As a result, the judicial view has developed that the approach to domestic relationships should no longer be restricted to either common law property principles, or even the contributions made by the parties, but rather enlarged to embrace the concepts of unconscionability and unfair enrichment. This beneficial application of the law is intended to cover a wide range of equitable trust situations. One party may be in a position of financial dominance. In others there will be a form of mutual interdependence. In both cases the issue of a sexual relationship between the parties is not the determining factor. The determining factor for applicants is to be their contribution to the material benefit of the other person.

It is thus proposed that a person who fulfils the stipulated requirements should be eligible to apply for a remedy, and that a sexual marriage-like relationship is not necessary. It is not intended that the law unduly intrude into personal relationships. It may be feared that the proposal will create a plethora of new rights, and will open the floodgates for claims without merit, as well as to vexatious litigation. The intention is, however, to codify and simplify principles which have been developing for many years in the common law. The doctrine of equitable trusts already applies to most of the cases which are being considered. The law is properly criticised for forcing applicants to have recourse to the current antiquated and costly process involved in such proceedings.

Madam Speaker, the Government is committed to providing encouragement of, and access to, alternative dispute resolution. Recently I expressed this Government's interest in establishing alternative ways of resolving disputes, rather than rushing into litigation, when I launched the "Mediate First" campaign. That campaign, which encourages those who are in dispute, whether it is a commercial dispute or a dispute relating to more personal matters, has the endorsement of the ACT Law Society as well as many other business and professional organisations in the ACT. The proposed legislation is based on the principle of mediate first. It requires that, on application, the registrar is to

provide information regarding mediation and arbitration facilities available, and the court may refer a matter before it to mediation or arbitration. Disclosures made in mediation procedures would be inadmissible in court proceedings. Rules or regulations for establishing procedures for the facilitation of these means are already available.

The proposed legislation would alert parties to an action under the legislation and those advising them, as well as the courts exercising jurisdiction under it, to the desirability of a resolution of the dispute by other means. It also empowers the court to adjourn the proceedings to allow the parties to pursue this approach to resolving the matter if it forms the opinion that there is a reasonable possibility that alternative dispute resolution will work. The use of courts and the consequent expense to the parties involved could be minimised by encouraging mediation by relevant mediation agencies as the normal means of settling disputes. Several mediation services are available in the ACT.

The Government believes that maintenance should be available where someone suffers detriment through providing child-care for a child for whom the parties are responsible. There are several examples which spring to mind: First, a woman who has been caring full time for the child of the other party and a third person but who has been accepted by the couple as part of their relationship. She continues to care for the child after they break up and is unable to support herself because of this care. A second example could be a woman who has been living with another person and caring full time for their child for 10 years. She previously, say, worked as a receptionist, but now finds that word processing has replaced typing in the workplace and, in fact, is a universal requirement for that position. She therefore requires training to acquire these skills and to secure accommodation for herself.

Thirdly, a woman might be living in a de facto relationship and has remained at home bearing and caring for children and supporting her partner in developing his business career for many years. When the relationship breaks up she is in her late forties, she lacks job skills and has few financial resources. Her partner has a successful career and has accumulated substantial wealth. A woman spends many years living with and caring for, say, her aged and frail father, forgoing the development of her own career in pharmacy. This enables her father to invest the money which otherwise would be spent on nursing and other domestic services and to pay off the mortgage on his house. They have a disagreement and the daughter leaves. She is in her mid-forties, she has few financial resources and she is having difficulty finding work because of her age and the need to update her professional experience.

Madam Speaker, it is recognised that there are arguments for and against contracts between those in domestic relationships. On the one hand there is the opportunity to arrange matters according to the wishes of the parties, and some people enter de facto relationships precisely to avoid the sorts of obligations and restrictions imposed by the Family Law Act. They would not wish to be subject to the legislation proposed here. These agreements provide the ability to plan with some degree of certainty, and to avoid disputes by prearrangement of their affairs. The preferred option is to provide for agreements and for their recognition by the court. The benefit of this approach is that it is a low-cost and quick way of determining property and maintenance issues. *(Extension of time granted)*

On the other hand, the intimate nature of many domestic relationships is not conducive to contracts, as they would be divisive and easily attract coercion, oppression or emotional blackmail. It is difficult for people in domestic relationships to negotiate objectively, when to do so can be taken as being a sign of lack of trust in the other person, or, on the breakdown of a relationship, when they are seen as being the cause of the breakdown. Threats of physical force or other abuse may also be used. For this reason the proposed legislation requires the parties to have received independent advice as to the effects of an agreement they might enter into and whether the agreement is fair and reasonable.

To conclude, Madam Speaker, the idea behind this legislation is not unique, and I believe that there is community support for the relief that it provides for those living in, or ending, de facto relationships. What is unique in Australia is the application of this relief to the broader category of domestic relationships. We have looked closely at New South Wales legislation on de facto relationships and questioned, in the light of the principles already accepted by the courts, why this broader category of relationships should not be covered by the same principles of social justice as de facto relationships. Madam Speaker, we do not see any reason why they should not be.

MS ELLIS (8.42): Madam Speaker, I have a few brief comments to make on this discussion paper. I believe that the importance of this discussion paper needs to be noted, and the importance of the whole process that this discussion paper is activating. I would like to quote from page 11, where the Australian Law Reform Commission pointed out:

> ... the nuclear, parent-child concept of family which currently underlies the law is too narrow to accommodate adequately the range of family arrangements found in Australia's multicultural society.

I think that really underpins the very reason for the introduction of a discussion paper of this kind into Canberra. Given the changes to the way in which our society exists, I believe it timely that a proposal for domestic relationship legislation in the ACT is considered in this way. People who live in domestic relationships without a legal status can only rely, at the moment, on very obscure, costly and rather uncertain methods if they wish to protect their rights, or if they need to have their obligations enforced. Obviously, people in de facto relationships come to mind more quickly as the most evident group in our community who need and will benefit from the review of this area of law, but I find it interesting that there are others. Homosexual couples are also covered in this paper, but there are many other examples where, under the definitions included in the draft legislation, people who find themselves in dispute may have an avenue of appeal that may be inaccessible to them at the moment.

A subject that has been discussed often in this chamber is our continually ageing population, and the need for some people to care for elderly relatives, particularly in cases such as dementia. I would like to bring to the notice of members the example quoted in this discussion paper, on page 2, where a family outline is given of an adult child caring for an elderly parent for some time. That is not an

oblique sort of reference. I think all in this place would know of families where that has happened in the past, and it will continue to happen in the future. I think that is the sort of instance where a review of the law of this kind is going to prove invaluable, given the legislation proceeding. These sorts of proposals simply must offer better outcomes than under the current law.

As Mr Humphries said earlier, there are some instances where people can be counselled to create contracts prior to marriage or prior to any particular type of domestic relationship. I think the Chief Minister made reference to that subject as well. That can be seen as confrontationist in some instances between individuals. I think we would all reflect fairly carefully on family instances where one would never imagine that a contract would be needed in the first place. You go into these sorts of relationships or arrangements with the very best of intent in mind. You cannot, at that point, foresee the difficulties that may arise.

Another perfect example which is quoted in this discussion paper and which I have personal experience of in the past in Canberra is where elderly parents, particularly widowed elderly parents, come to the ACT after selling their home elsewhere and settle into a domestic relationship with extended family here. As instanced in this paper, a granny flat or similar is built with money from the older person's capital and, lo and behold, the unpredicted thing happens - a family breakdown occurs. When there is no legal status already created by form of contract or other arrangement, some of the most unfortunate and terrible examples of family breakdown can be exacerbated by the attempt by that family to settle that arrangement. These examples in this discussion paper are going to be addressed.

We cannot blame those individuals for not entering into contractual arrangements in the first place because, in all honesty, they imagined that they would not need them. As I said a moment ago, those sorts of things, particularly within family and relative circumstances, are done with the best of intent, but unfortunately things go wrong. Other members of the family come into the play and, before you know it, there is a dispute. Under the current provisions of the law, it is very difficult for the people in those circumstances to reach some easy and cost-effective outcome to that sort of dispute. I believe that the proposals in this discussion paper are going to prove invaluable in those cases. There is no question that de facto and homosexual relationships are important, but there are many others that appear at the moment to be more oblique or less obvious. I think that is where this sort of discussion paper is going to be of benefit. I join with other members in commending the general thrust of this discussion paper to the Assembly, and I look forward to the resultant legislation.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.48), in reply: I thank members for their general support for this discussion paper and the legislation that is foreshadowed. I am able to advise members that, by and large, the general support for the legislation indicated in this place is mirrored in the response we have had to date from the community on this paper. The 15 or so substantive submissions that we have had have all been supportive. There is a major submission from the Law Society which supports the legislation in principle and raises a few technical points, most of which I would hope to be in a position to address when the legislation is brought before the Assembly. Given that general support for the legislation, both in the community and here, I would hope that we

will have this legislation in its presentation form by November - certainly before the end of this year. It would be my intention, Madam Speaker, to prepare a summary document of the views we got from the community, so that members have the advantage of knowing what that consultative process was about.

Mr Humphries's opening remark, that he was surprised at the lack of community debate on this draft Bill, is something that I must say I echo. I had some concerns - I am frank enough to say that I had some real concerns - that this may go off the rails and be trivialised into a debate about gay relationships and gay marriages; that we were destroying the moral fibre of society by endorsing such things. We can all imagine the rhetoric. I was very pleased that the Canberra community is mature enough not to go down that path. Perhaps we are fortunate that we do not have a tabloid afternoon newspaper or a commercial television current affairs show of the ilk that tends to run at about 7 o'clock in Sydney and Melbourne. The media here certainly reported strongly that we were having this legislation and that it would cover homosexual relationships, but there the matter ended. So the community knows that, but people have not got overly agitated.

I think Mr Humphries expressed a good conservative position on this when he said, "It is not for us to make a moral judgment about the type of relationship; everyone is entitled to basic fairness and equity". That is a position from the Opposition that the Government certainly appreciates. Some cheap political points could have been scored over this, which would have damaged the community generally, and it is pleasing that that is not being done.

There are some people in real need. The Government is probably anticipating that concern. These proposals have floundered in some States where, by and large, de facto legislation covers only the man and the woman living together as man and wife, as the old common law would say, for a period of more than two years. The reason proposals to extend that have floundered has been that people have got obsessed with homosexual relationships. What we sought to do here is take the sex right out of it and not worry about the sexual nature of the relationship but focus on a relationship where people are caring for one another and making financial commitments to one another.

I note Mr Humphries's comments about whether the definition is careful enough. There have been some views from the Law Society and others on that and we will address all of that when we get the final form. The idea of focusing not on a sexual relationship but on a caring relationship enables us to pick up not only the standard de facto, in the narrowly defined sense, but also homosexual relationships and, very importantly, those non-sexual relationships where a person is providing a lot of care for another. The types of examples that the Chief Minister and Ms Ellis referred to in their speeches are examples that, I am sure, are familiar to all of us.

I am sure that all of us would have come across people in our constituency work where exactly that sort of thing has happened. A person has been caring for their elderly father or mother or, conversely, the father or mother has built a granny flat in the backyard. For whatever reason, there has been a big spat and the relationship has fallen down. The sibling was caring for their parent, forsaking their career, forsaking perhaps their own personal relationships, and the assumption probably was that they would get the house at the end of the day.

Then the house is left to the cats home or whatever. In the case that Ms Ellis was referring to, mum or dad is forced out, stalks off down the street and realises that they put all the proceeds from the sale of their house into building the granny flat and they have no title to it and no recourse.

As Mr Humphries indicated, the law of trusts has been grasping towards solutions here, but it is an extremely expensive exercise to argue the toss on either of those very common examples - the example that the Chief Minister gave and the example that Ms Ellis gave. To argue that out would involve expensive litigation in the Supreme Court, with teams of solicitors and counsel and many, many thousands of dollars. It would be questionable in the case of an ordinary domestic relationship, an average family where we are talking about the proceeds of the average house, whether it would really be worth their while because it would be highly likely that the litigation would eat up virtually all of the value of the property that was being argued about.

Our solution is to focus on a definition of domestic relationship which gets away from just a sexual relationship and focuses on a caring and mutually supportive relationship, and then, importantly - and Mr Humphries acknowledged the importance of this - try to adopt the mediation first approach to solving the problem. We are trying to create a legal framework which solves the problem and to make that legal framework accessible. The essential problem to date has been that there has not been a legal framework to solve the problem, although the common law is moving in that direction. That legal framework in the past has been very inaccessible.

An interesting submission from the Conflict Resolution Service indicated that in the last three years they would have come across about 200 cases involving the non-de facto domestic relationship and the homosexual relationship, or cases involving caring for mum or dad, or mum or dad building the granny flat. A quite substantial number of people found their way to the Conflict Resolution Service. I think, inevitably, that would indicate that there are a lot more out there that they are unaware of, so there is a real need for this legislation. It is ground-breaking stuff, to the extent that it does not focus on just a sexual relationship and that it is focusing very much on a mediation approach.

I am confident, given the extent to which there has been community support for the legislation and, pleasingly, that there has been an indication from the Opposition that this will be looked at from the basis that there is a real need for this legislation, that the broad thrust is right. I would expect that the Government will be bringing forward the final Bill in a slightly different form, which may well meet many of the concerns that Mr Humphries foreshadowed. We may well have a debate on some of the details of the legislation. That is the nature of things. Fortunately, we are not going to have a debate which trivialises this important legislation by focusing only on sensationalism - that the ACT Assembly creates gay marriages or that sort of sensationalist nonsense. I am very pleased that there has been that mature attitude from both sides of the chamber to this problem. At the end of the day I look forward to the ACT having legislation which is seen and acknowledged as a model for other parts of Australia.

Question resolved in the affirmative.

DOMESTIC VIOLENCE
Community Law Reform Committee Research Paper

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

That the Assembly takes note of the paper.

MRS CARNELL (Leader of the Opposition) (8.56): Madam Speaker, this report is very well researched and it contains an absolute wealth of very valuable information. We all know that domestic violence is one of the most common forms of assault. It occurs in all age groups, income levels, nationalities and races. This report suggests that 90 per cent of victims are women.

One of the concerning parts of this report is that it indicates that not all victims of domestic violence are reporting their situation. I think we all know that. The report indicates that the number of partners of professional men and semi-professional men who have reported domestic violence is as low as 1.9 per cent and 4.9 per cent respectively. I certainly do not believe that all domestic violence is perpetrated by the unemployed and unskilled. When you look at the figures in this report, you see that by far the largest number of reports have come from those sorts of areas, which would indicate that a great number of women subject to domestic violence are still unhappy or unable to come forward.

In the 1991-92 financial year 2,046 documents were served. In fact, in the three-year period from 1989 to 1991 there were 1,645 DVO applications. There was a 25 per cent increase in applications over this three-year period - 16 per cent in 1989 and 1990 and 8 per cent in 1991. Of these 1,645 applications, 1,438 - that is, 88 per cent - were granted. These figures certainly show the extent of the problem, but they also show that the current system of DVOs is working, at least in the majority of cases. The figures also show that domestic violence is one of the most significant problems that we face both in Australia and in Canberra.

Open discussion and debate about this issue will raise community awareness, but hopefully reports such as this will send a message to the whole community. We must all become involved. Stopping violence against women and children depends, without doubt, on the whole community. One of the things that this report does best is report verbatim what many players in the whole domestic violence situation - the police, people in the Magistrates Court and so on - have said. I personally found that particularly interesting. It certainly broadened my view of the whole problem.

Violence against women, young and old, and children in particular - be it physical, sexual, psychological or emotional - is a social evil and I think we would all accept that it is simply intolerable. Yet the problem goes on. This report would indicate that the problem is getting worse or at least is being reported more often. In a civilised society such as the one we pride ourselves on, this violence must not be accepted or tolerated. I do not have to remind anybody here tonight of the almost continuous daily headlines about some domestic tragedy or another. An 18-month-old boy was recently bashed to death by his mother's de facto husband. I am sure all of these reports disturb us all. Overcoming domestic violence must, and I think does, transcend political point scoring in this Assembly. We should be working to find solutions. This report, in its recommendations, goes some way in suggesting the direction we may be able to take to find answers to the problem.

None of us pretend that there is a single cause for domestic violence or a single solution. The fact is that the causes of domestic violence are many. The general glorification of violence in our society plays a part. Breakdown of domestic relationships because of some of the things we talked about in the previous debate also plays a part. The economic pressure on ordinary Australians has been enormous and continues to be so. In many cases that pressure translates into violence. In at least 90 per cent of cases that domestic violence is against women. The Community Law Reform Committee's research paper identified that by far the largest group of respondents - mostly male - were unemployed. This group accounted for 36 per cent of respondents. It is hard to go past the fact that growing unemployment in our community is causing dramatic increases in the level of domestic violence. The frustration involved in unemployment can lead only to violence by people who have such a disposition. But I think we have to look at domestic violence as part of a much broader pattern of behaviour, much of which is learnt. We hear constantly of men who have been charged with domestic violence having come from domestically violent backgrounds. Obviously, in our society we need desperately to give those men - in some circumstances it may be women - some training, information and direction that will stop the vicious circle of violence.

Among the things I found interesting about this report were some of the comments about prosecutors and the courts and about some of the police involved in domestic violence cases. The report states that courts are sometimes gender biased in the sense that they may blame the victim for not meeting her husband's needs or for provoking the violence; that they accept a husband's testimony in preference to that of a wife; and that they identify the husband as a victimised male. Sometimes victims face indifference or even hostility in the courts. I think that everybody here would suggest that that sort of behaviour, even if it is only on occasions, is totally unacceptable. The report recommends that training those in our courts is one of the bases for improving the situation.

It goes on to make the same comments about police in our system. It suggests that police regularly hold sexist views and that they can be inclined to be anti-victim. I do not think any of us would accept such a situation. This report suggests that there is an urgent need to train police who are involved in the domestic violence area to make sure that in this hugely difficult area they are aware that those sorts of approaches are not acceptable. We have all heard of the well-publicised comments of certain judges in recent times. They are a further indication of the problems that confront women.

This report identifies in its quite lengthy recommendations the need to have information at our disposal. The report goes a long way in suggesting a first step in obtaining information upon which we can build mediation - something we have spoken about already this evening. The report stresses the importance of training our police and people in the Magistrates Court. It also speaks at length about the importance of bringing together all parties to the domestic violence problems - the perpetrators, the victims, the police, the Magistrates Court - to talk through the problems that continue to exist.

I do not have a problem with recommendation 28, but I have to ask a question. It suggests that DVO applications should be able to be made by applicants other than the victim. In essence, I do not disagree with that. I can see that in some circumstances it would be useful for a member of the police force to be able to do that on behalf of a victim. But obviously quite a lot of work would need to be done to make sure just who was able to make application on behalf of a victim,

or you could get some reports that were not in the best interests of anyone. In this place we have had many debates - often discussions, I suppose - about domestic violence. I think there is no point in my restating what we all believe. Domestic violence is a tragedy. It is something that we must address. This report is a step in the right direction. It certainly does not solve any of the problems, but it does give us a direction.

MS SZUTY (9.07): Madam Speaker, I am pleased to speak on this issue, as comprehensive research into issues as important as domestic violence is well overdue. I am pleased that this document has been brought before the Assembly so that I can encourage the Government, through its Community Law Reform Committee, to adopt the report's recommendations and to adequately fund those which require such assistance to come to fruition.

What I would most like to support is the recommendations which speak of the need for more data collection and research. There are recommendations which call for the collection of data and necessary research to ensure that the community and policy makers have adequate statistical and qualitative information to help provide increasingly better domestic violence responses. I also agree wholeheartedly with the final recommendation, that a domestic violence policy unit be established. I suggest that it perhaps best belongs in the Attorney-General's Department and could liaise with other advisory groups that regularly consult with government.

The research paper makes much of the need for increased and appropriate education and training for all involved in domestic violence support and legal intervention, as well as making a specific recommendation, No. 13, for regular round table conferences between agencies involved in domestic violence matters. What a lot of sense this recommendation makes. I am sure that such action can only help people who are affected by domestic violence. Madam Speaker, I feel that all of the recommendations make good sense, and I urge the Community Law Reform Committee to absorb them into their current reference on domestic violence.

I would also like to ask the Attorney-General to look carefully at those recommendations which incur costs and see where funds can be found to accommodate the recommendations. For example, recommendations 17 and 18 call for the physical separation of victims and alleged offenders at court. This could be adopted in other cases, such as child sexual assault, even common assault, or any case where there is a real fear of intimidation of the victims by their alleged attackers. I also feel that court conferencing space is necessary. Already our courts suffer from a lack of adequate and private space for barristers to discuss matters with their clients. A more generous provision of small briefing rooms and private conferencing rooms could serve many functions of the court system. Of course, we know that there is very much a need for a new courts complex in the ACT - a matter which the Government is currently progressing.

There is also much merit in the Government looking more closely at an offender program, as outlined at recommendation 34. The Government has already made the decision to allocate funds for a men's shelter, which I applaud. The next step is to ensure that the cycle of domestic violence is broken, and I agree that this is best done with an offender program which is integrated into a criminal justice intervention policy. I note Mrs Carnell's comments this evening about the underreporting of incidents of domestic violence.

I would like to conclude, Madam Speaker, by emphasising that the incidence of domestic violence in our community does not appear to be falling as a result of the work done in this research paper on domestic violence. It is worth noting that the Domestic Violence Crisis Service recorded 458 calls on its telephone service during September of this year, 300 of these being new contacts. As well, crisis intervention workers attended 84 incidents in the same timeframe. Over the past 12 months, more than 1,100 crisis intervention cases have been dealt with and, in addition, court attendances are required and follow-up work on intervention cases has to be completed. Calls to the crisis line over the last 12 months totalled 6,185. That is approximately one call for every 48 Canberrans. These are indeed frightening statistics and represent a trend that must be reversed. We cannot afford to have such a large number of predominantly Canberra women and children living with domestic violence or in fear of domestic violence. In fact, the statistics are even more frightening when you consider Mrs Carnell's earlier comments about the level of underreporting which must still be the case in the ACT.

MRS GRASSBY (9.12): The Community Law Reform Committee's research paper is the most comprehensive research ever done on domestic violence in the ACT. Speakers so far have said what a wonderful report it is. It is a wonderful report. We all know how terrible any domestic violence is - whether it be against a woman, against a man, or against a child. This report is one of the many achievements of the ACT in this field.

In the early 1980s the Australian Law Reform Commission released a report on domestic violence, which report led to the enactment of the domestic violence legislation in the ACT in 1986. This legislation was a tremendous breakthrough in offering better protection to the survivors of domestic violence. As a result of this legislation, victims of domestic violence, who are mainly women and children, could be protected from their violent partners quickly and efficiently. However, there are men who suffer domestic violence.

The Australian Law Reform Commission report also recommended the establishment of a Domestic Violence Crisis Service. In the past five years this service has assisted literally thousands of women who have been subject to violence. This service continues to be supported and funded at significant levels by the current ACT Government. The Domestic Violence Act originally applied only to married and de facto couples. Following a review of the Act in the early 1980s, it was clear that violence was not limited to these relationships. As a result, in 1990 the Act was extended to other relationships to include people who live in the same house and extended family members.

Another important reform to our Domestic Violence Act came with the Weapons Act in 1991. This Act provides that a person who has a domestic violence order against them cannot get a weapons licence. Given that research has shown that over a third of all homicides occur between family members and that a quarter of all homicides are caused by firearms, these provisions are crucial. Another significant reform to domestic violence laws occurred in 1992, when this Assembly passed legislation to allow domestic violence orders from other parts of Australia to be recognised in the ACT. This was one of the most important Acts passed in this house. Many women who have experienced domestic violence continue to live in fear for their lives and move to other parts of the country to escape the violent person. It is therefore crucial that their domestic violence orders apply in the ACT.

It is clear from this brief outline that the ACT has come a long way in improving its domestic violence laws in the past decade. However, the protection offered to domestic violence survivors is still much less than perfect, and the Government is committed to continuing reform in this area. The Community Law Reform Committee is currently considering the ACT domestic violence laws and how they can be improved. The committee has already done a considerable amount of groundwork with the release of this research paper as well as a comprehensive discussion paper on this issue. The committee has consulted with many areas of the community to find out where the problems are occurring with the legislation and to obtain views on how best they might be overcome. The committee's terms of reference are wide ranging, and it is expected that a report will be released next year. This research paper is a vital part of the committee's reference and will provide a sound and factual basis for its final recommendations.

One more reason why self-government is important is that it allows us to pass domestic violence legislation and give women protection. As the Chief Minister said earlier, one of the most common factors in domestic violence is drink. I am sure that many a person in this house has heard a man say that it does not hurt to give a woman a good belt across the ear. It is sad that such things happen. As has been said by Mrs Carnell and many others in this house, we have all witnessed television coverage of some terrible acts of violence in the last few months. I am not sure that laws can fix everything, but I am quite sure that they can go a long way towards making things a lot better.

MS ELLIS (9.17): Madam Speaker, we have had domestic violence legislation in the ACT since about 1986. Since then we have seen several amendments to that legislation aimed at improving it; but, as a community, I believe, we need to keep this question in front of us and work towards further improvement. Domestic violence is a brutal reality in our society. The greatest tragedy of domestic violence can be the difficulty in detecting it. If statistics show us merely how many cases are reported, it is horrific to imagine how many more remain behind the closed doors of suburbia.

The role of the Domestic Violence Crisis Service, a community service continually supported by this Government, cannot be overstated. A few short years ago I had cause, unfortunately, to seek assistance from the police when a domestic dispute involving a neighbour was under way. The domestic violence people arrived with the police and played an incredibly vital role in what was a rather volatile situation, a potentially dangerous situation. It made me wonder how on earth such incidents were managed prior to the development of domestic violence crisis services in our communities.

A research paper such as the one that we are considering tonight is invaluable. As I have said, we have seen changes to the legislation, and we can expect to see continuing changes to legislation; but, importantly, we are also seeing changes in community attitudes towards domestic violence. I think one of the more difficult jobs for our police would be to respond to domestic violence calls. Some of those calls have the potential to be extremely dangerous. The police will not always know exactly what the situation they are heading into is. When I considered this paper I found the chapter on the survey of police officers very informative.

The questionnaire used in the survey, which is shown at Appendix 1, is of great interest. I note that the return rate of the survey could have been higher, but I also agree that there may have been some very plausible reasons for the result that the survey had. Of real interest and importance, I believe, are the form of the questionnaire and some of the responses. The inclusion of this sort of information and the information contained in the chapter concerning the one-on-one interviews that were participated in by DV workers, by police and so on broadens this research paper and makes it of such practical use.

There are two issues that I would like to mention while we are discussing this research paper. One of them is the pilot program that was run recently by the domestic violence unit and involving school students in the ACT. I was particularly pleased to hear in answer to a question I put at the Estimates Committee that the outcome of that pilot program was such that such a program is to be recommended to the Department of Education for very serious consideration for inclusion in the school curriculum. The pilot program involved learning how to handle dispute resolution between young male and female students. I think that is the sort of approach that we need to take in a concerted effort to tackle this problem in our society at the grassroots.

On Wednesday evening I was at home and saw on the ABC a television documentary called *So Help Me God*. I do not know whether any other members here saw it, but I found it fairly shattering to watch. It involved no actors but real people. The cameras and the reporters spent two or three days in a Magistrates Court in the western suburbs of Sydney. I refer to this documentary because the segment that alarmed me the most concerned the case of a young woman coming to court against her husband over a domestic violence order. You could see a very subtle influence being exercised on that woman on behalf of the husband in an attempt, which was succeeding, to have her drop any further action against him. You could see a potential statistic - probably by now a real statistic - walking out the door of the court.

Any research paper such as this is to be commended. No paper such as this should ever attempt to hold within its cover the answer to all of the problems of a subject such as domestic violence. The value in a research paper such as this is that it keeps the topic in front of us, so that we pay due attention to it daily and continue attempts to improve the situation in the community, be it by creating laws or by educating young people in our schools. As long as we continue that approach we can hope for a better outcome than some people, unfortunately, are experiencing as we speak or have experienced in the past.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.23), in reply: It is pleasing that on a Tuesday night after estimates, when I think we are all having a bit of a groan about being here, we have now debated two very substantial issues in a way that has avoided toing-and-froing across the chamber and shown some general bipartisan support for grappling with difficult issues. Previously we discussed proposed legislation on de facto relationships and now we are discussing the Community Law Reform Committee's major research paper on domestic violence.

The reason this paper was tabled in the Assembly and was the subject of a ministerial statement was the extensive nature, in some ways landmark nature, of the research. I felt that this was a paper of such importance that it should be brought before the chamber. I am sure that the authors of this paper and the committee will be heartened by the enthusiastic way it has been welcomed. Mrs Carnell made the point that it was a first-rate piece of research that was rather unusual in the history of domestic violence publications; that we had looked hard at the issues; and that in that sense it was worth bringing this preliminary paper before this Assembly.

There are not substantive recommendations for the change of substantive law. There are some suggestions as to how the research may go forward to the next stage with the Community Law Reform Committee. Ms Szuty made some reference to the sensible suggestions for collection of further data. The intention is that the Community Law Reform Committee take all that on board. It will probably bring forward its report on domestic violence not as a single document but in two or possibly even three stages. The work is of such importance and such magnitude that it may be prudent that we bring things forward in a couple of stages.

In the mid-1980s the ACT set the pace in Australia on reform of domestic violence laws under Commonwealth administration, and we have maintained our place as the model jurisdiction for domestic violence laws in Australia. But that is not to say that we should rest on our laurels; we can clearly continue to improve on the way we do things. The interaction between the Domestic Violence Crisis Service and the police and the courts is crucial to the working of the system. There is no doubt that one of the main factors in the success of the domestic violence arrangements in the ACT is the fact that we are able to get crisis workers, funded through a community based group that relies on government funding, to every potential violence situation very rapidly.

Ms Ellis referred to a woman who appeared to have been subject to fairly serious domestic violence being apparently coerced into pulling out of a matter in court and being left with no support resources. A clearly overworked, hassled and stressed legal aid lawyer was trying to take instructions from the client. The client was getting heavied by the spouse, and it was clear that, despite all the good intentions of the legal aid lawyer, they really were not in a position to provide support to that woman. In the ACT the Domestic Violence Crisis Service would have intervened at an earlier stage, would have taken that woman in as a client and would have provided her with some ongoing support and assistance. That is not to say that there are not situations where a woman may be pressured into withdrawing an application for an injunction when an injunction should properly be granted. I am sure that that has occurred and probably will occur again, but at least in the ACT we are able to provide some support for a woman in those circumstances, and that makes it far less likely that that sort of coercion will apply.

The point that Ms Ellis made about the police attitude survey is very important, and it bears referring to again. One of the problems with domestic violence has always been that the community attitude in many cases has been that it is a private matter; it is not a matter for the law. The Institute of Criminology did a survey of attitudes among officers of the Australian Federal Police, who probably could be regarded as a fairly typical sample of Australian blokes.

That showed a very high level of acceptance of the proposition that domestic violence was very properly a criminal law matter and very properly a matter for police responsibility. National surveys as recent as 1989 indicated that an overwhelming proportion of Australian males felt that domestic violence was not a crime and was not a subject for police intervention.

One of the concerns of groups advocating stronger domestic violence laws has been that police attitudes have reflected the general Australian male attitude, which is that this is really not a criminal problem; it is a matter that should be left for a man and wife to sort out behind the closed doors of the family home. The fact that the Institute of Criminology, having taken an attitude survey of serving AFP officers, have found that an overwhelming majority of AFP officers take the contrary view is very encouraging and leads us to believe that the campaigns that have continued to be run - the things as trivial as putting signs on the back of buses saying "Domestic Violence is a Crime" - are starting to work. We are gradually, drip by drip, working away on the consciousness of the general community and getting people to accept that this is a major problem.

The report of the committee, when it is finally presented, will, I am sure, be another landmark in reform of domestic violence laws in Australia, keeping up the tradition in the ACT of progressive laws. I hope that when it comes down it too will enjoy the general support of members in this chamber that domestic violence law reforms to date have enjoyed in this place. This piece of preliminary research, which normally would have just gone before the committee and been filed away as a research paper, was of such quality and significance that the Government took the view that it was appropriate to bring it before the Assembly. I and, I am sure, the committee and those professionals at the Institute of Criminology who were responsible for the research will be heartened by the general bipartisan nature of support in this Assembly for domestic violence legislation. I thank members for their general support for domestic violence legislation and I confidently anticipate that when we bring forward the final report or reports of this committee that bipartisan support will continue.

Question resolved in the affirmative.

ADJOURNMENT

MADAM SPEAKER: It being 9.30 pm, I propose the question:

> That the Assembly do now adjourn.

Question resolved in the affirmative.

Assembly adjourned at 9.30 pm

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ANSWERS TO QUESTIONS

MINISTER FOR URBAN SERVICES

QUESTION ON NOTICE NO. 862

Goodwin Retirement Villages - Cleaning Tenders

Mrs Carnell asked the Minister for Health:

1. Why were tenders called in the Canberra Times of 3 July 1993 for cleaning of common areas at the Goodwin Retirement Villages of Ainslie and Farrer on behalf of ACT Health.

2. What is (a) the relationship between the ACT Government and Goodwin Retirement Village, (b) the nature of the financial or contractual relationship and (c) the financial obligations of the ACT Government or ACT Health.

3. What was the cost of the advertisement and who was responsible for the preparation of the advertisement to ACT Health.

4. As the funding of hostels and nursing homes is primarily the responsibility of the Commonwealth Government, why is ACT Health involving itself in the operations of Goodwin Retirement Villages.

Mr Berry - the answer to Mrs Carnells question is:

1. Goodwin Retirement Villages, as a client approached- ACT Public Works and Services, Contracts Section direct for assistance in preparing a tender for the cleaning of the common areas of the hostels at Ainslie and Farrer. The hostels are ACT Government owned facilities included as assets of ACT Health.

2. (a) In 1960 the Commonwealth Government built the Ainslie hostel and through an agreement handed it to Goodwin Retirement Villages to manage. Subsequently in 1978 the Farrer hostel was built by NCDC for the Commonwealth Government who gave Goodwin Retirement Villages management responsibility under the same agreement. This arrangement transferred to ACT Government following the establishment of self government for the Territory.

(b) The ACT Government through ACT Health maintains the hostel buildings, the repairs and maintenance costs in 1992193 were $109,000.

(c) Goodwin Retirement Villages obtain no recurrent funding from the ACT Government or ACT Health. All costs relating to the cleaning contract in question is the responsibility of Goodwin Retirement Villages, not ACT Health.

3. $75 - Contracts Section, ACT Public Works and Services.

4. The only ACT Health involvement is through a representative on the Goodwin Retirement Villages Management Board as the hostel buildings are assets of ACT Health.

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 941

Medical Board - Complaints

Mr Moore - asked the Minister for Health

In relation to your response to Question On Notice No. 600 could the Minister please provide further information relating to (a) complaints received by the Medical Board of the ACT prior to October 1992; (b) the number of complaints investigated and (c) the outcomes of these investigations.

Mr Berry - the answer to Mr Moores question is:

No data base of complaints had been kept prior to January 1992.

(a) Over the period January to October 1992, the Medical Board received a total of twenty (20) complaints.

(b) All twenty (20) complaints were put to the Complaints Committee of the Board for investigation.

(c) There does not appear to be any complaints outstanding with the exception of one complaint. Action is continuing on that complaint which has unfortunately been delayed due to the extended holiday of the medical practitioner involved.

The absence of further correspondence on complaints heard by the Board over the period January to October 1992 would indicate that all complaints were resolved to the satisfaction of all parties.

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 946

Workers Compensation Patients

Mrs Carnell - asked the Minister for Health:

1. Are the medical and hospital fees charged by ACT Health to workers compensation patients the same as those charged to other patients.

2. If not, (a) how do they differ and (b) why do these differences occur.

3. Could a full list of charges for public patients, privately insured patients and workers compensation patients for both medical and hospital services be supplied.

4. What interest rate does ACT Health charge on overdue workers compensation accounts and how was this interest rate arrived at.

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

1. No.

2.(a) Hospital inpatient accommodation for a Private patient is $191.00 per day.
Hospital accommodation for a Workers Compensation patient is $543.00 per day.
Outpatient service fees for a Workers Compensation patient are $100.00 for the first visit and $66.00 for the second and subsequent visit.
Patients with Third Party insurance claims and "non-eligible" (overseas visitor) patients are charged the same as workers compensation patients.
Other patients are not charged.
Workers compensation patients are charged for Physiotherapy and Occupational Therapy at a rate of $66.00 for each consultation.
Other patients are not charged.

2.(b) The difference occurs as the Commonwealth Government regulates charges for private and public patients. Workers Compensation charges are based on cost recovery. The Medicare Agreement between the Commonwealth and States recognises the separate category of a "compensable" patient.

3. The Determination of Fees as charged, lists the charge for private patients and compensable patients. Public patients are not charged. The Australian Capital Territory Special Gazette No. S125, of Wednesday 30 June 1993 lists the Departments Determination of Fees and Charges.

4. Overdue accounts are charged interest at 20% p.a. The rate was determined in conjunction with ACT Treasury and is a standard charge by ACT agencies on overdue accounts.

TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 963

Municipal Receipts and Expenditures

MR CORNWELL - Asked the Treasurer upon notice on 14 September 1993:

(1) Why is a municipal statement on how much money is raised through rates and how it is spent, not published in the ACT.

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

(1) The ACT Budget Paper No 3, pages 361 - 377, provides estimates of municipal receipts and expenditures at program level. A description of the municipal functions undertaken by the programs is also provided.

3364

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION N0.964

Disabled Preschool Children - Physiotherapy Services

Mr Cornwell - asked the Minister for Health

(1) Has there been a reduction in hours of treatment available for physiotherapy, services for disabled pre-school children, as recently claimed in the media (Letter to the Editor, The Canberra Times 31 July 1993) and if so why.

(2) What hours of service are provided (a) in the ACT and (b) interstate for such , children.

(3) How many such children require treatment in the ACT.

(4) What services are provided in the ACT for such children.

Mr Berry - the answer to Mr Cornwells question is

(1) There has been no decision by ACT Health to reduce physiotherapy hours of treatment available for disabled pre-school children. There have been some recent staff changes which have had the short term effect of temporarily reducing the number of appointments for some clients.

(2) (a) ACT Health Child Health and Development Service offers appointments on the basis of clinical need which varies between children, their stage of development and parents desire to attend. Physiotherapists often provide weekly sessions for specific clinical situations. Home visits are also important I and are available.

(b) It is difficult to compare ACT services with interstate. ACT Government services are accessible to all, whereas interstate services are organised differently and often have a restriction on-the number of children accepted at individual programs. The Spastic Centre, Sydney, offers ACT children a one week, residential, multidisciplinary program approximately every six months and recommendations are then included in the local program.

(3) There are approximately 300 disabled pre-school children in the ACT.

(4) ACT Health provides an Early Intervention Service through the Child Health and Development Service. The Housing and Community Services Bureau through its Community Access Resource Team provides services for children over three years with an intellectual disability. In the non Government sector, there is the Noahs Ark Toy Library which provides therapy services for some children and a Conductive Education program.

TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 968

Land Valuations

MR CORNWELL - Asked the Treasurer upon notice on 14 September 1993:

(1) What factors, for all suburbs and areas in the ACT, are taken into account by the Valuer when the Unimproved Capital Value (UCV) of a block of land is calculated.

(2) How is the UCV actually calculated.

(3) How were the percentages of UCV which determine how much rates and land tax is paid on any block decided upon.

(4) Why were they set at current levels for various types of land usage.

MS FOLLETT - The answers to the Members questions are as follows:

(1) The factors taken into account by the valuers when recommending unimproved values are location, the size of the block being valued, its aspect and topography, the proximity of public facilities and disabilities which may affect individual values such as transformers, bus shelters and service installations. With regard to non-residential leases, the highest and best permitted use of the land is applied as the basis for rating.

(2) Unimproved values for rating and land taxing purposes are assessed by the Australian Valuation Office on an annual basis at the relevant date of 1 January each year and are based upon the analyses of property sales near the relevant date.

The best evidence of land values is from sales near the relevant date of comparable vacant land within the locality. However, in the absence of vacant land sales, values are based upon an analysis of sales of properties in the vicinity which occurred around the date of valuation. These sales provide the most reliable guide to value and reflect the market conditions at that time.

The unimproved value of the land is ascertained by deducting the added value of all improvements from the selling price as at the time of sale. The added value of the improvements

represents their depreciated replacement cost and is determined by deducting from the replacement cost sufficient allowance for accrued depreciation and obsolescence.

(3) In light of the difficult budgetary situation facing the ACT in 1993-94, a greater rating effort was required than simply maintaining the average rate in real terms. Consequently, based on information provided by the Australian Valuation office, which indicated that unimproved values had increased by an average 8.7$, the rate in the dollar was adjusted from 1.019 to 0.985 cents to achieve a 5% increase in the average general rate. This rate applies to all residential and commercial properties with rural properties continuing to pay half the City Area rate. -

(4) The Government is conscious of the increasing rate burden being borne by the residential sector. To redress this increasing imbalance, the Government decided to introduce a progressive rate of land tax on a similar basis to that operating in all the States rather than moving to a differential rating system.

A differential rate would mean that one rate would apply to residential, one rate for commercial and so on. Such a system can be seen as manipulative in that it undermines the relationship between the rate burden and land values.

The change to a progressive land tax has enabled the land tax rate for properties with an unimproved value of less than $100,000 to remain at 1%, limiting the burden imposed on small business and the rented residential sector.

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TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No.969

Rates Payments - Advertising

MR CORNWELL - Asked the Treasurer upon notice on 14 September 1993:

(1) What was the cost of print media advising ratepayers that they had until 16 August, not 15 August as previously advised, to pay rates instalments.

(2) On how many occasions and in which newspapers did the advertisement run.

(3) Why did rate notices give August 15 - a Sunday - as the first deadline for 1993-94 rates payments.

MS FOLLETT - The answers to the Members questions are as follows:

(1) The Canberra Times advertisements were not run to advise ratepayers of a change in instalment date but appeared as a regular client service initiative. It is normal practice for the Revenue Office to place paid advertisements in The Canberra Times prior to each instalment to remind ratepayers of their obligation to pay general rates and land tax instalments and also to advise them that assistance might be available if they are having difficulty in paying. The advertisements cost the ACT Revenue Office $648.

(2) The advertisement appeared in The Canberra Times on 9 August, 11 August and 13 August 1993.

(3) Section 4 of the Rates and Land Tax Act 1926 prescribes instalment days as 15 August, 15 November, 15 February and 15 May. The due date shown on the annual rates notice was 15 August as specified by the legislation. However, section 36 of the Interpretation Act 1967 provides that where a due date falls on a weekend or public holiday then the actual due date becomes the next working day. The Revenue Office publishes the actual due date in the reminder advertisements in order to inform the public of the effect of the Interpretation Act on the final date for their payments.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 971

Supply and Tender Agency

Mr Humphries - asked the Minister for Urban Services

In relation to an item relating to the establishment of a Supply and Tender Agency in Purchase Reference Number 564511 -

(1) What computer package is being used.

(2) What is the purpose of this purchase.

(3) When will the Supply and Tender program be operating.

(4) Is the establishment of this agency consistent with a Government promise made during the 1992 election to establish a Supply and Tender Agency. If so, why has it taken until 25 August 1993 to establish the Agency.

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

(1) A computer system is being developed to address the information and access requirements of the Supply and Tender Agency as there is no off the shelf package available to deliver the required functionality. The system will be developed in house with the assistance of a suitably qualified consultant. The development platform being used is LOTUS NOTES, a unique package that provides all necessary technical functionality for the system and meets the high standard of user friendliness required for this public access information system.

(2) Purchase reference number 564511 was for the purchase of a personal computer for the Agency to assist in the development of the information system and its demonstration of a prototype to industry organisations and Government agencies with a view to obtaining their views on the service proposed.

(3) The information system will be developed and implemented in 4 stages. The stages will be progressively introduced as follows:

Stage 1 Date of Commencement

ACT Regional Suppliers and their products 2 months
ACT Government purchasing officers
* ACT regional period contracts

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Stage 2 3 months
Bulletin board
Quotations
• Tenders invited
• Contracts arranged
Stage 3 2 months

ACT Purchasing Manual Forward Procurement Plans ACT Purchasing Policies

Stage 4 12 months

ACT Period Contract Awareness System

• Electronic Trading

(4) The establishment of the Agency is a Government initiative to ensure that the purchasing requirements of the public sector and as far as possible the private sector can be identified by ACT suppliers so they can compete. I announced the establishment of the Agency in a media statement on 17 September 1992.

The Agency has been established within Public Works & Services of my Department as that area has responsibility for Supply Policy, tendering Capital Works, contracting for a wide range of capital goods and services on behalf of other agencies and is actively involved in ACT and National supply and construction activities.

Since the establishment of the Agency, the following activities have been undertaken:

Help line - A help line, both telephone and fax, has begin set up and staffed by officers in the area during normal business ..curs which can provide advice to both suppliers and purchasing officers. To date approximately 319 regional firms have provided details for inclusion in the Agencys database.

Agency information system - The Agency has developed a prototype specification for computer based on-line information system to meet the needs identified in (3).

Pamphlets -Leaflet style information sheets have been prepared for ACT Government purchasing officers and suppliers.

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Forums - The Agency has participated in the following forums.

• December 1992 - ACT Government purchasing agencies May 1993 - Canberra Region "On Display"
• July 1993 - ACT Purchasing Policy Forum
• September 1993 - Canberra Business Week

Consultation - The Agency has held discussions with industry associations and all ACT Government agencies. The associations include;

ACT Chamber of Commerce and Industry,
• Chamber of Manufacturers of NSW-Canberra Region
• Canberra Business Council.

These discussions will continue with individual agencies and suppliers to advise them of the Agency activities and to seek co-operation in common areas of interest.

The key aims of the Agencys program for 1993194 is finalise the development of the on-line information system and to develop a purchasing policy to foster local businesses

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 972

Woden Valley Hospital - Safety Precautions

Mr Moore - asked the Minister for Health:

(1) Has someone fallen from one of the cranes at Woden Valley Hospital.

(2) Were occupational, health and safety precautions adequate.

Mr Berry - the answer to Mr Moores question is:

(1) The person who fell from a crane at Woden Valley Hospital was not a worker on

the redevelopment project. This incident is the subject of a Coronial investigation.

(2) Yes, occupational, health and safety precautions for workers on the Woden Valley

Hospital redevelopment site are adequate. These precautions were drawn up and are continually reviewed in conjunction with the ACT Occupational Health and Safety Unit and relevant unions involved in the redevelopment project.

As for any building site, security is the responsibility of the Project Manager. In addition, the Hospital has a 24 hour security service which covers the building __

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 975

ACTION - Ticket Sales and Debts

Mrs Carnell - :asked the Minister for Urban Services - In relation to the last two financial years
(1) What was (a) the total value of pre-sold tickets sold through agencies; (b) the total value of pre-sold tickets sold through ACTION; (c) the average value of outstanding revenues from agencies; (d) the total value and number of bad debts, compared with the provision for doubtful debts; and (e) the total value and number of debts written off. -

(2) What debt recovery procedures are followed to minimise and recover debts outstanding..

(3) In cases of bankruptcy and liquidation (a) have appropriate proofs of debts been lodged; and (b) what was the percentage dividend received:

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

(1) (a) $7,413,227.38 in 1991192; $7;933,912_11 in 1992193_
(b) $3,548,221.78 in 1991I92;$3,987,330.42 in 1992193 .
(c) The value of tickets on consignment to agents at mid-September 1993 was $1,494;628:90. This amount does riot become outstanding however until ail the tickets are sold:

(d) Provision made for doubtful .debts were: four for 1991192, value. $81,059.46; ten for 1992-93, value $88,626.67.

(e) The total value and number of debts written off were: one for 1991192, value $65,904.93; one for $16,118.61.

(2) Monitoring of agents account balances, auditing of ticket stock levels held by them, cessation of further supply -of tickets if payments are not maintained as per agents contracts and legal proceedings by the ACT Government Solicitor where payment is not forthcoming.

(3) (a) Yes.

(b) No moneys recovered to date.

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MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 978

Wright Corporate Group Companies

Mrs Carnell - asked the Minister for Sport

(1) Has the ACT Government and any of its agencies had any business or other dealings with any of the following companies or organisations (a) Cinnavon Pty Limited

.ACN 061 141 295; (b) Canberra Mail and Print Pty Limited
ACN 008 537 406; (c) Canberra Mailing and Print Company Pty
Limited ACN 008 537 406; (d) Canberra Mailing Co. Pty
Limited ACN 008 537 406; (e) The Wright Corporate Group Pty
Limited ACN 008 557 668; (f) Austwide Communications Pty
Limited ACN 008 557 668; (g) Professional Fund Raising
Services Pty Limited ACN 008 557 668; (h) Envelope House;
and (i) Wright Anderson Pty Limited ACN 061 340 010.

(2) On what dates did these dealings or transactions take place, and what was the value of the transaction.

(3) What was the nature of the dealings or transactions.

(4) How was any work or contract awarded and who approved it.

(5) If the tender was not the cheapest, why were any of the above entities selected and who approved it.

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

(1-5) My Department has not had any dealings with the companies listed.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 983

Wright Corporate Group Companies

MRS CARNELL - Asked the Minister for Housing and Community Services-

(1) Has the ACT Government and any of its agencies had any business or other dealings with any of the following companies or organisations (a) Cinnavon Pty Ltd ACN 0161 141 295; (b) Canberra Mail and Print Company Pty Limited ACN 008 537 406; Canberra Mailing and Print Company Pty Limited ACN 008 537 406; Canberra Mailing Co. Pty Limited ACN 008 537 406; The Wright Corporate Group Pty Limited ACN 008 557 668; (f) Austwide Communications Pty Limited ACN 008 557 668; (g) Professional Fundraising Services Pty Limited ACN 008 557 668; (h) Envelope House; and (i) Wright Anderson Pty Limited ACN 061 340 010.

(2) On what dates did these dealings or transactions take place, and what was the value of the transaction.

(3) What was the nature of the dealings or transactions.

(4) How was any work or contract awarded and who approved it.

(5) if the tender was not the cheapest, why were any of the above entries selected and who approved it.

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

(1) The Housing and Community Services Bureau has had dealings with Canberra Mail and Print Company Pty Limited.

(2) There were three transactions; two occurring on 31 July 1992 for $340 and $299 and one on 25 March 1993 for $448.

(3) The print and supply of ACT Government envelopes and the ACT Housing Trusts Tenants newsletter for March 1993.

(4) The contract was arranged and approved by Public Affairs Branch of the Chief Ministers Division.

(5) The lowest price was selected.

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TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 985

Wright Corporate Group Companies

MRS CARNELL - Asked the Treasurer upon notice on 14 September 1993:

(1) Has the ACT Government and any of its agencies had any business or other dealings with any of the following companies or organisations (a) Cinnavon Pty Limited ACN 061 141 295; (b) Canberra Mail and Print Pty Limited ACN 008 537 406; (c) Canberra Mailing and Print Company Pty Limited ACN 008 537 406; (d) Canberra Mailing Co. Pty Limited ACN 008 537 406; (e) The Wright Corporate Group Pty Limited ACN 008 557 668; (f) Austwide Communications Pty Limited ACN 008 557 668; (g)-Professional Fund Raising Services Pty Limited ACN 008 557 668; (h) Envelope House; and (i) Wright Anderson Pty Limited ACN 061 340 010.

(2) On what dates did these dealings or transactions take place, and what was the value of the transaction.

(3) What was the nature of the dealings or transactions.

(4) How was any work or contract awarded and who approved it.

(6) If the tender was not the cheapest, why were any of the above entities selected and who approved it.

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

The ACT Treasury has had no dealings with the named companies. This response excludes any dealings that the government may have had with the companies in relation to territory tax matters. The Revenue Office is unable to disclose any information on territory tax matters in relation to specific tax payers without breaching the secrecy provision of the Tax (Administration) Act 1987, Section 97

A.C.T. LEGISLATIVE ASSEMBLY - QUESTION ON NOTICE NO. 987

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION

Question No. 987

Business Community - Government Consultation

Mr Westende - Asked the Chief Minister upon notice on 14 September 1993:

(1) When and on what occasions over the past financial year did the Chief Minister consult with the Canberra business community?

(2) On such occasions answered in (1), did the Chief Minister consult the business community on matters concerning the difficulties business is facing in the ACT?

(3) Is the Government aware of the concerns the business community is facing? If so, what are those concerns? If not, why not?

(4) What action is the Government intending to take to alleviate the business communitys stated concerns? If no action is being taken, why not?

(5) Why doesnt the Government have a specific portfolio responsible for business?

MS FOLLETT - The answers to the Members questions are as follows:

(1) In the course of my responsibilities as Chief Minister, I am in regular contact both with representatives of the business community and with individual business people. Such contact can be in formal meetings, such as with the Canberra Business Council in consultations on the development of the ACT Budget, or through more informal discussions.

A range of Government Departments, including the Economic Development Division of my Department, also consult with business representatives on a regular basis over a range of issues and take account of their views in advice to the Government.

(2) Discussions I hold with representatives of the business community cover a wide range of issues and do not focus only on difficulties that individual businesses may be facing.

(3) The Government is aware of the concerns of the business community. The

Economic Priorities Advisory Committee of the ACT has focused on a range of relevant issues, including costs to business of government charges and regulations. EPACT examined the business environment most recently in its Business Development Strategy which I tabled in the Legislative Assembly on 18 May 1993.

(4) My address to the Legislative Assembly on 18 May 1993 in which I tabled the

Business Development Strategy prepared by the Economic Priorities Advisory Committee of the ACT also included a comprehensive statement of initiatives the Government has introduced to assist business.

In the 1993-94 Budget, the Government announced further initiatives that directly address the needs of business. These include:

funding has been provided to assist industry to locate or expand here where relocation would not otherwise occur and the Territorys interests will be served;

an international hotel school will be established at the Kurrajong Hotel and the 1993-94 Budget provided $12 million for this purpose; and

the A.C.T. Tourism Development Unit received continued funding to assist in the staging of major events.

Taken together, the initiatives I announced in the Budget and those that have been in place for some time provide a clear signal to the A.C.T. business community of the Governments commitment to further improving the business climate in the Territory.

(5) The Government views "business development" in the broader context of economic development. It also recognises the importance of the link between overall economic performance and the ACTs ability to achieve desirable social outcomes, such as the creation of employment.

This approach is clearly reflected in the activities of the Economic Development Division of my Department and I see no advantage in having a separate portfolio for the function.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 988

Housing and Community Services Bureau -
Psychological Services Consultancy

MR HUMPHRIES - Asked the Minister for Housing and Community Services upon notice on 14 September in relation to ACT Gazette No. 36, dated 8 September 1993, specifically Purchase Reference 000446, a consultancy awarded to Mr William Gardiner of 10 See Place, Curtin ACT 2605 at a cost of $7, 540.00:

(1) For what services is Mr Gardiner contracted.

(2) Over what timeframe is Mr Gardiner contracted.

(3) What deadlines is he expected to meet for the delivery of the service/s for which he is contracted.

(4) Was this consultancy advertised. If so (a) when; and (b) where. If not, why not.

(5) Is this Mr William Gardiner the same Mr William Gardiner who was employed by the Housing and Community Services Bureau.

(6) If so, is Mr Gardiner still employed by the Housing and Community Services Bureau.

(7) If so, (a) in what capacity; (b) at what level; and (c) what are his duties. If not (a) when did he leave; (b) what form did his departure take; and (c) at the time of his departure (i) what level was he; and (ii) what were his duties.

(8) It it is the case in (5) (a) for how long was Mr Gardiner employed by the Housing and Community Services Bureau; (b) is Mr Gardiner still employed within the ACT Government Service and (c) does Mr Gardiner hold any other consultancies from the ACT Government Service.

(9) If it is the case that the Bureaus consultant, Mr Gardiner, is the same Mr Gardiner as the one employed by the Bureau, why could he have not completed those tasks for which he has been engaged as a consultant while he was an employee.

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

(1) Mr Gardiner of Dinard Psychological Services was contracted to complete the resident, evaluations following the closure of the Bruce Hostel.

(2) Mr Gardiner has been contracted for the period 1 September 1993 to 30 December 1993.

(3) Mr Gardiner is expected to write to all parents and staff by the end of September. He will be setting up meetings and undertaking interviews with parents, staff and residents during October and November. A written report detailing whether each residents placement in a group house has been successful is due by the end of December.

(4) Under the contract guidelines it is necessary to obtain three written quotes. Three written quotes were received and Mr Gardiners was considered to be the best value for money in terms of his qualifications, relevant experience and price. He was $2000 cheaper than the nearest competitor and $11,000 cheaper than the other competitor.

(5) Yes

(6) No

(7) Mr Gardiner was employed on a temporary contract for two days per week. His contract was ceased when he was not the officer recommended for recruitment to the position which he was occupying at the time. The position he occupied was that of a Senior Professional Officer Grade C which was responsible for the management of the Community Disability Services Team. The multi-disciplinary team provides support for, and advice and information to, people with an intellectual disability, their carers , community agencies and other government agencies.

(8) Mr Gardiner was employed for the period 6 April to 24 July 1992,

the 19 October 1992 to 11 January 1993 and 6 March to
25 June 1993. Mr Gardiner is no longer an ACT Government
employee. Mr Gardiner does not hold any other contract for the
ACT Government Service that I am aware of.

(9) The position Mr Gardiner was held against on a temporary part-time basis was specifically for the purpose of the management of the Community Disability Services Team. It was not appropriate for Mr Gardiner to undertake a consultancy during the time he was employed by the Bureau.

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