



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

21 October 1993

## Thursday, 21 October 1993

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

**CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL 1993**

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

Title read by Clerk.

**MR BERRY:** I move:

That this Bill be agreed to in principle.

The Chiropractors and Osteopaths (Amendment) Bill 1993 is one of a series of ACT health professionals registration laws to be amended in line with the Australian Health Ministers' agreement to adopt consistent standards in relation to the regulation of health occupations.

The Chiropractors and Osteopaths (Amendment) Bill 1993 amends the Chiropractors Registration Act 1983 and provides for nationally agreed uniform standards and arrangements for regulating chiropractors and osteopaths and provides for a range of uniform sanctions which can be imposed on a practitioner in disciplinary matters or on health grounds. In particular, the Bill recognises the entitlement of a person who is registered as a chiropractor or osteopath in a State or another Territory to registration in the ACT. It also provides for the Chiropractors and Osteopaths Board to recognise conditions which may have been imposed on the registration of a chiropractor or osteopath in another jurisdiction, and any disciplinary action taken against a chiropractor or osteopath in another jurisdiction, to be applied in respect of the person's registration in the Territory.

These provisions are consistent with the mutual recognition provisions relating to occupations as set out in section 17 of the Commonwealth Mutual Recognition Act 1992. The application of that principle to the Territory and to other jurisdictions has given rise to the desirability of adopting agreed minimum requirements for registration as a chiropractor or osteopath. The principal Act will also be amended to enable chiropractors and osteopaths to be registered as separate professions according to the qualifications they hold. Under the principal Act, both chiropractors and osteopaths were registered in the ACT as chiropractors. This is inconsistent with legislation in other jurisdictions, where the two occupations are registered separately, albeit by one registration board.

The consequence of this anomaly existing in the ACT legislation is that a person who holds osteopathic qualifications but is registered in the ACT as a chiropractor has entitlement under the mutual recognition provision to seek registration as a chiropractor in any other participating jurisdiction. It therefore could be argued that the ACT has the lowest qualifications for registration as a chiropractor. This is not meant to be interpreted as meaning that the qualifications for registration as an osteopath are lesser qualifications than those for a chiropractor.

The dividing of the register is aimed primarily at protecting the use of the titles "chiropractor" and "osteopath" rather than limiting the practice of the person concerned, the emphasis being on controlling the use of the title rather than the scope of the practice. There is considerable difficulty within the profession itself in clearly defining the exact differences between chiropractic practice and the practice of osteopathy, but it is understood within the profession that there is a difference in philosophy as well as in some of the techniques that are used.

Further, no registration board in Australia has attempted to set the parameters of practice. There is no definition within the Bill which will limit the parameters of practice in either occupation and there is nothing in the Bill which will prohibit a chiropractor using osteopathic techniques or an osteopath using chiropractic techniques. Unless all jurisdictions where mutual recognition applies have the same standard for registration of a person as a chiropractor or an osteopath, a jurisdiction with a lower standard will provide a means for a person who satisfies that standard but not the higher standards required in the other jurisdictions to gain registration in those jurisdictions under the mutual recognition principle.

The transitional provisions will ensure continuation of registration for chiropractors registered under the Chiropractors Registration Act 1983. They will be registered on the same terms and subject to the same conditions as apply to his or her registration immediately before the commencement of the new provisions. However, there is a provision for the board to undertake a review of all chiropractors registered under the principal Act to determine whether they are entitled to be registered as a chiropractor. Where the board determines that the registered chiropractor is not entitled to registration as a chiropractor, it will serve a notice in writing on the person requiring him or her to show cause why his or her registration should not be transferred to registration as an osteopath. Where the registered chiropractor fails to show good reason why his or her registration should not be transferred to registration as an osteopath, the board will transfer that registration unless it is considered that there is good reason why this should not be done.

It is not anticipated that there will be any registered chiropractors aggrieved by any such decision of the board. However, there are provisions for a person to make submissions to the board as to why his or her registration should not be transferred to that of an osteopath. Further, the aggrieved person may then appeal to the ACT Administrative Appeals Tribunal for review of any such decision of the board.

To be eligible for general registration, applicants must be graduates of a course of study from an Australian or overseas institution which is accredited in writing by the board and, if required by the board, they must also successfully complete an examination conducted by or on behalf of the board. As well, they must have undertaken the required training or gained experience in the practice of chiropractic or osteopathy in Australia for a period specified by the board, but not exceeding 12 months.

The new registration arrangements distinguish initial registration from subsequent streamlined mutual recognition procedures for registered chiropractors or osteopaths from participating jurisdictions under the mutual recognition arrangements. Registration may be granted without conditions, or with conditions that will limit the person's ability to practise in a way the Chiropractors and Osteopaths Board considers to be safe or appropriate for that person or necessary for the protection of the public.

The Chiropractors and Osteopaths Board's disciplinary powers have been expanded to provide for a range of uniform sanctions which can be imposed either singularly or in combination in respect of disciplinary action or in cases of impairment, but there is a requirement for the board to hold an inquiry prior to imposing any sanctions on a person's practice. These powers are similar to those placed in boards in other jurisdictions.

There is also provision for persons who have had conditions imposed on their registration under the impairment provisions to request the board to review these conditions. If the board receives such a request and it is satisfied that the person no longer suffers from that impairment or that the impairment has lessened, it may review those conditions or impose new conditions on the person's registration, as it sees fit. Where the board refuses to review the conditions imposed on a person's registration, that person has the right of appeal to the ACT Administrative Appeals Tribunal.

The transitional arrangements also include provisions in respect of persons who have applied for registration or have been granted provisional registration or have failed to pay the annual fee under the principal Act. They also provide for the continuation of inquiries and reviews or the investigation of complaints in relation to the practitioner's previous conduct if such action was pending or under way immediately prior to the enactment of the present amendments. Decisions by the Chiropractors and Osteopaths Board in respect of registration, disciplinary and impairment matters will be subject to appeals to the Administrative Appeals Tribunal.

In addition, the Bill provides for a number of amendments of a housekeeping nature, including the removal of sexist language and provisions dealing with registration of interstate practitioners and personal attendance requirements, which will now be dealt with under the mutual recognition legislative framework. I present the explanatory memorandum.

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

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## OPTOMETRISTS (AMENDMENT) BILL 1993

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.43):  
Madam Speaker, I present the Optometrists (Amendment) Bill 1993.

Title read by Clerk.

**MR BERRY:** I move:

That this Bill be agreed to in principle.

The Optometrists (Amendment) Bill 1993 is another in a series of ACT health professionals registration laws to be amended in line with the Australian Health Ministers' agreement to adopt consistent standards in relation to the regulation of health occupations.

The Optometrists (Amendment) Bill 1993 amends the Optometrists Act 1956 and provides for nationally agreed uniform standards and arrangements for regulating optometrists, and also provides for a range of uniform sanctions which can be imposed on a practitioner in disciplinary matters or on health grounds. In particular, the Bill recognises the entitlement of a person who is registered as an optometrist in a State or another Territory to registration in the ACT if the State or Territory is a participating jurisdiction for the purposes of mutual recognition. It also provides for the Optometrists Board to recognise any conditions which may have been imposed on the registration of an optometrist in another jurisdiction as a result of disciplinary action and apply the same conditions on that person's registration in the ACT.

These provisions are consistent with the mutual recognition provisions relating to occupations as set out in section 17 of the Commonwealth Mutual Recognition Act 1992. The application of that principle to the ACT and to other jurisdictions has given rise to the desirability of adopting agreed minimum requirements for registration as an optometrist. Unless all jurisdictions where mutual recognition applies have the same standards for registering a person as an optometrist, the jurisdiction with a lower standard will provide a means for a person who satisfies that standard but not the higher standards required in the other jurisdictions to gain registration in those other jurisdictions under the mutual recognition principle.

To be eligible for general unconditional registration, applicants must be graduates of a course of study from an Australian institution. Unconditional registration may be granted to persons who are graduates from a course in optometry from an overseas institution which is substantially equivalent to an Australian course and which qualifies the person to practise optometry in that place. They must also pass an examination conducted on behalf of the board and, if required, undertake a period of training or gain experience in the practice of optometry in Australia for a period specified by the board, that period not to exceed 12 months.



The new registration arrangements distinguish initial registration from subsequent streamlined mutual recognition procedures for registered optometrists from participating jurisdictions under the mutual recognition arrangements. In addition to unconditional registration, the board has a discretionary power to register a person with conditions that will limit the person's ability to practise in a way that the Optometrists Board considers safe or appropriate for that person or necessary for the protection of the public.

The Optometrists Board's disciplinary powers have been expanded to provide for a range of uniform sanctions which can be imposed either singularly or in combination on a person's registration as a result of disciplinary action or in cases of impairment. There is a requirement for the board to hold an inquiry prior to imposing any of the expanded range of sanctions on a person's registration. There is also a provision for a person who had conditions imposed on his or her registration under the impairment provisions to request the board to review these conditions. If the board is satisfied that the impairment has lessened or that the person no longer suffers from the impairment, it may remove the conditions or impose new conditions on that person's registration. Where the board refuses to review the conditions imposed on a person's registration, that person has the right of appeal to the ACT Administrative Appeals Tribunal.

The transitional provisions ensure continuation of registration for an optometrist registered under the Optometrists Act 1956 on the same terms and subject to the same conditions as those that applied to his or her registration immediately before the commencement of the new provisions. The transitional arrangements also entitle persons who were granted provisional registration under the principal Act to interim registration under the new provisions. These arrangements also provide, where a person has failed to pay the annual fee payable under the principal Act and whose registration was cancelled for failure to pay that fee, for his or her registration to be cancelled for failure to pay the annual fee under the amended Act. The transitional arrangements also provide for the continuation of inquiries and reviews or the investigation of complaints in relation to the registered optometrist's previous conduct which were pending or under way immediately prior to the enactment of the present amendments. Decisions by the Optometrists Board in respect of registration, disciplinary and impairment matters will be subject to appeals to the ACT Administrative Appeals Tribunal.

The current Act prohibits the sale of spectacles by a person other than a registered optometrist, except where such spectacles are dispensed in accordance with a prescription written by a medical practitioner or registered optometrist. That provision has been extended to include the prohibition of the sale of contact lenses. With the recent introduction of disposable contact lenses, the danger of contact lenses being sold by people other than appropriately qualified optometrists has emerged as a significant health issue. As well as the damage to eyesight that may arise from incorrect prescriptions, contact lenses have additional physical health risk factors, which include infection and trauma. Therefore, clients who elect to wear contact lenses should be protected similarly to those who wear glasses and, in addition, correctly instructed by an appropriately qualified person in the proper methods of inserting and cleaning contact lenses.

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The Bill also provides for a number of amendments of a housekeeping nature, including the removal of sexist language and provisions dealing with registration of interstate practitioners and personal attendance requirements, which will now be dealt with under the mutual recognition legislative framework. I present the explanatory memorandum.

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

### **PHARMACY (AMENDMENT) BILL 1993 [NO. 2]**

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.50): I present the Pharmacy (Amendment) Bill 1993 [No. 2].

Title read by Clerk.

**MR BERRY:** I move:

That this Bill be agreed to in principle.

The Pharmacy (Amendment) Bill 1993 was one of a series of ACT health professionals registration laws to be amended in line with the Australian Health Ministers' agreement to adopt consistent standards in relation to the regulation of health occupations. On 12 October 1993 I withdrew that Bill from the Assembly because of a number of drafting refinements which were identified and agreed upon during the course of settling other associated health professions Bills. The Pharmacy (Amendment) Bill 1993 [No. 2] incorporates these drafting refinements.

The Pharmacy (Amendment) Bill 1993 [No. 2] amends the Pharmacy Act 1931 and provides for nationally agreed uniform standards and arrangements for regulating pharmacists and provides for a range of uniform sanctions which can be imposed on a practitioner in disciplinary matters or on health grounds. In particular, the Bill recognises the entitlement of a person who is registered as a pharmacist in a State or another Territory to registration in the ACT. It also provides for the Pharmacy Board to recognise conditions which may have been imposed on the registration of a pharmacist in another jurisdiction as a result of disciplinary action and apply the same conditions on the person's registration in the ACT.

These provisions are consistent with the mutual recognition provisions relating to occupations as set out in section 17 of the Commonwealth Mutual Recognition Act 1992. The application of that principle to the Territory and to other jurisdictions has given rise to the desirability of adopting agreed minimum requirements for registration as a pharmacist. Unless all jurisdictions where mutual recognition applies have the same standards for registering a person as a pharmacist, the jurisdiction with the lowest standard will provide a means for a person who satisfies that standard but not the higher standards required in the other jurisdictions to gain registration in those other jurisdictions, under the mutual recognition principle.

To be eligible for general unconditional registration, applicants must be graduates of a course of study and training in pharmacy from an Australian institution or an overseas institution which is accredited in writing by the board. They must also have successfully completed an examination conducted by or on behalf of the board and have undertaken the required training or gained experience in the practice of pharmacy in Australia for a period specified by the board, but not exceeding 12 months.

The new registration arrangements distinguish initial registration from subsequent streamlined mutual recognition procedures for registered pharmacists from participating jurisdictions under the mutual recognition arrangements. In addition to unconditional registration, the board has a discretionary power to register a person with conditions that will limit the person's ability to practise in a way that the Pharmacists Board considers safe or appropriate for that person or in the interests of public safety.

The Pharmacy Board's disciplinary powers have been expanded to provide for a range of uniform sanctions which can be imposed, either singularly or in combination, on a person's registration as a result of disciplinary action or in cases of impairment. There is a requirement for the board to hold an inquiry prior to imposing any of the expanded range of sanctions on a person's registration. Where a person has had conditions imposed on his or her registration under the impairment provisions, that person may request the board to review those conditions. If the board is satisfied that the impairment has lessened or that the person no longer suffers from that impairment, it may impose new conditions on the person's registration or remove the conditions. Where the board refuses to review conditions imposed on a person's registration under these circumstances, there is a right of appeal to the ACT Administrative Appeals Tribunal.

The transitional provisions will ensure continuation of registration for pharmacists registered under the Pharmacy Act 1931 on the same terms and subject to the same conditions as those that applied to his or her registration immediately before the commencement of the new provisions. So you can feel safe, Kate. The transitional arrangements also entitle persons who were granted provisional registration under the principal Act to interim registration under the new provisions. These arrangements also provide, where a person has failed to pay the annual fee that became payable under the principal Act and whose registration was cancelled for failure to pay the fee, for his or her registration to be cancelled for failure to pay the annual fee under the amended Act.

The transitional arrangements also provide for the continuation of inquiries and reviews or the investigation of complaints in relation to the registered pharmacist's previous conduct which were pending or under way immediately prior to the enactment of the present amendments. Decisions by the Pharmacy Board in respect of registration, disciplinary and impairment matters will be subject to appeals to the ACT Administrative Appeals Tribunal.

In addition, the Bill provides for a number of amendments of a housekeeping nature, including the removal of sexist language and provisions dealing with registration of interstate practitioners and personal attendance requirements, which will now be dealt with under the mutual recognition legislation framework. I present the explanatory memorandum to the Bill.

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

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### **FOOD (AMENDMENT) BILL (NO. 2) 1993**

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.57): I present the Food (Amendment) Bill (No. 2) 1993. This is what everybody has been waiting for.

**Mrs Carnell:** Very patiently.

**MR BERRY:** If we had held our breath while the Liberals were there, it would never have been done.

Title read by Clerk.

**MR BERRY:** I move:

That this Bill be agreed to in principle.

This Bill is the third and final part of the Government's program to review and upgrade food legislation in the ACT. Members will recall, I am sure, the passage of the Food Act in 1992 which adopted the Australian food standards code into ACT legislation. This was the first step in reforming ACT food laws.

The history of food legislation in the ACT and Australia dates back to the early 1900s, when the State and Commonwealth governments agreed to implement uniform food standards to facilitate interstate trade. Although there was some degree of success over the years, it was not until 1991 that agreement was reached between the State, Territory and Commonwealth governments to adopt the Australian food standards code into individual State legislation. At that time, the ACT had standards only for milk products and sausage meat, leaving the vast majority of foods in the ACT without labelling, composition and packaging standards. This led to allegations that manufacturers were legally dumping in the ACT food that could not be sold interstate.

The original ACT food legislation, drafted in the 1930s, addressed the hygiene and food preparation problems of the thirties. For example, the 1930 Act requires horse manure bins at bakeries to be covered - that was very important in the thirties. Mind you, in the fifties the horses were pulling the bakers' carts.

**Mrs Carnell:** You can remember that, can you?

**MR BERRY:** Yes, I had a drive of one. Likewise, the emphasis on delivery is on horse-drawn vehicles and not cars. I am sure that very few members can recall when they last ate food delivered on horseback. I can.

**Mr Westende:** I can.

**MR BERRY:** Yes, you can.

**MADAM TEMPORARY DEPUTY SPEAKER** (Mrs Grassby): We know who the older members of the Assembly are.

**MR BERRY:** There are a few who are not admitting it. Another example is the now widely available chilled ready-to-eat foods which require stringent temperature controls to maintain the safety of the food. Likewise, use-by dates and residue levels of pesticides are two other areas that were outside the scope of our outdated legislation.

The first stage of the Labor Government's reform of ACT food legislation was passed by the ACT Assembly in 1992. It provides that all food for sale in the ACT must comply with national composition, labelling and packaging standards contained in the food standards code. This has reduced the criticism levelled in the ACT that food is dumped here in the marketplace, as food must now meet the same labelling, composition and packaging standards as in other States. Even though the Act came into force only in March this year, there has been an improvement in the area of correct food labelling, with investigative work identifying certain backyard food manufacturers. For example, the public is now informed of the origin of certain types of bread, and identification of premises has enabled upgrading of hygiene standards.

The second part of the legislation, the Food (Amendment) Act 1993, was passed in August this year and provided the all-important authority to require safe food preparation and storage by the use of licensing procedures. This legislation was developed in consultation with the National Food Authority and is based on the current UK and Canadian legislation. I was keen to see modern concepts and food safety standards applied to the ACT and not just to follow the States' more outdated models. As a result, the ACT legislation provides a framework that places us years ahead of current legislation in the other Australian States. This framework is sufficiently flexible to provide protection for ACT consumers into the next century.

Codes of practice are another important part of that legislation and are currently being developed to reinforce the notice provisions contained in the Act. Under the new legislation, the ACT is now able to adopt codes of practice developed by the National Food Authority or other government bodies such as the Department of Primary Industries and Energy, while other State governments may need to amend their legislation to keep pace with modern trends and innovations. The Act also prohibits the sale of food that could be injurious to health, unfit for human consumption or contaminated with foreign matter.

The present Bill will provide a number of enforcement and administrative powers to support the previous upgraded food legislation, including the right of entry of health officers; the power to seize perished food; the power to set certain sampling procedures; the power to analyse food; and the power to examine and seize records where necessary. It also provides powers to appoint analysts, who must be persons I deem to have the appropriate qualifications to carry out the wide variety of analyses necessary to effectively enforce the food standards code. Appointments may include analysts who are not government employees, as the sampling procedures prescribed in the Bill provide for independent analyses in certain circumstances, including analyses ordered by the courts in case of dispute. Health officers are appointed by the Minister and the new name for such officers replaces the now outdated terminology of health inspector.

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The majority of powers conferred by this Bill are already available in existing legislation. Where this Bill differs is in providing far more detail as to how these powers can be used. For example, the powers of health officers are currently contained in the Public Health (Sale of Food and Drugs) Regulations, which were adopted in the thirties. However, the lack of guidance provided by this dated legislation as to the extent of powers conferred on officers has led to confusion by both government and industry. Under existing legislation, a health inspector can seize articles and things, but there are no provisions to explain what happens to the seized goods, nor are there remedies available to provide compensation for wrongful seizure. The Food (Amendment) Bill (No. 2) 1993 requires a notice containing all relevant details to be given to the owner or person in charge at that time, and provides for right of redress to the owner and applicable compensation should a court subsequently disallow a seizure.

This Bill addresses the powers of health officers by defining the term "health officer", detailing rights of entry to specific types of premises, and specifying the powers available to the health officer after entry to a premises has been effected. In effect, this third stage provides the legal support to implement the first two stages. At the same time, it contains provisions to respect the civil liberties of individuals and corporations. The Bill's secrecy provisions protect information and records obtained by health officers from being divulged to other persons, except under certain circumstances, including my discretion in the public interest. Therefore, in line with current community standards, there are far more safeguards against abuse of power by enforcement officers and provision of far more accessible appeal provisions. To prevent any confusion on the part of operators of food premises or the public, health officers are required to carry identity cards containing a recent photograph.

In the sensitive area of officers obtaining information, existing legislation is ambiguous in that it does not permit or prohibit officers using modern recording devices such as videos or even cameras. This has hampered officers, but is resolved by provisions in the Bill which confer the necessary powers. Entry to food premises or premises where records relating to food for sale are kept can be without notice or consent, which is consistent with food legislation both interstate and overseas. Entry to premises other than food premises must be by consent or search warrant, except in emergency situations.

Along with clearly defining the powers of health officers, the new legislation has expedited the implementation of the food standards code and will enable departmental resources to be used effectively and efficiently. In its final clauses, this Bill consolidates the three stages of the legislation into one Act by placing each part and division into its correct place within the whole. The Bill also allows for the renumbering of sections to reflect this consolidation.

This final stage of the upgraded food legislation is an essential component of the modernisation of the whole food regulation package and will place the ACT at the forefront of food regulation in the country. I present the explanatory memorandum to the Bill.

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

**REAL PROPERTY (AMENDMENT) BILL 1993**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.08): Madam Speaker, I present the Real Property (Amendment) Bill 1993.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

The land titles register is an extremely important public document, containing as it does details of transactions relating to land in the ACT. Whenever anyone proposes to enter into an agreement dealing with a piece of land, such as a mortgage or a purchase, all parties to the agreement need to examine the information recorded on the title. That information, which is kept on the land titles register, must be recorded accurately and kept secure in order for our system of registration of land titles to be maintained.

The legislative basis for keeping the register is the Real Property Act 1925. The register is kept by the Registrar-General and presently consists of many volumes of certificates of title, as well as an enormous number of documents recording dealings with land. Keeping the register in its current form requires a complex manual system of noting dealings on the bound original of each certificate of title. It also requires storage of an enormous amount of books and papers. Searching for information about a piece of land is done by examining the book containing the original certificate of title, which may at any time be unavailable because someone else within the Registrar-General's Office is using it or because someone else is searching it.

The technology is now available to automate the land titles register. Indeed, some steps have already been taken to do so. Documents recording dealings with land have been placed on a database to allow fast document tracking and recovery. The way is now clear for the final step to be taken of placing the register itself on computer. The Real Property Act was drafted early this century. Its provisions relate only to a manual system of paper records, rubber stamps and handwritten notations. Many of the requirements are phrased in such a way as to exclude the use of any other form of record keeping.

This Bill contains the amendments to the Real Property Act which are necessary for completion of the automation of the register. The amendments remove references which can relate only to the manual, paper based system, such as "register book" and "stamp". They are replaced with expressions which can relate to a range of record-keeping options. These may include paper, computer records and microfiche. The Registrar-General will be able to choose the most appropriate medium for keeping each group of records. Records may also be kept partially in one medium and partially in another.

The amendments in this Bill will also provide the flexibility to enable use of new technology or developments in the future. New information, storage and reproduction methods can be utilised in the future as the technology becomes available at a reasonable cost and as they become acceptable to the legal profession. This Bill also allows for the Registrar-General to move titles information from paper to computer gradually in order to minimise disruption.

Although the practical effect of the changes in this Bill will be substantial in terms of methods of record keeping, handling of documents and provision of searches, the amendments themselves are of a minor and technical nature. Legal rights and obligations under the Real Property Act will not be altered by the move to automation. In order to accommodate the requirements of an electronic system, requirements to use forms prescribed in the Real Property Act are removed. Documents will be acceptable if produced in a form approved by the Registrar-General. This provides the flexibility necessary to utilise a range of recording media.

There are benefits to both government and users of the land titles register from automation. Conveyancers in the ACT are keen to see the register kept on computer. They have agreed to funding the automation process through an increase in charges for titles office services. Conveyancers are major users of the land titles register and are sure that there will be advantages to their clients as well as their staff. Routine conveyancing practice will be streamlined by use of additional services which can be offered from a computerised register.

Computerisation of the register will allow faster searches, including searches outside business hours. Conveyancers will be able to access the register from computer equipment in their own offices. This Bill will allow the Registrar-General to enter into agreements for periodic billing for searches done in that way. Instead of sending search staff to the titles office with funds to pay for each search, conveyancers will be able to conduct searches from their own premises and simply receive a bill, perhaps monthly. The benefits in terms of business administration are obvious.

Computerisation will also allow more than one person to access information about a particular certificate of title at one time. This will avoid the kind of backlog of search requests which can happen with the present system. The benefits to the Government are increased productivity and improved staff morale, resulting in staffing savings. A number of repetitive routines associated with the manual paper based system will disappear. Staff will be able to deal quickly with most search requests and will be able to concentrate on more difficult queries. Other benefits include reduced storage requirements, resulting in reduced accommodation costs. Automation will reduce the need for staff to spend time searching through bulky stored paper records.

Dealings with the land will spend almost no time in unregistered form, thus making searches of unregistered dealings obsolete. Searches will be easier to understand. The computerised system will allow a copy of the certificate of title to be printed out showing only current interests in the land. This will make searches much easier to read, especially for people who want to handle their own conveyancing rather than engage a professional. The historical information currently recorded on the certificate of title will be obtainable by other means, if necessary.

Placing the register on computer will improve its security. Access to the system will be restricted so that only the Registrar-General and the deputy registrars-general will be able to make entries. This will be done by means of user identifications and passwords which will be changed regularly. The system itself will record which person made each entry. In addition, physical access to the



register will be restricted by keeping the terminals in a secure area inside the Registrar-General's Office. The electronic record will provide additional security from damage as a backup copy can be made and kept at a separate location. This reduces the chances of information on the register being lost through disaster such as fire, smoke or water damage.

Other jurisdictions are moving towards computerisation of their land titles registers. New South Wales already has in place a system similar to the one which our titles office will use. Tasmania too is close to introducing automation. Eventually it is hoped that there will be uniform legislation and procedures across Australia which, with the aid of electronic systems, will allow each State and Territory titles office to be an agent for the others. This, of course, is in the future, but the groundwork can be laid with this Bill. In the meantime, these amendments will allow the introduction of a system which will have many benefits to the ACT community and will bring us into line with procedures in New South Wales. Madam Speaker, I present an explanatory memorandum for the Bill.

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

### **REAL PROPERTY (CONSEQUENTIAL PROVISIONS) BILL 1993**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.15): Madam Speaker, I present the Real Property (Consequential Provisions) Bill 1993.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

The Real Property (Amendment) Bill 1993, which is before this Assembly, contains amendments to the Real Property Act 1925 to enable information on the land titles register to be placed on computer. The amendments remove references which can relate only to the manual paper based system of keeping the register, such as "register book" and "stamp". They are replaced with expressions which can relate to a range of record-keeping options.

There are a number of other unrelated pieces of legislation which contain references to the Real Property Act. As a result of the proposed changes to that Act and the adoption of a computer based system for keeping titles records, those references will need updating. The necessary amendments are contained in the Real Property (Consequential Provisions) Bill 1993. Amendments of this kind are needed when an Act like the Real Property Act, which establishes an important administrative framework, is changed. It is because a number of Acts deal with ownership of land, either directly or indirectly, that this Bill is needed to avoid the confusion of inconsistent references.

The amendments are minor and technical in nature, but are necessary to allow for the efficient introduction of the new automated land titles register. None of the amendments in this Bill will alter rights and interests presently existing under the Acts which are being amended; nor will the operation of those Acts be affected.

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The introduction of computer systems in the keeping of the land titles register is an important step forward in the provision of services to land-holders and conveyancers in the ACT. It will enable the Registrar-General to take full advantage of the available technologies. The introduction of automation to the register will place the ACT in the forefront of an Australia-wide move to computer based systems of titles information.

This Bill is part of the legislative package necessary to achieve automation of processes within the land titles section of the Registrar-General's Office. The amendments in this Bill and in the Real Property (Amendment) Bill 1993 go hand in hand to give the flexibility in the relevant legislation to allow for records to be kept in electronic form and in other media. This will enable a smooth transition to be made from a paper based system of records relating to land titles to a system which encompasses a range of available media. This package gives sufficient scope to allow the Registrar-General to take advantage of further technological developments in the future if they are appropriate to the maintenance of the register. The Bill ensures that Acts which cross-reference with the Real Property Act are kept up to date with these developments. Madam Speaker, I present an explanatory memorandum to the Bill.

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

**SOCIAL POLICY - STANDING COMMITTEE**  
**Reference - Early Intervention Services for Children**

**MRS CARNELL** (Leader of the Opposition) (11.18): I move:

That the Standing Committee on Social Policy -

- (1) inquire into and report on the provision of early intervention services to children of 0-5 years in the ACT who have been identified as experiencing developmental delays and/or disabilities of any kind including:
  - (a) the philosophical premise and/or model which underlies the provision of services;
  - (b) the extent and frequency of availability of services;
  - (c) gaps which can be identified in the provision of services with regard to the range of services available and the severity of disabilities of the children concerned;
  - (d) the degree to which the provision of services is integrated and co-ordinated;
  - (e) the desirability of incorporating conductive education into the range of early intervention services available to children;
  - (f) any related matters which may arise; and
- (2) the Committee is required to report to the Assembly by the last sitting day of June 1994.

Madam Speaker, I would like to start by thanking Ms Szuty for her help in putting this motion together. Over the past couple of months I have been involved in intensive community consultation, and during these sessions I have heard from various organisations involved with disabled children. The recurring theme was the need for an independent review of available services. I have introduced this motion today after listening to organisations such as the Down Syndrome Association, the Autistic Children's Association, Friends of the Brain Injured, the Cerebral Palsy Support Group, and representatives from the Conductive Education Centre.

It was evident that parents feel that they are not being offered real choice in the existing system. Some of the comments I will quote verbatim, because I think it gives a feeling for what these parents were thinking. Some of the comments I am not confident are right, but it does give you a feeling for what they are saying. One said:

There is no support for the brain injured. These people are put into geriatric nursing homes and there are no facilities for them.

Another mother said:

The Early Intervention Centre is useless. Some have never been able to get an appointment and others are only able to get one physio appointment every six weeks.

Another mother said:

In Sydney and Melbourne the facilities for spastic children are mind blowing compared with those in Canberra, where the parent's viewpoint is not listened to.

In some cases parents said that they had not been given the necessary information which would have permitted them to make informed decisions about the future of their children. It would therefore appear that there may be something amiss in the current system. Services are so overstretched that in some cases rehabilitation and development of disabled children are actually going backwards.

Parents tell us that in Canberra at the present time young children with severe disabilities who are clients of the Early Intervention Service are offered as little as one hour of physiotherapy every five or six weeks, one hour of occupational therapy every five or six weeks and one hour of speech therapy every six to eight weeks - and that is after they get into the service. This frequency of service obviously does not reflect the needs of often severely disabled children. I have spoken to some of the therapists employed in the system, who say that they simply cannot see any more children, that the system is overstretched. They have no more time, and they are concerned that they are not being as effective as they could be, due to the pressure they are under.

It is well known that the ages of zero to five are the most important for learning. If we as a community do not maximise the potential of disabled children during these important years, the cost to the community, both socially and economically, will be horrendous. Even something as simple as whether we can teach a child to weight bear can make the difference for that child between living in a nursing home or living in a group house later in life. Parents do not want a program

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which starts preparing their children for life in a wheelchair from the age of two or three. Some parents want the opportunity to work intensively with their children in the crucial early years, where innovative intervention programs offer the greatest benefit. I am sure that all parents want to give their children the chance to learn how to overcome their disabilities to the maximum extent possible.

Unfortunately, the current service approach seems to be based more on budgetary constraints than on a properly researched plan. No proper analysis of service requirements appears to have taken place. Certainly, little consideration has been given to the requests of parents. According to ACT Health reports, the Government is not even aware of how many children are currently being treated in the various programs or what the service requirements will be for the future. Anecdotal evidence suggests that with improved medical technology more very premature babies will survive, greatly increasing the number of disabled children in our system. If the responsible authority is not aware of even something as basic as how many children use the system, how can we expect enough research, determination of need and service requirements or planning to have been done?

I am not suggesting for a moment that the solution lies in throwing money at the program, but a sound background upon which decisions can be made to improve the current service is essential. We must have efficient, properly directed services which are needs based. We need to know what services are required, what services are provided, both here and in other States, where the gaps are, and how the gaps can be filled. We need to know what the parents think. We also need to know upon what philosophical premise, if any, the current systems are being provided. Are we concentrating on a medical model, or should it be an educative model, or should we be looking at something innovative somewhere in between?

I believe that the proper channel for an inquiry is via the Social Policy Committee. It is important that an external, independent body be involved, so that the entrenched views of many in this system do not colour the approach or the outcome. Regardless of what the EIS may assert about high levels of customer satisfaction, supposedly gleaned from their own internal surveys, the fact is that the multidisciplinary, therapy based early intervention service does not meet the needs of many parents and many of their disabled children. Many parents, almost always those with children who suffer from the more severe disabilities, do not find the essentially fragmented, service based approach satisfactory. Many want an intensive, integrated, highly structured, holistic, educationally based approach. This is one of the major reasons why parents throughout the Western world have walked away from the often free, government funded, service based approaches and made major sacrifices - personal, financial and emotional - to establish other programs.

A visit to the Conductive Education Centre in Kambah would show everybody what can be achieved in some cases. As the Sydney physiotherapist Mary Robinson, who spent many weeks at the Petro Institute in 1988, said upon her return to Australia:

Conductive education deliberately aims to teach attitudes: of application, persistence, patience, cooperation, tolerance, a readiness to learn, to achieve ... to "do".

Conductive education is far more than just training in movement and physical independence. Conductive education is funded in most other States of Australia. It is not a new therapy. It is not experimental. Yet ACT Health has continued to ignore its potential. Certainly, conductive education is not appropriate for everyone, but there does seem to be a case to investigate whether it should be a recognised option within ACT EIS services.

This inquiry is not about just conductive education. It is about ensuring that the ACT has the best and most progressive services for our young disabled children - services which will enable realisation of individual capacities for physical, social, emotional and intellectual development; services which will support attainment of a reasonable quality of life, and allow those involved to make and actively participate in the decisions which affect their lives. Madam Speaker, I commend the motion to the house.

**MS SZUTY (11.28):** Madam Speaker, I am pleased to support the motion proposed by Mrs Carnell to refer to the Social Policy Committee an inquiry into early intervention services. I thank Mrs Carnell for her comments about my involvement in drafting the motion; I was very pleased to assist. Like Mrs Carnell, ever since I took up my position as a member in this Assembly, I have received representations from a number of organisations and individuals in the ACT who are concerned about the provision of early intervention services.

It seems to me that an inquiry by a committee of the Assembly is an appropriate mechanism by which we can review many aspects of the operation of early intervention services. The timeframe for consideration by the Social Policy Committee, I believe, is reasonable and will not overly burden the committee, which currently has a reference regarding the community use of schools. I note that it also has two exposure draft Bills to consider - Mental Welfare Bill and Crimes (Amendment) Bill.

The committee will have a wide brief, as set out in the motion, to inquire into and report on the provision of early intervention services to children of zero to five years in the ACT who have been identified as experiencing developmental delays and/or disabilities of any kind. It will also consider a number of other significant issues relevant to the inquiry, all of which have been the subject of some comment to me over a considerable period. This will be an important inquiry for the Social Policy Committee to undertake, and I look forward to hearing of their work both during the inquiry and at its completion in June of next year.

**MS ELLIS (11.30):** Madam Speaker, I would like to take the opportunity as chair of the Social Policy Committee to put on the public record both the Government's and my individual support for this motion. There has not been any dissent at all from it, and I do not want anybody reading the *Hansard* transcript to get the impression that it is being supported only from the other side of the house. For the sake of the record, I also have had some ongoing long consultations with groups who are concerned with this motion, particularly the conductive education people. I fully understand the frustrations that some parents in this area suffer through being unlucky enough to have the added burden of bringing up a child with a disability.

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I am looking forward to a very non-political inquiry. For the sake of the people involved in the subject of this referral, a non-political approach by the committee is absolutely essential, as well as a balanced and open-minded approach. As chair of the committee, I do not have any preconceptions on a lot of the issues we are going to examine, and I find that a quite comfortable position to be in. It will be the task of the committee to delve as honestly and as openly as it possibly can into what can be, and I think in most cases is, an incredibly emotional area for the people involved. I think it is incumbent upon all members of the committee to do everything in our power to make sure that we look at this subject with that very much in our mind.

I notice that the reporting date is June. I think that should be adequate, given the Social Policy Committee's load at the moment. I look forward to the first six months of next year being spent very fruitfully conducting this very worthwhile inquiry.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.32): I would like to congratulate Ms Szuty and Ms Ellis for a very sensible response to the introductory speech by Mrs Carnell on this matter, but I cannot offer the same congratulations to Mrs Carnell. I certainly support this inquiry; I think it is a good thing. But I will not sit idly by and listen quietly to veiled criticism of our childhood health and development service. My view is that there was a bit  
- - -

**Mrs Carnell:** Is it not okay for the parents to say what they think?

**MR BERRY:** It is fine for them to have their say. This inquiry is a sensible approach to an issue out there in the community, and I certainly do support the inquiry. Mrs Carnell posed a veiled criticism about our early intervention service, and I will just summarise a few things about it to get them on the record. First, I agree with the inquiry. I think it is a sensible way to go. I do not take a position to anticipate the outcome of the inquiry, but I will put a few other facts on the record, which you will be interested in, I am sure.

Our intervention service, which is the Child Health and Development Service - CHADS, as it is described - is readily accessible and there is no waiting time. It is the sole early intervention service in the ACT, and professionals there argue that delays would be counterproductive. All therapies are offered flexibly on the basis of assessed clinical need - there are clinicians who make these judgments - and the frequency of appointments varies from weekly, fortnightly, monthly and so on. They are all assessed on the basis of clinical need. I am sure that during your inquiry you will get submissions which will expound on those sorts of things. Weekly appointments for short periods may be to work on a particular skill or be pre- or post-operative. Urgent requests are also met by all areas, according to the advice I have from the service.

There are approximately 480 children attending the service. Outcome measures from their initial family and team assessments are documented. Further, 83 per cent of the goals set were fully met in 1992-93. Family team discussions are held at a later stage. There are a small number of parents whose children have particular or severe disabilities who are dissatisfied with the service and choose other options because they have developed a view about them, for one reason or another. I am not going to be critical of those parents. That is a judgment they are entitled to exercise.

Providing services, as I am sure members here will appreciate, is very difficult in terms of satisfying everybody fully. It is a difficult issue for families to deal with. Recognising that this area required further attention, in CHADS we were able to successfully obtain a Commonwealth special education grant for 1993 to employ a part-time social worker to implement a family-centred support program to work with families of young children with a severe disability. We will examine that program report, which is due in November 1993, and there will be some recommendations which flow from that. So there are some things going on in relation to this.

One other matter members might be interested in is that the NHMRC report on conductive education is expected to be released by the NHMRC council meeting on 3 and 4 November. That is another interesting facet of the debate which those who are not aware of it might be interested in. We are providing a quality service out there, on the evidence I have. I was reluctant to become involved in the debate, other than to raise those issues, given these thinly veiled comments about our service.

Question resolved in the affirmative.

### **PRECEDENCE TO PRIVATE MEMBERS BUSINESS**

Motion (by **Ms Ellis**) agreed to:

That so much of the standing and temporary orders be suspended as would prevent order of the day, No. 1, private members business, relating to the Standing Committee on Conservation, Heritage and Environment's discussion paper on feral animals and invasive plants, being called on forthwith.

### **CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE Discussion Paper on Feral Animals and Invasive Plants**

Debate resumed from 14 September 1993, on motion by **Mr Moore**:

That the Assembly takes note of the paper.

**MS ELLIS** (11.37): It gives me great pleasure to address the discussion paper issued some time ago now, in September, by the Standing Committee on Conservation, Heritage and Environment relating to feral animals and invasive plants in the ACT. The work behind this paper has been quite considerable and, although some of the comments I shall make today were made on the tabling of the report, I think it is important to reiterate some of them.

The level of submissions received was impressive, not only in number but also in the detail in which they were presented to the committee. In some cases this can be a fairly scientific subject matter; in some cases a more simple one. I want to thank the people, both individuals and groups, who went to the trouble of putting submissions to the committee, in some cases followed up by appearance

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at a public hearing. An enormous amount of work and effort went into the production of that evidence, and in a lot of cases they put effort into making sure that fairly scientific information was presented at a level easily understood. It is no secret that I am not a scientist, yet I found the information presented to the committee on those subjects of enormous interest. I want to thank again those people who went to the trouble of presenting that material in the fashion they did.

The production of this paper followed meetings by the committee, study of the submissions received, a visit by the committee to the Sherbrooke Shire in Victoria, to which I think Mr Moore alluded in his first presentation on this subject, public hearings, and then further consideration. The reason we decided to visit Sherbrooke Shire, I think, is deserving of some explanation. For those who are not aware, Sherbrooke Shire is an area of outer, unfortunately now urban, Melbourne; in my childhood it was outer bush Melbourne, but urban development has sprawled to reach within that shire. The Sherbrooke Forest, which is a national park, if I recall correctly, sits fairly much in the middle of the shire. It is a very valued piece of forest and is home to an ever dwindling but still very important community of lyre birds, amongst other very important flora and fauna.

As the urban development sprawled in tentacle fashion around the perimeter of the Sherbrooke Forest, the control of feral animals and feral plants became an enormous problem. The action the Sherbrooke Shire took two or three years ago in relation to cats was the headline grabber in a large number of changes they incorporated into their by-laws. The cat one, obviously, was the most controversial because they introduced a law that cats in the shire had to be contained inside at night and had to be registered. They said that they would introduce, through their rangers and park staff, a system of trapping domestic cats if they were found within that area. As I said, it was a most controversial issue at the time. When it was introduced, I remember as an observer out there in TV land seeing this reported on the news at night.

By the time our committee visited Sherbrooke Shire and received briefings from officials there, these actions had been in place for some two years or more, and they were able to report to us that to some degree success was starting to be seen. I believe that they may already have had a method of cat registration, but the number of cat registrations since that by-law came in had risen fairly dramatically and was continuing to rise. The trapping of domestic cats was successful in that it is a safe and secure method of trapping. With the registration of cats, in more cases than not the cat is returned to its happy home and family, justifying the decision to register cats. The observations and countings by the park staff within Sherbrooke Forest had indicated a decrease in the damage being done to the flora and fauna, not at a dramatic level on any graph but definitely worth noting and monitoring, and they are continuing down that track.

The other issue that I personally found of great interest - and I say this with Namadgi and, more particularly, our nature park system in the ACT in mind - was the invasion of what are termed feral plants around the regions of the forest. Sherbrooke Shire is in a more awkward position than we are in some senses. We were able to see narrow peninsulas of urban development reaching a very long way into the border of the forest because of the shape of the boundary.



The officials were able to display and explain to us very easily that the gardeners in the houses over the road from the forest can invoke the most amazing damage on the native forest simply by the choices they make in planting their gardens. When we think of the Canberra Nature Park, which to our enormous advantage exists as a system of reserves throughout the ACT, with urban development on their fringe in almost every case, and when we think of the depth of development in Tuggeranong and the nearness of Namadgi, we can relate fairly well to examples we saw and to the value of a paper such as this and the subsequent report when it is produced and people start to consider it.

When the inquiry was first taken on by this committee, I and, I think, a lot of other people imagined that the major thrust of attention would be on the animal side. To some degree the media has complimented us by performing in exactly that way. I was a little sorry to see, on the release of this paper, that the headlines were screaming about the recommendations we were considering relating to domestic cats. The poor old cat owner out there started to get terribly upset and agitated. While I can understand why the media may have done that - it is an emotive subject; there are lots of people with cats they dearly love - there are equally important or more important issues in this paper that deserve attention.

**Mr Wood:** It was not accurate reporting, was it?

**MS ELLIS:** No, it was a bit misleading, Mr Wood. Anybody would think we had done a report on cats, from the way the media reported this discussion paper.

**Ms Follett:** That is the way my cat saw it.

**MS ELLIS:** I should note that there are a few cat owners in this place. An important aspect of a discussion paper such as this is that it brings to the attention of our community issues they may not even realise they should be concerned about. I use myself as an example. I moved into my house in Kambah 11 years ago. It is on a large corner block and I was thrilled. I thought, "Wow, isn't this great! I will have lots of birds because I have two huge cotoneaster plants". I nurtured them and pruned them and watched them grow. But 10 or 11 years ago I do not think very many people, including me, were aware that cotoneasters were not the greatest of plants to have. When you drive up to the Red Hill lookout through the Canberra Nature Park area, you can see these things invading areas of our native park. I must also put the record straight and say that in recent months - in fact, since this inquiry was instituted - I have had those huge cotoneasters removed, and I am feeling fairly virtuous about it.

The point is that, unless people are aware that the choices they make can impact on their environment, they are not to be blamed for what they are doing. By the same token, members of the committee, in discussions on that aspect of this paper, also agreed that we do not mean that, if you have a hedge around a house in Ainslie, say, that has been there for 30 years or more and it happens to be cotoneaster or hawthorn, we expect you to rip it out. We need to have a sensible approach to this. We need to encourage nurseries and plant distributors in general to think very carefully about what they have on offer.

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At the same time, we need people like me, if we can bear to rip out the cotoneaster, to do so. Joining park care groups around the ACT is another way in which we can become aware of these things. I think the greatest value of this paper is for people to sit down and read it in relation to plant invasion, because that is an issue that matters. The environment can be very quickly destroyed and it cannot be replaced. When we concentrate on that aspect of this discussion paper, we may get a little more feedback from the media on things other than cats.

In relation to animals, the surprise to me when this inquiry got under way was the number of animals we now consider to be feral. I had not considered trout to be feral, but I am afraid that any introduced species has to wear that tag. By the same token, I do not think we are suggesting that all our streams have the trout removed from them. We should consider that the plant life that may have been removed from our streams in a fairly ill-considered way in the past has deterred the on-breeding of the fish that naturally live in those streams. That is a better way of looking at the water problem than talking about whether we should remove trout. If by removing all those old river red gums we have messed around and created willow banks instead, that is terrific because they look lovely; but what does that mean to the population of native animals in that stream?

The other area that was of great interest and, again, was a bit of an eye-opener was that dealing with birds. Again, as a fairly uninformed person, I think it is wonderful to have birds through the garden. I never quite consider whether it is a bird that should be there or should not be there. It was brought to our attention by the Ornithologists Group and others that, while the myna bird, the blackbird and the starling may chirp and look attractive, we should ask what they are doing to our native birds in taking away native habitat or in some cases eating eggs, destroying nests and so on. I do not think for a moment that I would agree to any recommendation that we go out and start air-rifling birds we do not want to see around the place, but it gets back to the sorts of plants and trees in which these animals and birds breed and how we can encourage some sorts over others. We should generally have a jolly good think about how our urban environment and our natural environment can benefit from our individual actions.

I conclude by saying that we have a wonderful environment in the ACT. We are very fortunate. We have been blessed, in the past and now, by planning and by people encouraging this wonderful bush and urban mixture. It is only with discussion papers such as this that we can encourage the community to continue to concentrate on the preservation of that mix. It is not up to governments and authorities; it is up to everybody in the community, which includes governments and authorities. It is up to all of us as individuals to say, "I like this the way it is. What can I do to make sure that it continues in this way?". A reading of this paper may give people some ideas about how they can do that and encourage them to put pressure on the appropriate areas in our community, such as nurserymen and so on, to concentrate on their responsibilities. Pet shops sell exotic fish for aquariums. What sort of education do they give to the buyer of those fish in relation to dumping them in a stream? I do not know. Again, that is another way of saying that people ought to take responsibility for their actions and look at their intentions and their wishes for their environment.

I happily commend this paper to the Assembly. I think it is worthy of consideration. It is only with feedback from the community that the committee can reconsider the situation in the light of that feedback and come up with a report that makes concrete recommendations towards achieving what I think all of us in the community would wish to achieve in this field.

**MR WESTENDE** (11.52): Madam Speaker, I shall be brief. Most of what needs to be said has been said. I would like to support our chair, Mr Moore, and Ms Ellis in their comments on the discussion paper. However, it should be emphasised that this is not a final report but a discussion paper, and the comments in the paper ought to be taken in that context. We have already received some comments from various organisations and members of the public, and it would appear from those comments that quite a few are under the misapprehension that it is a report and not a discussion paper. I trust that through this Assembly we can convey to these organisations and members of the public that the final report might be quite different. It will take into consideration the concerns that some of them have expressed.

I believe that some of the recommendations and highlights of the discussion paper need further enforcement. For example, what is the use of encouraging citizens to rip out their cotoneasters and hawthorns when others are flourishing, often under the department's supervision, across the road or on the median strip? As recently as last Sunday I saw cotoneasters for sale in a nursery in Pialligo. Although I believe that the report is a conscious effort by our committee to educate the community about the danger of feral plants and animals within the Territory, I am somewhat dismayed to see nurseries still selling some of those plants. The plants are mentioned in the discussion paper and also in leaflets that are issued by the Department of the Environment, Land and Planning, and they are classified as invasive. Just as the department has strengthened its Dog Control Act by increasing the number of inspectors, inter alia, it is this type of measure that will assist in the control of feral animals, be they dogs, cats or whatever.

I urge all members of the Assembly to take time out to read the discussion paper and perhaps provide us with further input and comments for inclusion in our final report. In that way, I am sure that we can all make the ACT a better place in which to live. I commend the report to the Assembly.

**MR MOORE** (11.55), in reply: Madam Speaker, in closing the debate, I welcome the comments from other committee members. I am sure that, when the final report is brought down, other members of the Assembly will be interested in commenting on it. We have already received some positive comments from members of the public. One of them, from the Council on the Ageing, has to do with elderly people being attacked by cats, which is a quite interesting phenomenon.

**Mr Connolly**: There are a few cats following you around in Reid, Michael.

**MR MOORE**: I see a smile on Terry Connolly's face. We can all see the funny side of this, but it is a serious issue for people who have some worries about it. I must say that I have not experienced it myself, but it will be interesting to see, as more submissions on the discussion paper come in, just where the committee should go with it.

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It seems from most of the comments that members of the community feel that, largely, we have got it right. It will be a matter now of determining how much we firm up those recommendations. Madam Speaker, I appreciate having the opportunity to make this paper public and to hear the comments of my colleagues.

Question resolved in the affirmative.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Review of the Auditor-General's Report No. 3 of 1993**

**MR KAINE** (11.57): Madam Speaker, I present report No. 6 of the Standing Committee on Public Accounts entitled "Review of the Auditor-General's Report No. 3, 1993 - Various Performance Audits Conducted to 30 June 1993", together with extracts of the minutes of proceedings. I move:

That the report be noted.

This report deals with a number of performance audits carried out by the Auditor-General during the 1992-93 period. Specifically, those reports dealt with debt recovery operations of the ACT Revenue Office; some Government activities that up until now have not been publicly accountable, specifically the ACT Racecourse Development Fund, the Workmen's Compensation Supplementation Fund and the Nominal Insurer; and, finally, motor vehicle driver licensing procedures in the ACT.

Generally speaking, the Public Accounts Committee has no difficulty with the government agencies' responses to the matters raised by the Auditor-General, but there are a couple of matters that I think are deserving of comment. The first has to do with the debt recovery operations of the ACT Revenue Office. When this report was tabled, some people were rather concerned at the level of arrears of collection of government taxes and fees and charges that was revealed. Specifically, there was a total of \$8.7m of arrears of collection of taxes, and it was regarded as being doubtful whether \$4.4m of that amount could ever be collected.

Taken on the face of it, they seem large sums of money; but the committee is satisfied that, in the context of the total amounts of revenue collected and having regard to comparisons with the performance of collection agencies in other places, both at the municipal level and at the State level, those figures are not particularly concerning. We are satisfied that the collection agency is operating quite efficiently and well in collecting the taxes the Government deems to be payable. The Public Accounts Committee does not share the concern expressed by some at the time of the tabling of this report that those figures are excessive or that they are a matter of considerable concern.

In connection with the debt recovery operation, the Auditor-General did comment that he felt that the collection agency was perhaps less efficient than collection agencies elsewhere in that they had more staff to do the job than other collection agencies did and that therefore they could become more efficient by reducing their staff numbers. The response from the Revenue Office was not to accept that proposition. There has been an exchange of communications between

the Public Accounts Committee and the Revenue Office on the one hand and the Auditor-General on the other. The Auditor-General remains of the view that there should be a review and a reduction of the staff numbers there. The Revenue Office maintains that the comparisons used by the Auditor-General were not reasonable comparisons, and they dispute the Auditor-General's recommendation.

The Public Accounts Committee is not in a position to make a judgment on this matter. We do not discard lightly the comments made by the Auditor-General, but the arguments put forward by the Revenue Office are also quite persuasive. We are recommending that the Government have an independent staffing review of the collection agency of the Revenue Office conducted to see whether the Auditor-General's comments are justified. We believe that that should be done by an independent reviewer, not by the Revenue Office, and then it can be determined whether the Auditor-General is correct or not. Obviously, the Public Accounts Committee would like to see savings in public expenditure if they can be achieved by staff reductions; but we do not, on the other hand, want to see the capacity of the Revenue Office eroded by making staff cuts that are not justified. Since we are unable to make a judgment on the matter, it should be reviewed by an independent reviewer.

On the other matters in connection with those functions I mentioned that are at the moment not accountable publicly, the response from the Minister in each case is satisfactory to the committee. The Minister has indicated that he is taking action to bring these functions under the umbrella of public accountability under the Audit Act. He has indicated a timescale in which he expects to achieve that. The Public Accounts Committee is satisfied with that response.

The other element of the report is that having to do with driver licensing procedures. The Auditor-General looked at this in a fairly comprehensive fashion. He looked at issues such as proof of identity when somebody fronts up for a driver's test; establishing eligibility for a licence; the theory testing that is carried out; the practical driving testing; and some ethical issues associated with the whole process. He made some 15 recommendations on things he thought could be done to improve the performance.

Again, the Public Accounts Committee is satisfied from the response of the government agency that they have taken the Auditor-General's comments seriously. They are doing their best to comply and to take account of the matters raised by the Auditor-General. There was only one matter that came out of our hearing in that connection that we were a little concerned about. There seemed to be some implication on the part of the management of the Motor Registry that supervisors did not have a job of supervising, that it was almost improper for them to go and look over the shoulder of a subordinate to see what they were doing and whether they were doing it correctly.

We have made some comment in the report about the job of a supervisor. He or she may have tasks that they must perform in their own right as an officer and an employee of the registry, but they do have a very real and positive responsibility to supervise what their subordinates are doing. Otherwise, why call them supervisors? To suggest that it is improper to go and look over the shoulder of a subordinate, that the subordinate would somehow feel that they were being spied upon by their superior officer, we thought, was a rather odd approach to the responsibilities and tasks of a supervisor. It is something the Minister might have a look at.

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By and large, we believe that the auditor, as usual, has done a good job in those areas he has selected for carrying out performance audits and has made a number of very comprehensive recommendations in connection with each of them. Generally speaking, we believe that the agencies have responded satisfactorily. We have made two recommendations of our own which we would ask the Government to take up. One is the review of the collection agency within the Revenue Office, not the Revenue Office in its entirety. The other is that the Government should pick up a recommendation emerging from the Auditor-General's report that perhaps there are offices other than the ones I mentioned that are not publicly accountable and that the Government should identify them and bring their operations under the umbrella of the Audit Act, to make sure that all of our agencies where significant sums of public money are expended are fully publicly accountable. Having said that, I commend the report to the Assembly.

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

**Sitting suspended from 12.06 to 2.30 pm**

### **QUESTIONS WITHOUT NOTICE**

#### **ACTION - Work Practices**

**MRS CARNELL:** My question is to the Minister for Urban Services. I refer the Minister to the budget decision to scrap overtime for ACTION workshop staff. I also refer to the decision to look at the archaic work practices of bus drivers. Given that there are 596 bus drivers and only 186 workshop staff, why has the Minister passed over the area in most urgent need of workplace reform?

**MR CONNOLLY:** Madam Speaker, the Liberals, who totally failed to deliver any change in relation to ACTION while they were in government and under whose administration the ACTION deficit reached its historically greatest depths, now make trite little statements such as, "Why don't you do something?". The Government is doing something. The Government is on track to reduce the ACTION deficit by \$10m - a reduction of 20 per cent on the ACTION deficit, a faster rate of reduction than is being achieved anywhere else in Australia, on my advice. You may have claims from the Victorian Government that they are doing better, but I will take audit figures from the Grants Commission and the Industry Commission rather than propaganda from one State government. We are reducing our expenditure by 20 per cent.

We have in place dramatic proposals for change in the driving area. We are discussing with the union at the moment proposals for part-time drivers. That is a dramatic change. However, Mrs Carnell, if you listen when Mr Berry is giving answers, you may be a little wiser. If you listen when Mr Berry is giving answers on industrial relations issues, you may become aware that in this Territory we operate under a thing called the award system. That means that the Government is legally obliged to pay its workers the terms and conditions contained in an award. The Government cannot, at the stroke of a pen, say, "We will destroy your work practices". Liberals may refer to them as archaic work practices. Workers probably have rather different views.

Of course, if overtime is being worked when it is unnecessary, a responsible government obviously has an obligation to look at whether that overtime should be worked. The situation is that we have an oversupply of mechanics and an undersupply of work, and I could no longer justify paying people to work overtime when there was no work to be done.

**Mrs Carnell:** They have done none.

**MR CONNOLLY:** So we should be doing that, Mrs Carnell, should we? You disagree with that decision; is that right? You think we did wrong there? Spend more, spend more!

**Mr Lamont:** She does not know what she thinks.

**MR CONNOLLY:** I know that she knows very little, Mr Lamont, but there is always hope. In relation to the drivers, there are not significant amounts of overtime being worked, other than after hours on Saturdays or on Sundays. If we said to the drivers, and we could, that they would not work overtime, we could do that without breaching an award and there would be no buses running after hours on Saturdays or on Sundays. That would obviously massively impact on the community. So we are not going to do that. What we are going to do is work with the drivers, with the workers, to achieve very dramatic change. We have the runs on the board; unlike you, who failed. The Liberals' rhetoric is tough - "Let's get tough; let's abolish archaic work practices"; all of this nonsense. When you were in government, when you had the opportunity, you were a dismal failure.

**MRS CARNELL:** I ask a supplementary question, Madam Speaker. Noting the report of the Industry Commission into urban transport, does the Minister consider it best practice for drivers to drive, on average, four to five hours for every eight-hour shift?

**MR CONNOLLY:** Madam Speaker, she keeps coming back for more. The better practice will be when we introduce part-time drivers, but for the moment the award requires us to pay for a standard working week. During that standard eight-hour shift - it is a bit less, but we will call it an eight-hour shift - one would hardly expect the drivers to be driving for seven hours and 55 minutes. You would have exhausted and worn-out drivers.

The public transport system in the ACT, as indeed in any city in Australia, tends to have peak periods. Mrs Carnell may not be aware of this, but most people tend to travel to work between 8 o'clock and 9 o'clock in the morning and most people tend to travel back from work between about 5.00 pm and 6.00 pm. Most young people go to school between about 8.00 am and 9.00 am and most young people leave school between about 4.00 pm and 5.00 pm. Therefore, we tend to have busy periods in the morning and busy periods in the afternoon. That is when the drivers are driving flat out. During the middle of the day there is considerably lower demand for our buses. The Liberals, I think, are aware of that, because they keep putting out press releases saying, "The buses are half empty during the middle of the day".

**Mr De Domenico:** No, empty.

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**MR CONNOLLY:** Empty during the middle of the day? They are not empty, Mr De Domenico, but there is a much lower demand during the middle of the day. Therefore, during the middle of the day we tend to reduce the level of our services.

**Mrs Carnell:** But you still pay them.

**MR CONNOLLY:** Yes, we do still pay them, because we are required by law to pay them under the award. I wonder whether the pharmaceutical assistant who works in Mrs Carnell's pharmacy is paid while she is dealing with a customer and making up a prescription or whatever, but when there is nobody in the store Mrs Carnell says, "Right, pay stops", and when another customer comes into the store, "Right", Mrs Carnell says, "pay starts again", so that in a two-hour period the cheerful assistant who works for Mrs Carnell finds that he or she gets paid for perhaps half or two-thirds of the time.

Madam Speaker, the move to part-time drivers, which we are successfully negotiating at the moment, will be, there is no question, a significant improvement in the working conditions within ACTION. It will be a significant efficiency improvement. At the moment, we pay our workers under the award and we work our workers to fit the demands of the routes, that is, busy periods in the morning and afternoon. We tend to have fewer drivers on the road during the middle of the day. Would Mrs Carnell have us have more empty buses out on the streets in the middle of the day? Surely not.

### **Mental Health Crisis Service**

**MR LAMONT:** My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Will the Minister explain the recent notice and publicity in the *Canberra Times* regarding changes in the mental health crisis service and what impact this will have on services to the community?

**MR BERRY:** I see Mr Humphries laughing at this issue. That is how he treated the mentally ill when he was in government. I thank the member for the question. The Mental Health Service has provided a daily crisis service from the four principal health centres: Belconnen, Phillip, Tuggeranong - you remember, Mrs Carnell, the one you could not find - and the city. I think you had Trevor helping you too, as I remember. Mr Kaine was helping. I hope that he passed navigation when he got his licence for the plane.

An after-hours crisis service has operated from the Woden Valley Hospital since 1991. Both services have been combined to provide a community based service, which will assist the public by providing a well-trained and responsive team which can be accessed from a single contact number. The crisis team will work closely with community health teams in the hospital in order to ensure continuity of service for clients. In consultations with consumers and carers, concerns had been expressed at the difficulty in having a number of crisis contact numbers. The changes will thus improve services and reduce duplication. So we are improving our services in all respects, and the Mental Health Service is just one of them.



## Youth Unemployment

**MR DE DOMENICO:** Madam Speaker, my question without notice is to the Chief Minister. The Chief Minister this morning, when launching the \$1m worth of work for the Canberra region, pleaded with the private sector employers to get behind young unemployed people and give them jobs. That is very commendable. Seeing that so far your Government has, firstly, increased rates, taxes and charges; secondly, legislated specifically to target the entertainment and hospitality industry in terms of occupational health and safety designated work groups; thirdly, restricted the number of people allowed in nightclubs and bars; fourthly, ignored most of the recommendations of the Economic Priorities Advisory Committee; and, fifthly, criticised young people for washing windscreens at traffic lights, what is your Government going to do specifically to reduce the business oncosts and bureaucratic red tape that manacle Canberra businesses? Why does your Government not get behind the private sector so that it can employ more people and reduce our youth unemployment figure of an alarming 37 per cent?

**MS FOLLETT:** Madam Speaker, that was a speech, not a question, and it was a speech that relied wholly and solely on the Liberal ideological cant which we have come to know, but not respect, from members opposite. Underlying Mr De Domenico's so-called question was the Liberal philosophy of work, and that is to have no regard whatsoever for the occupational health and safety of your workers.

**Mr De Domenico:** That is rubbish and absolute poppycock, as are most of the things that come out of your mouth.

**MADAM SPEAKER:** Order! Mr De Domenico, please allow the Chief Minister to answer your question.

**MS FOLLETT:** This is the party, Madam Speaker, who brought us the \$3 an hour youth wage. What this Government has done to assist in employment in this Territory is something we can take a great deal of credit for. This Government works in partnership with the private sector in the Territory and, in doing so, we have a number of achievements to our credit. We accept that job growth in the Territory has to be in the private sector; but we do not accept, as the Liberals do, that that means that you can exploit every worker, particularly the young workers, that you can screw every last ounce of sweat out of them for the very minimum amount of money.

Our philosophy has been to assist with the provision in this Territory of worthwhile jobs, and we have taken a number of initiatives to do that. Members will be aware that there have been numbers of new enterprises starting up in this Territory in recent years, and one of them is the casino. The interim casino has employed some hundreds of people. The permanent casino, now under construction, is employing some 200 extra people. Once it is completed, that number will rise to 500.

We have also attracted to this Territory a range of new businesses, notably in the high technology area and also in some clean manufacturing areas. Overall, what members opposite loathe to see is that our employment growth in this Territory has been running at around 4 per cent, which is something like

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double the national average. I know that members opposite will never acknowledge that fact because they lie to themselves. They hear only what they wish to hear. But the fact is that our employment in this town has been growing at 4 per cent, and that far outstrips the rest of the country.

With particular regard to young people, I am sure that members are aware of the concern this Government has to assist young people. In our recent budget we provided \$1.5m to continue with our initiatives aimed at assisting young people, particularly those who are suffering disadvantage, to get the appropriate training and workplace experience they need to be competitive in the job market. Those initiatives include, for instance, Joblink, where we are working in partnership with the Chamber of Commerce - another fact those opposite do not want to know about - in order to provide some hundreds of jobs for young people. We have continued with our efforts on Jobskills and with the Youth Conservation Corps and so on, but members opposite would never acknowledge that.

Over and above all that, I believe that the single most important thing any government can do to help generate employment is to provide a stable and sound economic environment for business to prosper, and that is exactly what we are doing in this Territory. The clowns opposite do not have to take my word for that. They have to look no further than, for instance, the work of Access Economics - hardly fans of Labor - to see the black-and-white facts of the Territory's economic performance. They can look at the Advance Bank's publications - not written by me - which also confirm the sound economic environment in this Territory.

I know that members opposite do not want to know any of those facts; but I will present them anyway, just on the off-chance that some of them might be listening, although I realise that that is remote. However, as I have said, I acknowledge that we have a particular problem with youth unemployment, teenage unemployment, 15- to 19-year-olds, in this Territory. We have taken a number of steps, including in the budget, to address that problem. We have also, in that \$1m of work, supported a community initiative by FM104.7 in order to assist further. Why Mr De Domenico uses that fact to try to attack the Government just beats me. We are doing what a caring government ought to do to ease this situation. But I will not take the Liberal line - the \$3 an hour youth wage line, the "screw the workers until they bleed" line - that we hear from members opposite. We will provide decent jobs, decent training, and treat all those workers with the respect they deserve.

### **Mental Health Services**

**MR MOORE:** My question is directed to the Minister for Health. In the light of the Burdekin report on human rights and mental health, which you have now had 24 hours to read, what action do you propose to take in the ACT to ensure an improvement in the treatment of our mentally ill?

**MR BERRY:** One of the important features of the Burdekin report was the list on page 223 of all of the things that have been done in the ACT. We have certainly had a lot of achievements over the years since self-government. We were lumbered with legislation, which has been criticised by the Burdekin report, but in 1989 we started the process - I think I might have talked

about this yesterday - through the *Balancing Rights* inquiry. That was carried on through the Alliance Government and ultimately the inquiry reported. The Government responded to the *Balancing Rights* report and came up with the mental welfare legislation, which has been criticised by some, and of course is being - - -

**Mr Connolly:** Mrs Carnell jumped on the passing band wagon.

**MR BERRY:** That is right, because she saw a vacant seat on it.

**Mr Lamont:** Half the time, if there are no vacant seats she pushes somebody else off.

**Mr Humphries:** Not on an ACT bus, because there are always vacant seats.

**MR BERRY:** The side comments are amusing. As a result of that, we have the mental welfare legislation and, as you are aware, the Social Policy Committee is due to report on that by the end of the year. I should say, too, that there was some criticism of the legislation, but nobody ever expected it to be easy. It is very difficult to come up with a piece of legislation in the mental health area.

**Mrs Carnell:** You said that it was wonderful legislation.

**MR BERRY:** We produced it, Mrs Carnell. You could never ever claim to have done anything on it. We will have to work through that issue, and we have to do it sensitively. It is very easy for people to leap on some political band wagon or other and frighten people out there in the community about legislation. Once the committee has reported, we will be in a better position to implement legislation in the ACT which in many ways will put us ahead of the rest of the country. It will certainly put us in a position to get rid of the legislation that has been criticised, and that is something we have all aimed to achieve - a major task for government and for this Assembly, I should add.

In relation to services, I am just trying to recall all the things we have done in various budgets.

**Mr Moore:** I actually asked you, "What are you going to do?".

**MR BERRY:** Hang on a minute. In the 1992-93 budget we provided a range of services for the mentally ill. We have been providing services which were not provided in the past out there in the community. In this last budget we provided a generic crisis service, which recognised that there were some areas we needed to address. I am happy that we are getting into those problems. We will closely examine all the issues raised in the Burdekin report. Where there are issues that relate to the Territory, and I have not seen that summarised in depth at this point, we will address them with the aim of coming out clean at the end of the process. I think the Burdekin report is a useful tool.

**Mr Humphries:** What are you going to do about it?

**MR BERRY:** As I said, we are going to examine it closely and, where there are areas that affect the Territory, we are going to deal with them. It is a sobering message to all of Australia, in my view. It is, nevertheless, a useful tool for the whole of the country to look at in terms of developing mental health services.

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If you look at the situation in, say, Victoria, where they have some old institutions, they have a particular problem to address. We do not have the problem of old institutions, which I am pleased about. We are able to start without having to worry about those problems. As to what we are going to do, we are going to look very closely at what Burdekin says, particularly as it relates to the Territory, and where there are particular criticisms that are relevant we will identify them and deal with them.

**MR MOORE:** I have a supplementary question, Madam Speaker. Mr Burdekin on ABC radio yesterday said that if he achieves nothing more than to get governments to provide extra money through their budgets in this area he will have achieved a great deal by his report. Do you perceive that this is going to require extra funding in the next ACT budget, Minister?

**MR BERRY:** That is probably out of order. It is a bit speculative. I was just looking at the number of beds, in response to a question that was raised by Mr Cornwell yesterday.

**Mr Moore:** On a point of order, Madam Speaker: I asked a question about budgets. If you wish to rule my question out of order or if the Minister does not want to answer, that is fine; but beds yesterday we have already dealt with.

**MR BERRY:** No, it is in relation to the question you asked. The number of beds available in the ACT for psychiatric patients is 17 beds per 100,000 population, or around that of New South Wales, where it is 15 beds per 100,000 population. On that side, it seems on the face of it at least that we are doing all right. In relation to future funding, of course we will be looking at the provision of extra services in the future, but that will be for other budgets. We have looked at it in the context of past budgets and we have produced the goods.

### **ACTEW - Statutory Basis of Employment**

**MR WESTENDE:** My question is to the Minister for Urban Services. I refer to the Minister's glowing praise yesterday for the statutory authority structure of ACTEW and to the report in today's *Canberra Times* that ACTEW may be absorbed into the public service. I ask the Minister: If the present mode of operation has produced, to use his words, the best performing electricity distributor in the country, why change it?

**MR CONNOLLY:** Madam Speaker, people are getting very agitated over this issue, and I think unnecessarily so. As members would be aware, we are grasping towards the creation of a separate ACT public service, and that involves pulling together the many different statutory bases of employment in the ACT. Within my portfolios alone there are about eight or 10 separate statutory bases of employment. I am not sure of the number across the whole of the Territory, but I would not be surprised if it was in the order of 20 or so. That is clearly an inefficient structure and the general goals - - -

**Mr Kaine:** Why is that, of itself, inefficient?

**MR CONNOLLY:** Why is it inefficient, in an organisation of 23,000-odd - take into account ACTEW, which is off budget, to make it 24,000-odd - to have 20 different legal bases of employment? Of course it is inefficient. As to the issue, though, of the legal basis of employment, under what statute you are employed, as opposed to the structure of an off-budget statutory authority, they are very different questions.

**Mr Kaine:** Exactly, and to say that it is inefficient because people are employed under a different statute - - -

**MR CONNOLLY:** Mr Kaine understands uniquely. Therefore, you can continue your off-budget statutory authority structure as opposed to a corporatised or privatised structure, whether you have your work force employed under a single public service Act or under an Act that is specific for that authority. ACTEW is not the only organisation that has its own separate statutory basis of employment and I suspect that it is not the only organisation whose workers have some views on this issue. I am aware that some ACTEW unions are expressing concern over this issue. Like all issues, this Labor Government approaches it with a view to consulting with the work force, and the final outcome of those consultations will be the final Government position.

Madam Speaker, the Opposition are, as usual, ill informed, or misinformed, if they cannot understand the distinction between having a separate statutory authority running our electricity and water operations and the question of what is the legal basis of employment for persons working in that organisation. Many State governments have structures where you have independent statutory authorities and you have workers who are employed on a single basis of employment. Mr Moore asked a similar question the other week in relation to the Legal Aid Office, where there are very proper, strong concerns at the management level about the independence of legal professionals working in the Legal Aid Office. That can be dealt with in the ACT, as in other States, by having people employed under a single public service Act and giving them guarantees for their statutory independence. So the question of a single basis of employment really is irrelevant to the continuing efficient performance of ACTEW under this Labor Government.

### **Banking Code of Conduct**

**MRS GRASSBY:** My question is also to the Attorney-General, but in his capacity as Minister for consumer affairs. Can the Minister inform the Assembly of progress with the establishment of a banking code of conduct?

**MR CONNOLLY:** This Government has a very strong track record of protecting consumer rights and advocating consumer rights. Members would be aware that there has been a lot of work going on at the Federal level recently in relation to a banking code of conduct, and the Australian Bankers Association has recently released a draft code of banking conduct. I have written to the Federal Treasurer expressing very strong concerns at the way this draft code of conduct would leave the consumer extraordinarily exposed.

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The draft code of conduct which has been released by the Australian Bankers Association is marked by the absence of even the most basic consumer protection. The draft does not require banks to disclose information about fees and charges - one of the more basic issues that one would expect to find in a code of conduct. It leaves it to the banks to feel free to either disclose or fail to disclose issues such as fees and charges. It does not restrict the collection of private information by banks or the dissemination of that private information, and there has been extreme concern amongst community groups, particularly groups representing persons who are HIV positive, at the total absence of protection for their private information that may be held by banks.

The code also has a glaring weakness in that it does not address the issue of the rights of guarantors. The reality of a loan guarantee is that the bank has doubts about the ability of a person to meet the contract and the guarantor, for no benefit for himself, is stepping into the shoes of the bank, as it were, and assuming the risk. The draft code does not require prospective guarantors to be provided with the information obtained from the borrower by the bank which is the information on which the bank has decided that it is a bad risk and gone to a guarantor. That is a very basic consumer right which is not addressed. The code fails to provide a cooling off period in which guarantors may change their minds; nor does it require the banks to provide guarantors with a copy of the loan contract.

These issues are glaring failures, and consumers should not look to the banking code of conduct for protection. I hope that other State governments around Australia will continue to put pressure on the Australian Bankers Association to come up with a code of practice which really does help consumers, rather than simply masquerade as a pro-consumer code of practice while leaving unanswered these very important questions.

### **Disallowed Question**

**MR STEVENSON:** My question is to the Chief Minister. The *Canberra Times* today, 21 October, reports that yesterday this Assembly, by a vote of 9 to 8, passed MLA Helen Szuty's motion to maintain existing numbers of school based teaching positions against the budget cut of 80 teaching positions. However, the report continues:

Mr Wood said that, as a motion of the Assembly, he had to view it "very seriously", but it was not binding, and would not translate into any action.

He "would not appreciate a no-confidence motion" ...

If our voice of the electorate proposal were in force, the citizens could choose to act; but we are told that CIR procedures are not necessary here in the ACT because we have representative and responsible government. Responsible government means that the Executive is responsible to the parliament, that is, answerable to the parliament.

**MADAM SPEAKER:** Where is your question, Mr Stevenson? You are bordering on being out of order.

**MR STEVENSON:** It is just coming, Madam Speaker. Only by a motion of no confidence can parliament possibly enforce answerability on the Executive. My question is: If a Minister ignores a direction of this Assembly and the Assembly subsequently passes a no-confidence motion against that Minister, will the Chief Minister remove the Minister from the position or would it require a no-confidence motion in the Chief Minister herself?

**MADAM SPEAKER:** Mr Stevenson, that is a hypothetical question. I cannot allow it.

### **Diesel Fuel Franchise Fee**

**MR HUMPHRIES:** My question is to the Chief Minister. Is she aware of a statement by Brian Corkhill, of Corkhill Bros, that, if the Government's exemption from the franchise fee on diesel fuel for off-road users is removed, his firm will have no choice but to move his business to Queanbeyan to remain competitive? Mr Corkhill estimates that his contribution to the ACT revenue by way of payroll tax, registration fees and the like is about \$400,000 a year. Does the Chief Minister concede that her decision to remove this exemption is a failure if one company alone leaves Canberra and takes with it half the expected revenue gained for the Government? Does she concede that if even three companies of this size left Canberra she would lose more from this measure than she will gain from the 2,400 home users who will now be paying a diesel fuel franchise fee?

**Mr Berry:** Madam Speaker, I raise a point of order. This seems to anticipate debate on a Bill which is before the Assembly. I really think you are better off raising that as an issue in the debate. It is on the notice paper.

**Mr Humphries:** If you are so cowardly that you cannot face an issue like that now, you do not deserve to be in government.

**MADAM SPEAKER:** There is a point of order, Mr Humphries. Let me consider this matter, unless you wish to address the point of order.

**Mr Humphries:** Yes, I do, Madam Speaker. This is a matter which is before the Assembly at the present time. It is a matter of some importance to the Assembly. In the past, the Assembly has never allowed debate on an issue before the Assembly to prevent questions being asked at question time. Indeed, today questions have been asked about the efficiency of ACTEW, even though it is an MPI for today.

**MADAM SPEAKER:** Because that is not on the notice paper, Mr Humphries. Be careful.

**Mr Humphries:** It is business before the Assembly, Madam Speaker. I think the past practice has been to allow such questions to be asked.

**MADAM SPEAKER:** Mr Humphries, you have to distinguish between material that is on the notice paper and matters such as MPIs. It is not simply matters that are before the Assembly. What I have, however, allowed in the past is for Ministers to choose to answer the questions should they want to and, in doing so, to avoid anticipating debate. The Minister may choose to answer the question if the Minister wants to.

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**MS FOLLETT:** Madam Speaker, I will be very brief because the question from Mr Humphries, in my view, quite clearly anticipates debate on the business franchise Bill, which is before the Assembly. I can advise that, if a business were to take the action Mr Humphries has outlined, I do not believe that that is a sensible decision in any way. The fact is that, if they are doing business in the Territory and they are seeking to use an exemption by purchasing fuel in New South Wales, the view of the New South Wales Commissioner of State Taxes is quite clear.

**Mr Humphries:** No, they are moving to New South Wales.

**MADAM SPEAKER:** Order! The Chief Minister is being most indulgent in offering an answer at all. I think you had better not interrupt.

**MS FOLLETT:** Madam Speaker, if the action I outlined were to occur, the New South Wales commissioner has made it quite clear that he would simply withdraw the permit. However, as the basis of Mr Humphries's question appears to be that this company would remove its entire operation to New South Wales, I consider that that would be an unjustified decision on the basis of the legislation before this Assembly. Anybody in business has to take into account a vast range of costs of doing business. They include things such as taxes, rent - all sorts of overheads. This proposed amendment to the concession regime is but one of them.

I think that what we are hearing is probably an emotional overreaction that, in the cold hard light of day and in the knowledge of the actual impact of this proposed amendment, these people may wish to reconsider. But the question is entirely hypothetical. I have not had the opportunity to discuss this in any way with Mr Corkhill. In addition, the legislation has not been passed, so it is entirely hypothetical.

### **Blue-Green Algae**

**MS SZUTY:** My question without notice is to the Minister for the Environment, Land and Planning, Mr Wood. Last year, students at Tuggeranong College alerted residents in the area to an outbreak of blue-green algae in Lake Tuggeranong. Outbreaks were also recorded at Burrinjuck Dam, and there were reports of possible algae infestations of some outer reaches of Lake Burley Griffin. With summer approaching, what action has the Minister taken or will he be taking to monitor and warn ACT residents of outbreaks of blue-green algae in the ACT's rivers and lakes?

**MR WOOD:** I share Ms Szuty's concern about potential outbreaks of blue-green algae, heightened by the fact that there were some outbreaks in areas adjacent to the ACT in winter. That is a little alarming because normally it occurs in the summer, when there is a bit of heat, and the blooms develop from nutrients that are there. One of the major steps we have taken - it is a long-term step - is to give very active support to the Cooperative Research Centre on Freshwater Ecology, the centre which is being very well organised by Professor Peter Cullen from the University of Canberra. We have committed a large amount of money and a lot of in-kind assistance over a period, joining with other bodies to give that support. I think all of Australia would recognise that there is a great deal of research yet to be done.



Further to that, we provided a sum of money in our budget - about \$100,000, from memory, or it may be less than that - for plantings in Lake Tuggeranong. Those plantings, it is believed, will help to reduce the incidence, absorbing, as they will, some of the nutrients that come into the lake. We are also providing continuing comment in the media, pointing out to people that they need to be careful with the top dressing they do in Canberra. We are in regular contact with authorities in New South Wales because it appears that most of the nutrients in Lake Burley Griffin come from that source, and recently there was an outbreak in one of the tributaries of the Molonglo River in New South Wales.

We are looking closely at Lake Ginninderra. We have spent millions of dollars in one measure that will substantially reduce the likelihood of blue-green algae in that lake. Those millions of dollars are in the holding dams upstream on Ginninderra Creek. Those dams, like Lake Tuggeranong, will become recreation areas in Gungahlin; but they are designed as a measure to prevent pollutants getting into Lake Ginninderra, further downstream in Ginninderra Creek, and through into the Murrumbidgee.

Further than that, we are actively monitoring where these outbreaks occur, to see whether we can find any pattern both in where they occur and in the times they occur. It is a problem that will come up this summer; I have little doubt about that. I have an anxiety, as I said at the outset, that it might be a worse season for us than some we have experienced in the past, based on the history over winter. We are doing all we can to protect our waterways and to protect the Murrumbidgee and the Murray.

I could expand further on what is happening with ACTEW and the work they are doing to reduce the nutrient level going through. There have been some very significant changes in the way ACTEW has done its work. While members may be aware of the holding dam that is being built, they may not be so aware of the technical changes they have made to reduce the level of phosphorus and to change the ratios. I cannot get into too much scientific detail, but that is also a very important factor. That does not affect the ACT, but it is going to have a remarkable effect in New South Wales.

### **School Bus Services**

**MR CORNWELL:** My question is to the Minister for Urban Services. I note that the Government's submission to the Industry Commission inquiry into urban transport stated that the deficit per passenger on ACTION buses ranged from \$1.20 to \$10 on some school services; school services recovered less than 10 per cent of their operating costs; schoolchildren make up a quarter of ACTION passengers; the subsidy to ACTION for schoolchildren's transport is \$6.6m, while the cost of providing this service is more than \$12m; and the Government does contract out some school bus routes. As you have already introduced some efficiencies in contracting out for school services, when does the Government intend to expand these contracting out initiatives to improve ACTION's performance in the cost-effective provision of school services?

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**MR CONNOLLY:** The Liberals have this nice little ideological assumption that contracting out means that it is done cheaper. The contracted out bus services are massively subsidised. The ratepayer is massively subsidising the contracted out one or the publicly operated one.

**Mr Humphries:** They are all subsidised.

**MR CONNOLLY:** That is right. Mr Humphries is learning. It makes little difference whether you are operating a public bus system or paying somebody - putting money in their pocket - for them to operate their private bus system. The goal for the ACT is to reduce the overall cost. Mr Cornwell points out that there is a massive cost to the community in the school bus system. What would he have us do? Would he have us reduce the services? I can just imagine the reaction of the Independent Schools Association, because it is the private schools that, by and large, get these services, and some of the most expensive ones are the school services that run from outlying suburbs to the grammar schools. I would be personally quite happy to stop them, but I can imagine the outcry from the community. So we obviously cannot do that.

The other issue he points out, and this has been pointed out repeatedly, is one of the areas where - I will be frank, and I will go into this in more detail - ACTION does not compare well with other public transport authorities, and that is the amount that is returned through the cash box, the level of fares. The Industry Commission says, and other studies have said it, that the fares are too low. Indeed, Mr De Domenico put out a press release on one of the last comparative surveys. I am not sure whether it was the early Industry Commission report or whether it was the red book - the government trading enterprises performance indicators - but one of these surveys showed that our fare levels were very low. We had a "Shock, horror; ACTION is inefficient; its fares are too low" press release from the Liberal Party, followed a couple of weeks later by a "Shock, horror; Government increases ACTION fares" press release.

You make your facile little comments and your platitudes pour out from the Leader of the Opposition. Only yesterday she was criticising us for a hike in bus fares last year. You cannot have it both ways. You cannot ask me a question saying, "Your public transport system is inefficient because you do not charge enough for the school kids to travel on the buses", and then put out press releases criticising us for hikes in ACTION bus fares. The Liberal Party has to attempt to exercise a little bit of consistency here - unless it is going to be honest with us all and say that it is not interested in consistency; it is purely playing to the lowest common denominator and promising all things to all people.

**MR CORNWELL:** I ask a supplementary question, Madam Speaker. Could I have some comparative costs, Minister - you might like to take this on notice - on contracting out of school services as opposed to ACTION services?

**MR CONNOLLY:** I am sure that we can break down some of those costs. If you had asked that during the Estimates Committee we would have taken it on notice and provided it.

### National Festival of Australian Theatre

**MS ELLIS:** Madam Speaker, my question is directed to the Minister for the Arts. Minister, I had the pleasure of participating in the opening ceremony of the National Festival of Australian Theatre last week.

**Mr Moore:** And you opened it very well, too.

**MS ELLIS:** I ask the Minister: How successful has the 1993 National Festival of Australian Theatre been in attracting national and local attention to the ACT? Is the festival being supported by the Canberra community?

**MR WOOD:** Yes, Mr Moore is correct. Ms Ellis opened it very well.

**Mr Humphries:** You were not there. How would you know?

**MR WOOD:** I regret that I was not able to be there because I was in Melbourne at a ministerial meeting. I had some anxieties about the outcome and it was essential that I be there. I have had very good reports.

**Mr Kaine:** The next time you want somebody to open something for you, I will do it, Bill.

**MR WOOD:** Thank you for your offer, Mr Kaine. I will find something for you. I will have some pleasure, Mr Kaine, in finding something for you. Madam Speaker, it is not easy for the ACT to get national coverage on any good news coming out of here. If there is a bit of rubbish, a bit of nonsense, some of our non-Labor members getting up to some antics, it will get coverage; but for good news it is a little more difficult. On this occasion there has been some national coverage of what is a very fine event. I hope that in the next week or so they catch up a little more with it.

As to the attendances, they have been good. I think *Emma* next week is booked out. Some of the performances of *Sadness* I think you would be very hard-pressed to get into. If members have seen some of these productions I am sure that they will agree that they are truly outstanding. This is probably the best of the events we have had, and I recognise that it goes back some years. I think this has been the best, certainly in terms of performance. In Canberra we like to think we are fairly culturally inclined, but that does not mean that it is easy to get people out to Australian theatre. If you get something with a well-known name, something that is thought to be popular, it is easier to get crowds.

The people are turning out to this event and, as evidence of that, even such a cultural philistine as Dr John Hewson turned up. That may be some sort of achievement. It is popular. Obviously, we looked for a success culturally, and that is clearly happening. We also looked for a success at the box office, because we want to continue to fund it and we want as much support as we can get from the people of Canberra, and that appears to be happening.

### **Health Professionals - Shift Work**

**MR KAINE:** Madam Speaker, I address a question to the Minister for Health. I know that he is not used to getting questions from Liberals, so I thought I would throw him one. Minister, earlier today the Minister for Urban Services eloquently defended the idea that people on shift work should work only four to five hours out of eight. I wonder whether you see any benefit in extending this innovative idea to people in your organisation on shift work, such as nurses, salaried doctors and community nurses?

**MR BERRY:** This is a nonsense. We are governed by awards which provide for certain wages and working conditions right throughout the Government Service. Until those awards are changed by way of sensible negotiation we will continue to uphold them.

### **Bill of Rights**

**MR HUMPHRIES:** Madam Speaker, my question is directed to the Attorney-General, Mr Connolly. I refer the Minister to work on an ACT Bill of Rights, which was referred to in the budget documents and which he outlined in the Estimates Committee, as widely reported in the media subsequently. I also refer to comments by the Deputy Chief Minister on the radio this morning about the Bill of Rights. He said something to this effect: "As far as I know, nobody in the Government is workin' on this at the moment". Why has Minister Connolly not told his colleague Mr Berry about this Bill of Rights? Is it a cruel trick he is playing on poor Mr Berry or is it a deliberate decision, based on the fact that this Bill of Rights will enshrine the right to do productivity deals with right-wing unions or to have rank and file party preselection?

**MR CONNOLLY:** Madam Speaker, the Opposition really draws some long bows when they are desperate. The fact is, as came out in the Estimates Committee - it was not an announcement of Government policy - that we are doing some work on a Bill of Rights. It is an issue the Chief Minister has had an interest in for quite some time, after steering the discrimination legislation through this place. It is the logical next step and we are doing some preliminary work on it.

**Mr Kaine:** But you have not told the other members of the Executive.

**MR CONNOLLY:** No, I would not expect Mr Berry to be across the detail of the forward planning in an area in my department, just as he would not expect me to be across the details of the forward planning of the negotiation of the VMO contracts or whatever. Ministers are expected to be across what is going on in their own portfolios but not across somebody else's.

### **Government School Funding**

**MR CORNWELL:** My question is addressed to the Minister for Education. I refer to the ALP 1991 platform, and specifically to the education resolutions at page 32:

... a re-elected Labor Government in its first year will:

1. Expand funding to ACT government schools at the school level.

I ask: Why did the Government break this promise in its 1992-93 budget and again in its 1993-94 budget, when on each occasion it proposed a cut of approximately \$3.4m?

**MR WOOD:** At least Mr Cornwell has been doing some sound reading, and I commend him for that. It might help him in his own policies. Mr Cornwell's approach in these matters of economic restraint is to close down schools. I will not ask him for any details of that, because I do not want him to mention any schools - and I know that he would not - as that could have a fairly disastrous impact. I think the matter has been fairly well debated since the budget, and I am happy to have more debate. There certainly was not much debate ahead of the budget.

Mr Cornwell, I am sure, well understands the economic constraints, the massive reduction in funding to the ACT from the Commonwealth, the very considerable acceleration of the move back to State levels of expenditure. If he does not understand those things, I think it is a bit late to come into the debate.

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

### **PAPERS**

**MR BERRY** (Deputy Chief Minister): Madam Speaker, for the information of members, I present the Criminal Injuries Compensation Scheme annual report 1992-93, pursuant to section 35 of the Criminal Injuries Compensation Act 1983; and the Legal Aid Commission annual report 1992-93, together with the financial statements and Auditor-General's report, pursuant to the Legal Aid Act 1977.

**TOBACCO ACT - EXEMPTION  
Paper and Ministerial Statement**

**MR BERRY** (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act, I present an exemption made pursuant to the Tobacco Act 1927. I ask for leave to make a short statement.

Leave granted.

**MR BERRY:** Madam Speaker, the exemption I refer to concerns the one-day cricket match between the Prime Minister's XI and the touring South African side. The match is scheduled for 2 December at Manuka Oval. Following representations from the Australian Cricket Board, via the ACT Cricket Association, I have agreed to provide an exemption from the application of sections 10 and 12 of the Tobacco Act for this one-day match.

**Mr De Domenico:** A good decision.

**MR BERRY:** I am not sure that I agree with you in relation to that. It is just a reality that we have to deal with. The decision to provide the exemption is not one I have taken lightly. I do not like providing those exemptions. I recognise that sponsorship of sport by tobacco companies is often simply a cynical exploitation of sportsmen and sportswomen. It is also a means of promoting tobacco products and of encouraging an environment in which the use of these products by young people is seen to be acceptable. In fact, what they are doing is trying to recruit young people.

However, I also recognise that this particular cricket match is an important event within the ACT sporting calendar, and not to provide an exemption would almost certainly deprive the Canberra community of the chance to view world-class cricket. It should also be pointed out that the new Federal legislation - this is most important - introduced by a Federal Labor Government and outlawing tobacco sponsorship of sport is intended to virtually eliminate such sponsorship for cricket by mid-1996.

Having carefully considered all of those issues, I have decided to provide an exemption, provided that certain conditions are met. These conditions are identical to those agreed to for last year's Prime Minister's XI match. They include limiting tobacco advertising to specified sizes and locations and displaying specified anti-smoking signs provided by the ACT Health Promotion Fund.

Exemptions under the Tobacco Act are disallowable instruments. I regret that, due to the timing of the exemption application, it has not been possible to provide more than three sitting days for a disallowance motion. The ACT Cricket Association has requested that this matter be resolved as a matter of urgency so that ticketing arrangements for the match may commence. I bring the matter to the Assembly's attention in the hope that full cooperation will be given to allow the event to proceed, subject to the stated conditions.

**MR MOORE:** Madam Speaker, I seek leave to make a comment on the exemption Mr Berry has just tabled.

Leave granted.

**MR MOORE:** Madam Speaker, a similar situation occurred in 1991, and at that stage I moved disallowance of the Prime Minister's XI match having this exemption. I must say that my sentiments remain exactly the same. The reason I am not going to move disallowance on this occasion is that I think it is appropriate for us to compliment this Minister, who has probably done more work than any other Minister in Australia against tobacco. Whilst this Assembly at many times works in an adversarial way, and appropriately so, on this particular issue dealing with this particular drug, which I refer to as the killer drug, the Minister has been a leading light. I am sure that it causes him some pain to have to sign this exemption.

The argument I put in 1991 was that it was a wonderful opportunity to make a very clear statement about tobacco and tobacco advertising by stopping a match of that kind. That is consistent with my view, right across all drugs, that we should work on a harm minimisation approach. We should work as hard as we can not to condone the use of drugs, but at the same time to maintain appropriate restrictions on their use. In not opposing this particular exemption, I draw the Minister's attention to the fact that the last time this occurred there was also not enough time because the application was put in late on that occasion as well. I think the association's attention ought to be drawn to the fact that this is an unsatisfactory system and that they really are pushing the good graces of the Minister and the Assembly on such an issue.

**MR CORNWELL:** I seek leave to make a short statement on the same matter.

Leave granted.

**MR CORNWELL:** Madam Speaker, I listened with interest to the Minister's remarks on this matter. I also took note of the fact that in 1996 the situation may change. The Prime Minister's XI match, as members know, has been a regular feature of the international cricket series in this country for many years. I can accept Mr Berry's personal objections to the fact that there may be some - - -

**Mr Berry:** No, I am not the only one that believes in this.

**MR CORNWELL:** I can accept your individual objections and the objections of some others in relation to tobacco sponsorship and involvement in the Prime Minister's XI match. The fact is, however, that it has been something of an institution in this city. It is undoubtedly well supported by the vast majority of Canberrans, and it is my personal view that they do not particularly care who is involved in terms of sponsorship. They are there to see some first-class cricket. I believe that this needs to be encouraged. Only yesterday Michael Slater made the statement that he hoped that the ACT Cricket Association would be able to enter the interstate competition. We must ensure that this is done. I do not think anybody in this chamber would oppose the idea of our entering the competition. The Prime Minister's XI match is the type of activity that will encourage that to occur.

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I, too, share the view that it is unfortunate that the 15-day rule has apparently again been breached, and I hope that the association will pull up their socks on that matter. However, I certainly would not be prepared, as sport and recreation spokesman for the Liberal Party, to contemplate anything as foolish, in my opinion, as the attempt of Mr Moore on the last occasion to disallow the exemption. Whether Mr Moore or Mr Berry, or anybody else for that matter, likes the involvement of a cigarette company in this matter, the fact remains that the match is an institution in this Territory. It has the support of the vast majority of Canberrans, and I look forward to seeing other members of this Assembly at the match in December.

**MS SZUTY:** I also seek leave to make a short statement on this matter.

Leave granted.

**MS SZUTY:** As the Minister has stated to the Assembly, he does not like granting these exemptions, and I think that says it all. Hopefully, in the future he will not have to grant such exemptions on very many occasions. As Mr Moore has pointed out, the Minister has a very good track record in this area and deserves our congratulations for progressing the matter in the way he has. Along with Mr Cornwell, I believe that this event is a significant event for Canberra and will be enormously beneficial, not just for the ACT economy but for the residents. I hope that it does not rain on the day.

I regret that the normal period of 15 sitting days for disallowance will not be observed on this occasion, and other members have spoken on that matter. I appreciate the conditions the Minister has imposed with regard to the signage that will be displayed on 2 December for this event. I support the Minister in his granting of the exemption on this occasion, and I hope that we will not see many more occasions in the ACT where this action will be necessary.

## **ENVIRONMENT PROTECTION LEGISLATION Papers**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.34): Madam Speaker, for the information of members, I present a discussion paper on a proposal for integrated environment protection legislation, together with a newsletter on environmental management, and move:

That the Assembly takes note of the papers.

Last Tuesday I presented to the Assembly an outline of key Government initiatives which will help achieve the Government's preferred future for the ACT environment in the next century. A significant part of this vision, as set out in the Government's report *Choosing Our Future: Canberra in the Year 2020*, is for the ACT to be planned, developed and managed within ecological principles so that we may share a healthy, vital and sustainable future. Today I wish to focus on one initiative which will help lay a strong foundation to achieve this.



The Environmental Budget Statement which was tabled in the Assembly on 14 September noted that, as an outcome of a review of pollution control legislation undertaken during 1992-93, a public discussion paper on the Government's intention to prepare integrated environment protection legislation would be released in early 1993-94. Today I am tabling that document, titled "Proposal for Integrated Environment Protection Legislation". This discussion paper focuses on matters of principle and the broad approach. It demonstrates the Government's commitment to open consultation, to striving for excellence in environmental management and to achieving a strategic long-term approach to environmental management.

In releasing the document for public comment, the Government is taking an important step towards ensuring that we have an appropriate regulatory framework for pollution management that will help protect the ACT environment well into the future. By taking a broader perspective, as promoted in the paper, and by recognising the interactions between the various parts of the environment, I consider that there will be significant opportunities to achieve better environmental outcomes while providing for administrative efficiencies for both the ACT Government Service and the private sector.

In addition, there have been a number of recent developments at the national level which have implications for environmental management and regulation in the ACT. In 1992 the Commonwealth, all States and Territories, and the Australian Local Government Association signed the intergovernmental agreement on the environment and endorsed the national strategy for ecologically sustainable development and the national greenhouse response strategy.

A number of commitments entered into through these strategies need to be reflected in relevant legislation and management strategies, especially the role and function of the national Environment Protection Authority to be established under the intergovernmental agreement on the environment. The authority will develop a series of national environmental measures which must be adopted in all jurisdictions. These measures comprise mandatory ambient environmental standards such as for air or water, goals describing desirable environmental outcomes, guidelines to suggest how outcomes might be achieved and protocols describing how achievements and outcomes are to be measured. As a result, ACT legislation will need to recognise and give effect to the various categories of the authority's measures.

The integrated environment protection legislation will be developed within the framework of an ACT environment strategy. This strategy will provide the setting for an integrated long-term approach to environmental management in the ACT. New legislation will be a key implementation mechanism of the environment strategy. I shall be releasing a draft version of the environment strategy for public comment in the near future. The strategy will be finalised well in advance of the detailed development of the integrated legislation, which will ensure that the legislation is consistent with and supports the strategies, directions and objectives.

Current ACT pollution control legislation consists of a number of separate Acts; namely, the Air Pollution Act 1984, the Water Pollution Act 1984, the Noise Control Act 1988, the Pesticides Act 1989 and the Ozone Protection Act 1991. These Acts were developed to address different technical issues and aspects of pollution control. They are now out of date and require improvement.

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Except for some similar administrative provisions, there is little consistency between them. There are no stated objectives for environmental management and most management is directed towards "end of pipe" control. In addition, there are currently few controls over the environmental fate of hazardous chemicals and their wastes.

The current pollution control legislation has, in effect, compartmentalised the environment. It takes little account of the relationships within and between the various parts of the environment and does not recognise links between environment protection and economic and social development. There is no facility to enable environmentally advantageous trade-offs between different parts of the environment or for the pollution control authority to require the undertaking of environmental audits or the preparation of management plans, all of which can provide opportunities to achieve improved environmental and community outcomes.

There are also some administrative difficulties in relation to existing legislation which make monitoring and enforcement time consuming and not always effective. One example is the demand on resources required to secure prosecutions under the Water Pollution Act. Against this background, integrated environment protection legislation is intended to provide the basis for achieving improved environmental outcomes through a holistic approach which takes account of ecologically sustainable development principles and modern environmental management concepts such as cleaner production and waste minimisation.

This approach is intended to consider environmental impacts in terms of the activities that cause them and to manage these activities in order to minimise harm to the environment. This involves a broader perspective, recognising the interactions between the various environmental components. Such an approach also implies a high degree of flexibility in applying control measures to specific sites and circumstances. In this context it should be noted that industry is also recognising the need for improved environmental performance, together with more efficient and effective environmental regulation. For example, through the concept of best practice environmental regulation the Australian Manufacturing Council supports more flexible and cooperative approaches, with control mechanisms tailored to specific circumstances.

I now turn to the scope and coverage of the proposed integrated legislation. It is proposed to develop legislation which is complementary to the Land (Planning and Environment) Act 1991, the Land Act, and which will replace existing pollution control legislation. Under the Land Act, developments are approved where they are consistent with the Territory Plan and seen as unlikely to produce significantly adverse environmental impacts. The integrated environmental protection legislation is being designed to ensure ongoing environmental protection while permitted activities are being carried out. It will provide the operational framework to address the way things are done, while the Land Act focuses on what is done and where.

In this context, the integrated legislation is intended to encompass controls over hazardous chemicals and their wastes and the prevention of site contamination, both of which currently have few controls. In view of the close relationship between land degradation and water quality, it is also proposed to include aspects of soil conservation. However, it is not intended that environmental

management in its broadest sense should be encompassed. For example, it is not proposed to include the Nature Conservation Act 1980, which provides for the protection of native plants and animals and the management of national parks and nature reserves.

In terms of the content of the legislation, the proposed legislation would establish an integrated system of mechanisms which, together with relevant provisions in the Land Act in particular, would enable effective environmental management. This integrated system will encompass ways to manage all the environmental aspects of an activity which has the potential to cause pollution. It should be noted that many existing control mechanisms and legislative provisions are likely to be retained, but in future it is intended that they be applied in a broader, more integrated manner and include scope for innovative mechanisms to achieve effective environmental management.

By working cooperatively with potential polluters, the most effective and efficient mix of control and enforcement measures can be developed for particular activities. For example, under the proposed legislation one licence could be issued for an entire activity covering all likely environmental impacts. The legislation would also allow the pollution management authority flexibility to come to an agreement with the operator which would maximise overall environmental outcomes while not placing an unreasonable burden on the operator. Detailed objectives for environmental management are intended to be included in the legislation, together with a range of specific criteria which the pollution management authority would need to consider in determining licence conditions. In addition, a works approval provision is planned, which would provide a clear indication to operational requirements in the planning stage. Further certainty would be provided to business by the ability to include guidelines or codes of practice dealing with specific matters in schedules to the legislation. The legislation would also need to provide for enforcement mechanisms such as the use of orders and notices and to specify a range of offences.

As I mentioned, it is intended to include detailed objectives for environmental management in the legislation in order to provide a clear focus for it and to enable consistent, fair and effective regulation. These would be in line with the Government's commitment to the intergovernmental agreement on the environment and would include an emphasis on ecologically sustainable development, adopting a holistic approach, the minimisation of adverse environmental impacts, the promotion of cleaner production and the encouragement of a community ethic of environmental care. The Government's intention is for the ACT environment strategy mentioned earlier to draw such issues together prior to the drafting of the new legislation. The approach to developing the integrated legislation is broadly consistent with developments in New South Wales, Victoria, Queensland and South Australia - especially the holistic and integrated approach, the flexibility for the pollution management authority in determining control measures, and the focus on outcomes.

I now turn to the process for seeking community comments on the discussion paper. At this stage the discussion paper focuses on the rationale for developing integrated legislation and the broad approach to be taken. Specific provisions are not considered in detail. This approach will enable community consultation on

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the principles and framework of the legislation before draft legislation is prepared. The Government is inviting all interested persons and organisations to provide comment on the paper. Comments will be specifically sought from relevant environmental, legal, and business and development interests. In addition, a small reference group of representatives from the various interest groups is being formed to provide ongoing input into the development of the legislation. Officers from my department will also be available to discuss the proposed legislation with interested persons. A brief overview document will be widely distributed as a means of raising awareness about the proposal generally and directing interested persons and organisations to the discussion paper. Looking ahead, further opportunities for comment will be made available as the detailed provisions for the legislation are prepared.

In summary, I emphasise that there are opportunities for improved environmental and community outcomes by taking a broader perspective and recognising interrelationships between the various parts of the environment. In developing this new approach to environmental management in the ACT, the Government's commitment towards achieving effective environment protection, both now and into the future, is demonstrated. I urge all members and the community generally to take an active interest in the development of integrated environment protection legislation and to provide your comments on the discussion paper which I have tabled.

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

### **HENNESSY HOUSE**

**MR BERRY:** Yesterday Mr Cornwell asked me a question in relation to Hennessy House.

**MR DEPUTY SPEAKER:** I am sure that it was an intelligent one.

**MR BERRY:** And, as usual, you will get an intelligent and full answer. I referred earlier to the number of beds. The number of beds available in the ACT for psychiatric patients is 17 per 100,000 population - around that in New South Wales, where the number is around 15 beds per 100,000 population. The numbers are about the same, give or take a couple.

There are times when the demand peaks so that the numbers are not adequate and there are problems in accommodating patients. At the moment we are looking at how to deal with these peaks in demand without tying up large resources in institutions. This would go against the national mental health plan, as people would appreciate, and against statements made in the Burdekin report. Demand on the level of services provided from all areas, including Hennessy House, fluctuates. At the present time all of the available beds at Hennessy House are occupied. Yesterday you talked about a six-month waiting list. My advice from officers today is that there is no-one on the waiting list. That is the advice I have as a result of my inquiries. Somebody might think they are on the waiting list - I do not know.

The Mental Health Service is developing a new strategic plan to cover service requirements for the next three to five years. Part of this plan is to undertake an examination of all accommodation needs for people with psychiatric illnesses. As you would appreciate, it would be inappropriate to pre-empt the outcome by committing resources one way or the other. From our point of view, Mr Deputy Speaker, providing supported accommodation for people with mental illness is important, as is the need for this accommodation to be appropriate to their needs and wishes. Often they do not want to live in these sorts of institutions, and that is why a lot of people are no longer appropriately housed in institutions.

### **PRECEDENCE TO EXECUTIVE BUSINESS**

**MR BERRY** (Deputy Chief Minister) (3.52): Mr Deputy Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent precedence being given to orders of the day Nos 1 and 2, executive business, over the discussion of the matter of public importance.

I will speak to that briefly.

**MR DEPUTY SPEAKER:** You are moving suspension in accordance with standing order 272; is that right, Mr Berry?

**MR BERRY:** Whichever ones are required to be suspended. I understand that there has been some discussion about this issue and that it is agreed.

Question resolved in the affirmative, with the concurrence of an absolute majority.

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

Debate resumed from 19 October 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**MS SZUTY** (3.53): Mr Deputy Speaker, it is appropriate for me to commence my comments on this Bill by referring to the process by which I have considered it and its contents over the last couple of weeks. My usual procedure regarding the perusal of legislation is, firstly, to read the presentation speech to understand the background and context of what is being proposed; secondly, to read the Bill in conjunction with the explanatory memorandum and compare its contents with what already exists in the principal Act, and on occasions also the regulations. I also note comments made by the Scrutiny of Bills Committee regarding the legislation, consult with people likely to be affected by the legislation and, if questions remain, organise a briefing for myself on the contents of the Bill. During consideration of this Bill the usual process was followed. However, it has become clear to me over the last two weeks that the degree of understanding that I had gained about the Bill and the proposed changes and their implications was fairly limited. In fact, the contextual background for the rationale of this amendment Bill has become extremely confusing.

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It is noted in the Chief Minister's presentation speech that the Business Franchise (Tobacco and Petroleum Products) Act 1984 imposes business franchise licence fees on the supply of tobacco and petroleum products in the ACT in order to regulate the activities of these industries and as a source of general revenue. While the Chief Minister's presentation speech refers to the current scheme as being inequitable, it does not say that these measures had been examined in the context of a general review of concessions and exemptions available to the residents of the ACT. Although members of this Assembly are aware of the work that has been done in this area, it would be fair to say that it has not been stated explicitly that the removal of exemptions in this area has meant the extension of concessions to others affected by other areas of government.

Over the last two weeks I have received representations from many people concerned about the application of these measures - from construction companies saying that they would relocate their businesses to New South Wales; from members of the Rural Lessees Association concerned that they will no longer be granted exemptions; and from people living on superannuation benefits, who will experience hardship as a result of losing their exemptions with regard to the heating of their homes. Officers of the ACT Revenue Office have also provided me with further information about the details of diesel fuel exemption certificates issued and the litres of diesel fuel purchased.

It is important to consider the three major groupings of people who will be affected by these legislative changes. The first is the farmers. If the exemption certificates for diesel fuel are withdrawn, farmers are in an anomalous position in comparison with other farmers elsewhere in Australia and especially in New South Wales. Farmers do, however, currently receive a Commonwealth diesel fuel excise rebate of 26c per litre. In fact, the briefing notes which have been provided to both Mr Moore and me by the ACT Revenue Office state that primary producers in the ACT are already in receipt of a Commonwealth diesel fuel excise rebate of 26c per litre. This is significant assistance which the Commonwealth does not provide to the construction industry.

It is further said that primary producers are therefore not considered disadvantaged in the context of the target group for benefits under the revised diesel fuel exemption scheme. We are talking about 53 farmers who purchased 243,888 litres of diesel fuel between 1 November 1992 and 6 October 1993. These farmers compete with others in New South Wales for the sale of their produce, and it seems to me that we should not be imposing an additional burden on them. During the detail stage of the debate my colleague Mr Moore will move a series of amendments to restore exemption certificates for farmers.

One of the other groups of people affected by these proposed changes is industry. There is also no question that industry will be disadvantaged as a result of the introduction of these measures. One hundred and seventy-two exemption certificates have been issued to industry and 8,652,212 litres of diesel fuel was purchased between 1 November 1992 and 6 October 1993. Representations to me from the Master Builders Association have centred on the difficulty of ensuring compliance with the new measures which are proposed by this legislation. I would like to thank Mr Bernie Bryant, the executive director of the Master Builders Association, in particular for the work that he has done in drawing potential difficulties with the legislation to my attention. As a result of his efforts, clarification on issues of compliance has been reached.

Additional information was sought from the ACT Revenue Office and a letter was received from Mr Joe Purcell, the Commissioner of State Taxes for New South Wales, who has the power to take action against New South Wales suppliers of diesel fuel who supply that fuel inappropriately for use in the ACT. It is worth noting, Mr Deputy Speaker, that exemptions from the diesel fuel franchise fee will not be granted for any usage in the ACT.

The other group of people who stand to be disadvantaged by this amendment Bill is residential users. Exemption certificates for home heating in the ACT will now be issued only to holders of health care cards or pensioner health benefits cards. This will place some people, especially superannuants, at a considerable disadvantage in the short term, as they will need to pay more for the diesel fuel heating of their homes. I am sure that this measure will affect most of the 2,374 exemption certificate holders at the present time. Ideally, perhaps a longer timeframe should have been considered for when these measures would come into being. It is anticipated that people who use diesel fuel for the heating of their homes will spend an additional \$100 a year for the heating of their homes, or approximately \$2 a week over a full year. As I have said, Madam Speaker, I regret that these measures are to come into being at this time but understand that the Government has made its decision to advantage holders of health care cards and pensioner health benefits cards in particular.

In conclusion, Madam Speaker, considerable confusion has occurred concerning the measures proposed in this Bill and their likely implications and ramifications. I intend to support the Bill, believing as I do that the Government is entitled to its Supply and Appropriation Bills and revenue measures. However, I will also be supporting the amendments to be proposed by Mr Moore, which will continue to exempt farmers from the payment of the diesel fuel franchise fee.

**MR HUMPHRIES** (4.01): Madam Speaker, I seek leave to speak again on this matter.

Leave granted.

**MR HUMPHRIES:** Madam Speaker, I said on Tuesday night that this Bill was a poorly thought through piece of legislation. I must say that, in the intervening 48 hours or so since I said that, I have been given no reason to believe that it is any more well thought through than I thought on Tuesday night. There are, in my view, a very large number of serious flaws in this legislation. I said on Tuesday night that the Bill was inequitable; that it gave us a taxation regime inconsistent with that in New South Wales, despite this Government's protestation that it wants to put the ACT in line with New South Wales on taxation matters; and that for the first time it puts a tax on a form of home heating. Even if you accept the Chief Minister's view that, in fact, there are other forms of taxation on home heating, the tax is very much out of line with the levels of taxation on other forms of home heating - for example, 1.75 per cent on gas. I said that, most especially, these provisions were socially unjust since they targeted people who in many cases are on lower incomes.

Madam Speaker, quite apart from those comments, there has been some debate since Tuesday night on the question of cross-border trade in diesel fuel. The issue seems to have become one of "What exactly is the position where somebody seeks to thwart these provisions by crossing the border and buying

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their fuel in New South Wales?". Madam Speaker, Ms Szuty has referred to the letter of the Commissioner of State Taxes, J.W. Purcell, which has been circulated around the chamber. The document was not given to me directly. It was passed on second-hand, but I take it that - - -

**Mr Cornwell:** Why was that?

**MR HUMPHRIES:** Apparently I was not welcome at the briefing on this subject this morning.

**Ms Follett:** You did not ask for a briefing.

**MR HUMPHRIES:** I was invited to the briefing, and I am sorry that I was not welcome when I clearly expressed to the Chief Minister a desire to come to it.

**Ms Follett:** You did not.

**MR HUMPHRIES:** Madam Speaker, I indicate for the record that I did say to the Chief Minister this morning that I was looking forward to the meeting in her office at 9.30 this morning. The Chief Minister looked at me strangely and said, "I do not know what you are talking about". Subsequently a phone call was made to an Independent member of the Assembly indicating that I was not welcome at this meeting. The Chief Minister denies it. Has it happened or has it not happened? I do not know. The Chief Minister perhaps has not been told, but I was told that I was not welcome at a meeting about this subject this morning. Madam Speaker, that is what occurred.

Madam Speaker, Mr Purcell's letter - and perhaps I will table it in a moment - deals with the situation of a person who obtains an off-road diesel fuel exemption permit and who then buys fuel from a New South Wales supplier for use in the ACT. The commissioner indicates that the action to be taken by the commissioner in New South Wales will be to use the powers available under the Act and withdraw the permit. This action will be taken regardless of whether the misuse was detected by New South Wales or ACT compliance officers. First of all, Madam Speaker, it is quite clear, notwithstanding what members of the Government said on Tuesday night, that it is perfectly possible for someone who lives in the ACT to obtain a New South Wales permit.

**Ms Follett:** It will not do them any good, though.

**MR HUMPHRIES:** That was denied on Tuesday night by members of your Government, Chief Minister. We have got it clear now that it is possible to live in the ACT and obtain a New South Wales permit. But the commissioner refers to misuses. They are not actually defined, but it appears that those misuses include buying a product in New South Wales with a New South Wales permit and then using the product in the ACT. Of course, the fundamental question that has to be asked about this is exactly how such an administrative prohibition on use in the ACT of a product bought in New South Wales could possibly be enforced.

Take the Chief Minister's example today. If you fill up a tanker with diesel fuel and then drive it across the border into the ACT and start filling up off-road vehicles in the ACT, I suppose you could be followed across the border or you could have some people monitoring your activities, and you might well be caught out doing that. But, Madam Speaker, I suspect that a great deal of the diesel fuel consumption is not of that nature. A lot of the diesel fuel consumption is of the



nature of someone towing a trailer with a backhoe in it pulling up at a bowser, filling up the backhoe with diesel fuel and then taking the backhoe away and using it at various sites - say, earthmoving sites - around the region. Of course, in those circumstances it is quite impossible to determine what percentage of the diesel fuel is being used in New South Wales and what percentage is being used in the ACT. The question has to be asked: How much use in the ACT, under a New South Wales permit, would warrant the commissioner cancelling somebody's permit - 5 per cent, 10 per cent, 15 per cent? How much? This is impossible to define. At the end of the day, Madam Speaker, this whole scheme is totally unenforceable; it is totally unworkable.

I draw members' attention to the fact that these amendments were generated in the first place by the fact that there was some defalcation going on under the present diesel fuel scheme. People were cheating the scheme. That is why we are making these amendments. If this is not an invitation to cheat the scheme, what would be? How are we going to trace the use of a good in the ACT after it has been purchased in New South Wales? Take the example of home heating. I front up to the New South Wales commissioner and I say, "I want to buy some diesel fuel for home heating". I have to fill in my address on the application form. I put down an address in the ACT. Apparently the commissioner will say, "You cannot use your diesel fuel for home heating in the ACT". I can say, "No. This drum here is going to be used entirely in my holiday home at Batemans Bay. I am not going to use it for heating my home in the ACT; it will be for my home at Batemans Bay".

At the present time the commissioner has no power to inquire beyond the address to find out whether or not this is in fact going to be the use to which this diesel fuel is put. There is no capacity for the commissioner to say, "Give me the address of the house and I will send someone down to make sure that it actually has a diesel fuel heating system. We will even watch the diesel being poured into the tank and put a seal on the tank so that you cannot take any out and take it to your house in the ACT". They cannot do that. Even if they did change the procedures, of course they would have to do so across the whole of New South Wales, not just in the region abutting the ACT. Madam Speaker, how on earth is this going to be enforced? I concede that if there is a willingness on the part of the commissioner to prevent cross-border trade he will be able to stop some of it, but there is no way in the world he will be able to stop all of it.

An amount of \$1m is expected to come the ACT's way as a result of these changes. I say that it is impossible for the ACT Government to achieve that target. I confidently predict that the Government will have to come back at some stage and admit that it has not been able to collect anything like \$1m by way of this new scheme operating - that is, from people who were previously not paying a diesel fuel franchise fee and who now have to do so.

There is another question which has to be asked. It is the question of exactly how the New South Wales commissioner would target people who propose to use their fuel in the ACT. I have read the New South Wales Act quite carefully. The New South Wales Act says that the commissioner may provide a permit to a person who uses the fuel for specified purposes. If the diesel fuel is to be used for off-road purposes, that is a specified purpose. How is the commissioner going to say, "I am going to impose an additional residency requirement or an additional use requirement on the use of that diesel fuel."?

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With respect, Madam Speaker, there is no legal basis on which that might occur. I suggest that, the first time the New South Wales State revenue commissioner seeks to disqualify a person from holding a permit on the basis that they have used some or all of their fuel in the ACT, he could expect to be challenged in the court, and I dare say that he would probably find that he would have to back down. Where will the ACT's prevention of avoidance scheme be then?

Madam Speaker, there is another question to be resolved in this matter. Let us assume that the Government can somehow insulate people from the ACT crossing the border, buying their fuel and bringing it across to the ACT. Maybe guards can be placed at the border or something of that kind - who knows? The question remains: Why can an ACT operator, a business in the ACT, not move their business to New South Wales and save tens of thousands of dollars a year in diesel fuel franchise fees?

Let us take the example we have already posited. I am not making this up. A major business in the ACT, Corkhill Bros, has said publicly that they intend to move their business to New South Wales in the event that this diesel fuel franchise exemption scheme is changed. Corkhill Bros operate, as members know, a business which recycles and sells soil, bark chips and things of that kind. They operate their earthmoving machines on a single site. They do not have to move them around; they are on a single site. If that site was in New South Wales customers, of course, would have to go from the ACT to New South Wales, purchase their bark chips, soil or whatever and then travel back into the ACT.

People from the ACT already buy lots of products from New South Wales. They do not pay ACT taxes; they pay New South Wales taxes. If I buy a pint of milk in New South Wales I pay New South Wales taxes. If I buy a soft drink in New South Wales I pay New South Wales taxes. If Corkhill Bros relocate to New South Wales and ACT people cross the border and buy bark chips in New South Wales they will be paying New South Wales taxes, not ACT taxes.

**Mr Moore:** If they move to New South Wales somebody else will take their place.

**MR HUMPHRIES:** With respect, it is not very far to go to Queanbeyan. If a major body like Corkhills is operating in Queanbeyan you can certainly go over there and buy your goods there.

**Mr Lamont:** What you do not understand is that the cost of travelling to Queanbeyan outweighs any benefits that you gain.

**MR HUMPHRIES:** From Fyshwick, I think not, Madam Speaker.

**Mr Lamont:** He talked about a truck with a backhoe on the back. It is 130,000 backhoes.

**MR HUMPHRIES:** You are moving the backhoes only once - to go from Hume to New South Wales. Madam Speaker, Mr Lamont does not have the faintest idea of what is going on here. The fact of life is that once Corkhills move they will stay there; they will not move around again. They will do their business in New South Wales. People will come to them to buy the goods in New South Wales. That is what will happen under this scheme.

Let us assume that another business that operates some mobile service, such as a backhoe hire service, has trucks in New South Wales. This is going to be a New South Wales business. Are you saying to me, Chief Minister, that a New South Wales business is going to be denied a permit by the New South Wales State revenue commissioner on the basis that he does some of his work in the ACT? Of course not. This is going to create a legal minefield. How is the New South Wales commissioner going to stop a New South Wales resident, a company operating in New South Wales, from doing business in the ACT and using fuel in the ACT? Of course, he cannot. Those questions, Madam Speaker, are quite obvious. They are quite obvious to all except this Government.

It is fine for the Chief Minister to say, "Yes, we are going to crack down on illegal uses of these fuels". But, of course, many of the uses to which people are going to put the fuel are not going to be illegal. They are going to be perfectly legal under the legislation operating both in New South Wales and in the ACT. The result will be the flight of business and the flight of government revenue across the border to New South Wales. That is the inevitable consequence of this piece of legislation. The legislation, apart from anything else, is inequitable. It puts on forms of home heating taxes which do not exist in other ways. It is contrary to the principles of social justice and it certainly results in a serious inconsistency between the taxation regimes of New South Wales and the ACT. For all of those reasons - for any one of those reasons - we ought to reject this seriously flawed piece of legislation.

**MS FOLLETT** (Chief Minister and Treasurer) (4.15), in reply: Madam Speaker, can I, firstly, clear up the question of the so-called meeting this morning that Mr Humphries referred to? What actually occurred was that in the lift this morning Mr Humphries said to me, "I believe that there is a meeting in your office about the franchise fee", to which I replied, "That is news to me", which it was. It subsequently transpired that a briefing - a further briefing for Mr Moore and Ms Szuty - on this Bill was to take place on the fifth floor at the time Mr Humphries mentioned. I want to make it clear that, had Mr Humphries asked for a briefing, he would most certainly have been given that sort of briefing, but I do not think there was justification for Mr Humphries - given his views on this Bill, just repeated now - to be in the same briefing as Mr Moore and Ms Szuty. I thank both of those members for the time that they have put into this Bill. I know that they have been briefed at great length, and I trust that all of their questions have now been answered. I also thank the Revenue Office staff members and my own staff who also assisted in that briefing process.

Madam Speaker, this Business Franchise (Tobacco and Petroleum Products) (Amendment) Bill provides for changes to the diesel fuel exemption scheme, and it is an integral component of the concessions reforms that were announced in the 1993-94 budget speech. I want to say at the start that I take Ms Szuty's point that that matter was not adequately traversed in the introductory speech for this Bill. Having crossed that ground in the budget speech, I had, of course, assumed that everybody else would be as aware as I was that this was a consequence of that budget initiative; but it should have been made clearer in the speech, and I apologise to members that it was not. On that subject, Madam Speaker, I say again that at a time when there is growth in numbers of pensioners and other beneficiaries, including the unemployed, that results in increased demand for concessions and other government welfare programs I believe that it is essential that social justice measures should be targeted to those who are in greatest need in our community.

The exemption provided to certain diesel fuel users, in its current form, is not means tested, nor is it targeted to any particular disadvantaged group; so I disagree completely with Mr Humphries, Madam Speaker, on his analysis of the social justice merit of this proposal. In my view, the current scheme is inequitable and does not serve social justice, because it is a significant concession that is utilised primarily by a limited number of ACT businesses and householders and commensurate benefits are not available to users of other types of fuel for similar purposes. Madam Speaker, the Bill proposes to make diesel fuel used for home heating and other off-road purposes subject to franchise fees, except for holders of the health care card or the pensioner health benefits card. I think reasonable people would agree that holders of those cards are probably the most in need in our community. I accept that they may not be the only poor people in our community, but I think that if you look at it in relative terms you will readily see that they are the most in need. This move will ensure that only those who are in need will benefit from the diesel fuel concession.

Madam Speaker, it has been suggested that the changes proposed by this Bill will lead to a loss of business for ACT diesel fuel distributors. This is simply not so. Fuel supplied by New South Wales suppliers to ACT users will still be liable for ACT tax, and exempt fuel sold in New South Wales cannot be used in the ACT. Madam Speaker, there should therefore be no loss of legitimate ACT business to New South Wales distributors, and both the ACT and the New South Wales revenue authorities will be on the lookout for any attempts to evade ACT tax liability. Madam Speaker, I think Mr Humphries has significantly underestimated the ACT Revenue Office's efforts in the compliance field. I would certainly not underestimate them in that way. I would like to - - -

**Mrs Carnell:** The Gestapo.

**MS FOLLETT:** Madam Speaker, Mrs Carnell just commented that that was the Gestapo. I think that should be withdrawn.

**MADAM SPEAKER:** Mrs Carnell, I believe that you should withdraw that.

**Mrs Carnell:** I withdraw.

**MADAM SPEAKER:** Thank you, Mrs Carnell.

**MS FOLLETT:** Thank you, Madam Speaker. I have been asked also what evidence there is to support the claim of abuse of the current scheme. Whilst I cannot disclose specific details, investigations of all licensed distributors carried out by the ACT Revenue Office earlier this year revealed that most distributors had supplied exempt fuel without properly checking the customer's exemption certificate. They have been cracking down on that. Common breaches of the scheme included not sighting a certificate, accepting expired certificates and accepting certificates issued in other jurisdictions. This compliance exercise, Madam Speaker, has resulted in assessments of \$110,000 to date, and a quantity of fuel in excess of 1.6 million litres. Madam Speaker, most large consumers do own their own storage tanks, and at the time of purchase they advise the distributor of the amount of diesel expected to be used for both on-road and off-road consumption.

Investigations have suggested, however, that consumers in this situation rarely reconcile the actual use and do not advise the distributor so that an adjustment may be made to the licence fee. Madam Speaker, this is of particular concern to the Government. It is the subject of further investigation, and undoubtedly will be the subject of further action.

Concerns were also expressed in regard to what effect the proposed changes might have on the buying patterns of exempt certificate holders on both sides of the border. Madam Speaker, exemption certificate holders in the ACT are currently able to purchase diesel fuel from a New South Wales distributor without having to pay licence fees, provided of course that the fuel is to be consumed in the Territory; and this is also the case for New South Wales permit holders who purchase from ACT distributors. Madam Speaker, the proposed amendments to the exemption scheme do not change that situation at all. Diesel fuel distributors should not be concerned that either ACT or New South Wales customers with appropriate exemption certificates will change their buying patterns.

Mr Humphries in his couple of addresses, in particular in his address on Tuesday, said that he had contacted the New South Wales Treasury and the New South Wales Revenue Office, and from the information he had been given he suggested that people could walk across the border to New South Wales, produce some form of evidence to gain a New South Wales permit and then simply purchase exempt diesel fuel on demand for use in the ACT. Madam Speaker, the Commissioner for ACT Revenue and the New South Wales Commissioner of State Taxes have a completely different view of this matter to Mr Humphries. In fact, I have in my possession a letter signed by the New South Wales commissioner which advises that the commissioners have an agreement which will deal with any abuse of New South Wales exemption permits. You have to bear in mind, Madam Speaker, that it is not in the interests of New South Wales revenue efforts to be extending to ACT people a concession to which they are not entitled. It is very much in their interests to assist in putting an end to those kinds of avoidance schemes. Put simply, Madam Speaker, and for the benefit of the Opposition, the New South Wales commissioner has stated that any person who purchases fuel in New South Wales and who uses that exempt fuel in the ACT will have their exemption certificate withdrawn.

**Mr Humphries:** How will they know?

**MS FOLLETT:** Madam Speaker, it is a very old and well-worn path that, if you do not get the answer you want from one person, as Mr Humphries did not, then you keep on trying until you do find a person who will tell you what you want to hear. I do not want to dwell on that issue of abuse, Madam Speaker. I believe that Mr Humphries, as I have said, has significantly underestimated the Revenue Office's attention to compliance, but I would like to point out that what Mr Humphries has suggested is a recipe for a fair bit of trouble for people who seek to follow that scenario.

Madam Speaker, I would like to address briefly what I might refer to as the Corkhill scenario. There are no advantages in businesses relocating to Queanbeyan if their intention is to continue to trade in the ACT. I would find it very difficult to see how an organisation such as Corkhills could restrict their trading to Queanbeyan. If a person buys fuel in New South Wales for consumption within the ACT, that fuel attracts ACT licence fees, and it is the responsibility of the wholesaler to determine this factor and pay the

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licence fee accordingly. Madam Speaker, similarly, if a business which is located in New South Wales has employees who work wholly or mainly in the ACT, then the payroll tax liability remains in the ACT, so they are not going to get over that one either.

Only three of the nine wholesale petroleum distributors are located in New South Wales, and wholesalers are the only outlets capable of selling exempt diesel fuel. Compliance programs will be increased in this area in order to monitor any activity which may indicate illegal trading of diesel fuel. ACT wholesalers should be aware that, irrespective of the changes made to ACT legislation, they may still accept New South Wales diesel fuel permits, provided that the fuel is for consumption outside the ACT. Madam Speaker, therefore there is no basis for the claim that there will be revenue or employment loss.

Madam Speaker, one final point which I would like to cover concerns some claims that there are constitutional implications of removing the diesel fuel exemption scheme and that these implications are for cross-border trading. I would like to put that idea to bed. A senior legal adviser in the ACT Government Solicitor's Office has advised that section 92 of the Constitution is not an issue in this regard. The proposal to apply the franchise fee to off-road use of diesel fuel would not be seen as any different in its application from the licence fee applied to on-road use of diesel. The application of a State or territorial franchise fee therefore does not inhibit the free trade between States and Territories. Holders of New South Wales diesel fuel permits will still be able to purchase their exempt diesel in the ACT, provided that it is for consumption in New South Wales. However, Madam Speaker, if the fuel is for use within the ACT the supplier will be required to submit the appropriate licence fees to the Territory. Madam Speaker, I stress that it is the supplier who pays the licence fees. Given that there is a very much smaller number of suppliers than consumers, I think that members could have a little more confidence in our ability not to be totally overwhelmed by the compliance issues.

Madam Speaker, I commend this Bill to the Assembly. I recognise that members are concerned about an additional tax on some sectors of the community. I share that concern, but in the budgetary situation that the Territory faces at the moment I believe that it is the responsible course of action for the Government to adopt revenue measures which are fair and which would save us from having to borrow irresponsible amounts in order to meet our commitments to the community. Madam Speaker, I repeat that this measure is one that is integral to our concessions reform regime and, as an integral component of that regime, it is this kind of action which will allow us to extend, for instance, our electricity concessions regime to some 20,000 who are in need in this Territory. By imposing this impost on a relatively small number of members of the community we are able then to extend concessions to people who are in need. Of course, the business franchise exemption on diesel fuel will also remain applicable to those people in our community who really are in need. I commend this action to the Assembly, Madam Speaker.

**MADAM SPEAKER:** The question is: That this Bill be agreed to in principle. Those of that opinion say aye; to the contrary, no. The ayes have it.

**Mr Moore:** The ayes have it.

Debate interrupted.

**ADJOURNMENT**

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

That the Assembly do now adjourn.

**Mr Berry:** Madam Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

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

Debate resumed.

**Mr Humphries:** Madam Speaker, you did not declare the result of the vote on whether the Bill was agreed to in principle or not.

**MADAM SPEAKER:** I said, "The ayes have it".

**Mr Humphries:** No, you did not, Madam Speaker.

**MADAM SPEAKER:** The ayes have it. Mr Moore said, "The ayes have it", and I said, "The ayes have it". The ayes have it again.

**Mr Humphries:** Madam Speaker, the noes have it.

**MADAM SPEAKER:** We need more than one voice to call a division, Mr Humphries.

**Mr De Domenico:** The noes have it.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

*AYES, 10*

Mr Berry  
Mr Connolly  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Wood

*NOES, 7*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Humphries  
Mr Kaine  
Mr Stevenson  
Mr Westende

Question so resolved in the affirmative.  
Bill agreed to in principle.

**Detail Stage**

Bill, by leave, taken as a whole

**MR MOORE** (4.34), by leave: I move:

Clause 4, page 2, line 12, proposed section 36A, add the following definition:

"purposes of primary production', in relation to the use of diesel fuel, does not include the use of the fuel for propelling a diesel-engined road vehicle on a public road."

Clause 5, page 2 -

Paragraph (c), line 18, omit the paragraph.

Paragraph (e), line 21, proposed new paragraph 36B(2)(e), omit the proposed paragraph, substitute the following paragraph:

"(e) if the application relates to the use of diesel fuel for residential heating - be accompanied by the applicant's benefit card."

Clause 6 -

Page 2, paragraph (a), lines 29 to 32, proposed new paragraphs 36C(1)(a) and (b), omit the proposed new paragraphs, substitute the following paragraphs:

"(a) if the application relates to the use of diesel fuel for residential heating

(i) is not entitled to hold a benefits card; or

(ii) will not use diesel fuel purchased pursuant to the certificate for the purpose of heating his or her residence; or

(b) if the application relates to the use of diesel fuel for the purposes of primary production - will not use the diesel fuel purchased pursuant to the certificate for the purposes of primary production."

Page 3, paragraph (b), lines 1 to 4, omit the paragraph, substitute the following paragraph:

"(b) by omitting subsection (3) and substituting the following subsections:

(3) The Commissioner shall specify in an exemption certificate the purposes for which diesel fuel purchased pursuant to the certificate may be used, being either or both of the following purposes:



- (a) residential heating;
- (b) the purposes of primary production.

'(4) The Commissioner shall endorse an exemption certificate with an identifying number.'

Clause 7, page 3, lines 8 and 9, proposed new paragraph 36D(c), omit the proposed new paragraph, substitute the following paragraph:

"(c) uses diesel fuel purchased pursuant to the certificate for a purpose not specified in the certificate."

Clause 8, page 3, lines 13 to 15, proposed new section 36DA, omit the proposed new section, substitute the following section:

**Cessation of entitlement to hold benefits card**

"36DA. Where an exemption certificate specifies that diesel fuel purchased pursuant to the certificate may only be used for residential heating, the certificate ceases to be in force if the holder of the certificate ceases to be entitled to hold a benefits card."

Clauses 10 and 11, page 3, lines 19 to 26, omit the clauses, substitute the following clauses:

**Returns**

"10. Section 36I of the Principal Act is amended by omitting from paragraph (d) 'other than an exempt purpose' and substituting 'not specified in the certificate'.

**Liability for fees for use of diesel fuel for non-exempt purpose**

"11. Section 36J of the Principal Act is amended by omitting 'other than an exempt purpose' and substituting 'not specified in the certificate'."

The amendments, although there are quite a lot of them, are designed to do something very simple, and that is to ensure that farmers - those who are using diesel fuel for the purpose of primary production and not for propelling diesel engine road vehicles on a public road - are able to do just that, Madam Speaker. The reason why Ms Szuty and I were keen to ensure that this was done was that it is the one section of the Bill where a section of the community in the ACT would have been disadvantaged as against communities right across Australia. The market that our farmers have to compete in is the same market that farmers right across Australia have to compete in, and they would have been the only farmers in Australia without the benefit of an exemption from State taxes on fuel. Madam Speaker, the amount of money is minimal. It is likely to be some \$15,000, at a maximum, as far as the Territory's finances are concerned. Also, Madam Speaker, farmers themselves will have some advantage as far as this goes.

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Madam Speaker, I will take this opportunity to mention, with reference to the issue as a whole, that Mr Humphries drew to my attention earlier today the issue about the letter from the New South Wales Office of State Revenue. Through the good offices of the officers in the Chief Minister's Department, I was able to speak to the Commissioner of State Taxes in New South Wales. He assured me, Madam Speaker, about the areas that I had some doubts about in terms of compliance. He certainly has the power, and would use the power, to remove the New South Wales exemption certificate of a person who was using it in the ACT for on-road purposes or for home heating.

It was interesting to hear Mr Humphries mention the home heating situation of somebody coming up with a 44-gallon drum. I suppose they must be 80-litre drums these days.

**Mr Westende:** It is 200 litres.

**MR MOORE:** I am sorry; 200-litre drums. We are speaking, Madam Speaker, of over three-and-a-half million litres of fuel. That would involve an awful lot of drums on trailers going between Canberra and Queanbeyan. Exactly the same issue applies to earth-moving equipment and so forth. Mr Humphries mentioned the backhoe on the back of a truck or a trailer. What we are really interested in in revenue terms is over eight-and-a-half million litres of diesel fuel. If one person goes and illegally fills his backhoe and gets away with it, well, that is the way the law works. We know that people get away with breaking the law. But, if he is caught, the Commissioner of State Taxes in New South Wales assured me on the phone that that person would lose their certificate, whether identified by his own officers or by ACT officers for non-compliance. That is the assurance that I have, and I accept it.

I discussed it with Ms Szuty and I appreciate the fact that those officers provided that briefing. They were very good in giving us their time, both the other night and also earlier today. I would like personally to make sure that they understand that we appreciated it; that it is on the record that we appreciate the effort they went to, to answer not only our original questions, but questions on the questions, and further questions after that. I am sure that they considered us quite a nuisance, and that is fine; but we were not going to support something that was going to be a major disadvantage to the people of the ACT. I have moved these amendments together, but effectively it is one amendment that provides for exempt fuel for farmers. It seems to me that by adopting them we will have a very sensible and equitable Bill.

There is another issue that I would like to deal with, Madam Speaker. I would not have had a chance to deal with it other than by seeking leave, but I think it would be appropriate to deal with it now, just briefly, with your indulgence. I refer to the subsidy on diesel fuel compared to heating oil. Far more people in the ACT use home heating oil than use diesel oil, according to my understanding, and there is still a 12c advantage to those using diesel oil. The other thing that is most important, of course, is that environmentally it would be far better if these people were using natural gas as the method of firing their furnaces, rather than diesel oil, because the impact of natural gas on the environment is significantly less than the impact of diesel oil. So there is actually an environmental reason. It makes good sense to go about it in this way.

The other point that I think is significant, Madam Speaker, is that the Federal Government gives a significant rebate, in fact a 20c rebate, on diesel oil and there is no rebate from the Federal Government on home heating oil. So there is already a significant advantage to those people who are using diesel oil over those who are using home heating oil. It was that factor that swayed Ms Szuty and me in terms of the arguments put by the Liberals on the diesel home heating franchise that we are dealing with. Madam Speaker, I recommend the amendments that I have moved.

**MS SZUTY (4.42):** I would like to add briefly to the comments made by Mr Moore. I would like to return to the Chief Minister's presentation speech on this Bill. In it she said:

The Territory has operated a diesel fuel exemption scheme for off-road users of diesel fuel since 1987 in line with exemptions provided in the States. These schemes are intended to provide relief to primary producers in the forestry, pastoral, agriculture and fishing industries.

By the passage of these amendments today we will restore those exemption certificates to our primary producers in the ACT. I wanted to point that out.

**MR HUMPHRIES (4.43):** Madam Speaker, the Liberal Party will be supporting these amendments that Mr Moore has moved. I must say that I am not entirely clear as to why we should be deciding to save primary producers from the axe that this Bill swings. I certainly do not oppose it, but I wonder why it is that they are more deserving than, say, users of home heating fuel. They do not create as many jobs, for example, as the construction industry creates in the ACT, so I do not know why we are not going down the path of exempting the construction industry as well. Nonetheless, it does mitigate to some extent the harshness of this Bill, and I am quite happy to indicate my party's support for it.

Mr Moore made a couple of comments that I want to respond to. He suggested that a person who took fuel from New South Wales across to the ACT and used it would be using that fuel illegally. I must admit that I have used that phrase as well. But, if you think about it, it is not actually true; it is not actually illegal because there is nothing in either the Act or the regulations that says that you may not do that. There is only a discretion which the Commissioner for ACT Revenue has and which he may exercise. If you do decide to use it in a certain way and he decides in his discretion to cancel your licence, it does not mean that you are using the product illegally. So illegality does not come into it.

Madam Speaker, Mr Moore made the point about 44-gallon drums; that you would need a lot of 44-gallon drums to get the fuel back over to the ACT. With respect, that was only an illustration of my being old fashioned about these things and of the fact that there are many ways in which you can circumvent these particular provisions. I am sure that that will be the method used by some people using home heating fuel; but other businesses will do it in a much more up-front way, the way they purchase diesel fuel at present. I assume that they have small tankers which they bring to the bowser and fill up and then take it away. Of course, other businesses will do it by not having to cross the border at all because those businesses will be in New South Wales already. I repeat the point that I made before. It is impossible to take a business which, for example,

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operates in both New South Wales and the ACT and somehow apportion the amount of diesel being used in New South Wales versus the amount being used in the ACT, particularly if those particular vehicles are being taken backwards and forwards across the border. It is wellnigh impossible.

I reaffirm that you will not see the New South Wales commissioner cancelling an exemption certificate for a New South Wales business. It will not happen. I guarantee that. Madam Speaker, I think that - - -

**Mr Moore:** He says in writing that he will. You guarantee it, and he says in writing that he will.

**MR HUMPHRIES:** No. He does not say either way, whether he is talking about ACT or New South Wales people. I am saying that as a matter of practical policy he is not going to get away with removing the right of New South Wales operators to do that because, let us face it, they do it at present. Lots of businesses based in New South Wales at present cross the border and, of course, they will continue to do so. But what they can do today legally, or with the full use of their permit, they will not be able to do next year after the passage of this Bill. That is an important distinction. I think we have lost sight of that fact. Madam Speaker, I welcome this amendment, but I feel that it could go much further.

**MS FOLLETT** (Chief Minister and Treasurer) (4.46): Madam Speaker, the Government reluctantly will be accepting Mr Moore's amendments. I will tell you, first of all, why I am reluctant about accepting them. I share Mr Humphries's view that there is no particular reason to exempt farmers. They are, in many ways, another form of business. I do not see why Mr Moore has any more of a brief for farmers, for instance, than he does for the construction industry. Mr Moore has said, of course, that farmers are competing on a national scale, and they are competing with other farmers who do enjoy a diesel concession; but the same could be said for other businesses as well. I do not believe that there is any reason for us to view farmers as amongst the most needy in our community either. In my view, they ought not to be exempted on hardship grounds.

I can understand, Madam Speaker, why farmers in other States might need this kind of exemption. Farmers in big States like New South Wales often have to travel many thousands of kilometres in the course of their farming. They have to cross thousands and thousands of kilometres of dirt roads and tracks in all sorts of conditions. That does not apply to the farmers of the Territory. They mostly go about their business on made roads and over short distances. There is no need also, as far as I am aware, in this Territory for farmers to make extensive use of diesel for generating their own power, and that is very much the case in many areas of outback Australia; farms have their own generators and they are run on diesel. It is an enormous cost to them. I do not think that applies here in the Territory.

Elsewhere in Australia also, farmers frequently suffer from long droughts. A couple of years of drought is not uncommon. Having to feed stock over thousands of hectares of property is a very fuel intensive activity and is another good reason why farmers in those circumstances might be exempted from diesel franchise fees. But that does not apply in the Territory. We have not had a drought for years that I can remember; even when we do, the distances involved are nothing like they are in the rest of Australia. So, Madam Speaker,

whilst I do not really understand Mr Moore's brief for farmers, as I have said I will reluctantly accept the amendments, and I will accept them because I think there could be a point in his competition argument.

I also am aware, Madam Speaker, that, in respect of the 53 rural lessees in the ACT, if we were to accept Mr Moore's amendments, the revenue forgone would amount to all of about \$16,000. In budget terms, in revenue terms, that is really neither here nor there. Madam Speaker, for that reason I bow to the numbers here, but I do wish to make a comment that there could well be compliance problems with these amendments. There could well be an attempted avoidance through, for instance, people masquerading as farmers. That is entirely conceivable.

**Mr Humphries:** A straw hat, and a bit of straw in their mouth.

**Mr Cornwell:** Big hats, chewing on grass and speaking as slowly as Mr Berry.

**Mr De Domenico:** With corks on them.

**MS FOLLETT:** Did I hear mention of Corkhills? People might masquerade as farmers or otherwise try to evade this franchise fee. Given the nature of farming activities, that will be a little bit difficult to adequately police; so there could be a compliance problem here. Nevertheless, as I say, Madam Speaker, it is not a huge issue, it is a small amount of money, and for that reason the Government reluctantly will accept these amendments.

**MR MOORE (4.50):** Madam Speaker, I appreciate members' support for the amendments, however reluctant. The Chief Minister raised that question about rural farmers. I think I am probably more conscious of that than most, having only a couple of months - - -

**Mr Humphries:** As opposed to urban farmers.

**MR MOORE:** As opposed to farmers in the outback. Only a couple of months ago I was on Tanami Downs station and drove 100 kilometres to assist in fixing a bore. That farm used diesel for home heating. The point I was making is that it is very different from the construction industry. When the construction industry here is going for some business they compete with other people on a level playing field, to use the old cliché that seems to be very popular, and they compete here within the ACT. When a farmer seeks to sell his - - -

**Mr De Domenico:** That is just not true, Michael.

**MR MOORE:** There is an interjection from Mr De Domenico, "That is not true". No doubt the Liberals are going to come back with that same argument that they have used before, that they will be able to get their fuel cheaper in Queanbeyan. The Chief Minister has gone through that and I have gone through it. I know that Mr Humphries does not believe me. Not only is the letter there from the Office of State Revenue, but I was assured personally by the commissioner for revenue in New South Wales. I am prepared to accept that before I am prepared to accept Mr Humphries's doubts. If it turns out that that is not possible, I will be prepared to come back and review the legislation, but I have been given that personal assurance and I am prepared to accept it. That is it. We make judgments about what we are prepared to accept - unless, of course, we are lawyers who believe that everything has to be done in black and white, except in court where judges make decisions about things. I am quite happy to accept that.

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To continue from where I digressed, in rural industry our farmers need to compete on a national market, whether they are selling their wool or the meat they have produced or whatever, and it seemed to me to be equitable to retain the franchise there. That was the thinking. Madam Speaker, I would like to draw attention to my amendment No. 6 as circulated. It contains a typographical error. It refers to "lines 9 to 10". It should read "lines 8 to 9".

Amendments agreed to.

**MR HUMPHRIES** (4.54): Madam Speaker, I move:

Clause 12, page 3, line 34, proposed new section 36L, omit subparagraph (c).

This is a small amendment, but it makes an important point. The Bill provides for a number of circumstances in which a person must return their certificate of exemption. One is where their certificate is revoked under section 36D of the Act, that is, I think, where the circumstances giving rise to their entitlement to an exemption have changed. We are talking here, do not forget, about pensioners basically, age pensioners and other people - - -

**Ms Follett**: No, unemployed people.

**MR HUMPHRIES**: Yes; be patient, Chief Minister. I was going to say "other people entitled to obtain a health benefits card". If their entitlement to that card ceases they have to return the certificate. That is fine. If it ceases to be in force under section 36DA it has to be returned as well. I beg your pardon; I will go back on that. Under section 36D, if it is revoked by the commissioner it has to be returned; that is fine. If it ceases to be in force because they cease to be the holder of one of those two sorts of cards it has to be returned. That is fine also. But the provision that has been put forward by the Government is that if the card actually lapses on 31 October this person must return their lapsed exemption certificate, even though it has expired - on its face it shows that it is no longer a valid certificate - or pay the penalty of a \$500 fine.

It seems to me that this is a rather harsh way of dealing with the return of a piece of paper. When my driver's licence expires I do not have to return it to the ACT Government. When any other sort of permit that I hold expires I do not have to return it to the ACT Government, to the best of my knowledge. Why are we saying that it is essential for these age pensioners or unemployed people to have to return a defunct certificate? Let us face it, Madam Speaker; in the vast majority of cases people are not going to think to do that. They are going to assume that because the certificate has expired no-one has any interest in it any more. Those people are going to be liable to a maximum \$500 fine because they have made that decision, because they have omitted to send their certificate back to the ACT Government. I point out that they can avoid this penalty if they have a reasonable excuse. I would suggest that ignorance of the law is certainly not a reasonable excuse, and having forgotten or not realised that they were obliged to return the certificate is also not a reasonable excuse.

I can see a reason, in the other two cases, why they should return the certificate. In those cases they have a certificate which on its face shows that they are still entitled to an exemption. In those circumstances, certainly, it should be the case that there should be a return of that certificate. It might be abused.

But, with respect, if the certificate shows that it has expired it ought not to be possible to buy fuel with it. Instead, we are creating a potential liability on the part of age pensioners and other beneficiaries in the ACT to a fine of \$500. That certainly is inequitable, and I suggest that we remove the requirement that they be forced to return this defunct certificate.

**MS FOLLETT** (Chief Minister and Treasurer) (4.58): Madam Speaker, the Government will be opposing this amendment. I think it is a remarkably hypocritical attitude that Mr Humphries is displaying here. Having spent a large amount of his earlier speaking time on this matter in accusing the Government of being unable to enforce compliance with this new regime, Mr Humphries now has moved an amendment that does away with an important part of the compliance regime. Madam Speaker, the subparagraph of the Bill which Mr Humphries seeks to remove is an anti-avoidance measure. It is a very important part of the compliance approach to this legislation - something Mr Humphries asserted that he had some interest in. I do not know why he has thought to do a backflip at the eleventh hour like this, but he is quite wrong.

We do need this anti-avoidance measure because this concession is targeted specifically at disadvantaged groups. If a person ceases to be a member of one of those targeted groups - for instance, if a person finds employment after having been unemployed - he or she ought not then to remain entitled to the concession. If a wholesaler provides the exemption to a certificate holder on the production of that certificate, the details are recorded by the wholesaler and then used and recorded on delivery invoices and for compliance purposes. It is an important feature of compliance. By this measure the Commissioner for ACT Revenue then can ensure that the wholesaler is dealing with the legitimate certificate holder - it is very important that they deal with legitimate certificate holders - and that the person who holds the certificate is legally entitled to receive that concession. It is very important that we have some strict rules in relation to this.

As I outlined earlier in my remarks, Madam Speaker, the review that the Commissioner for ACT Revenue undertook earlier in the year revealed some slackness in the administration of the regime even as it stands now. With the changes that the Assembly now has agreed to in principle, I think it is essential that we also adjust the compliance measures in order to cope with the changed circumstances and to acknowledge the fact that we have discovered, through the commissioner's own efforts earlier this year, that we do need to make a stronger compliance effort.

I would ask members not to vote for Mr Humphries's amendment because it is quite clearly an opening of an avoidance loophole that I have no doubt the more unscrupulous operators in our community would want to exploit. I think, in fairness to the whole community, that we do have to be genuine about the compliance effort and support the clause as it originally stands.

**MR HUMPHRIES** (5.01): Madam Speaker, I must say that I am really disappointed with the quality of that response by the Chief Minister, to be quite frank. She spoke about two of the three issues in that clause which are not being affected by this amendment. No-one is suggesting that a person whose entitlement is cancelled should be allowed to keep their certificate. No-one is suggesting that a person who ceases to be entitled to that certificate should be able to keep their certificate. We are talking here about a certificate which is a dead letter. What do you do with a dead letter? You throw it away, do you not?

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**Ms Follett:** If it is a dead licence I would produce it and get another one.

**MR HUMPHRIES:** If you are not going to get another one you cannot do that, can you? You are not going to get another certificate. Supposing that Mrs Bloggs, the age pensioner, suddenly becomes ineligible to receive the pension and loses her entitlement. She has bought her fuel for the year. She loses her entitlement. She will throw the certificate in the bin if it has expired. You are making her liable for a \$500 fine because she happens not to send a certificate back to the Government. Obviously, if she wants another certificate it is another matter. She will have her certificate taken away and a new certificate issued if she is eligible. If she is not eligible she will not go through that process, however. Madam Speaker, I would hope that the Independents at least would consider the equity in supporting this amendment.

**Mr Kaine:** You have to worry about all those grannies with criminal intent.

**MR HUMPHRIES:** That is right, yes. Obviously, there are lots of evil grannies out there looking to defraud the ACT Government. I hope that Ms Follett is in court when all the grandmothers are up there being charged with breaching her business franchise Bill.

There are a couple of other points that occurred in the course of the debate that I want to come back to, Madam Speaker. One is a suggestion by the Chief Minister that I shopped around for an opinion from the State Revenue Office. I was directed to certain officers by the State Treasurer's office. My offsider, Mr Forshaw, rang one of those officers. I rang back the next day and spoke to a second officer. Both officers gave exactly the same advice to us. I spoke to those officers again today and they were highly embarrassed and apologetic at the fact that the policy of the New South Wales Revenue Office seems to have changed since last Tuesday night.

There is one other point which I think is worth reflecting on. There is at least one person - there probably are several - who owns rural property, rural concerns, in both New South Wales and the ACT. What does that person do when he takes his farm tractor, for example, or his fuel tank in to get a refill of his diesel fuel? What can he do?

**Ms Follett:** We just exempted farmers.

**Mr Lamont:** He does not take his fuel tank in. Do you not understand?

**MR HUMPHRIES:** Whatever he takes in. Look at the principle of this matter. This is an example of a person who operates in both jurisdictions. Take a contractor, for example. It is the same position. They operate in two jurisdictions. How do they distinguish between what they are buying for New South Wales and what they are buying for the ACT? They cannot. Madam Speaker, I am making a last forlorn attempt to get some commonsense in this debate. I urge members to consider that very good question. How do you deal with it?



Question put:

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

The Assembly voted -

*AYES, 7*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Humphries  
Mr Kaine  
Mr Stevenson  
Mr Westende

*NOES, 10*

Mr Berry  
Mr Connolly  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Wood

Question so resolved in the negative.

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

Question put:

That this Bill, as amended, be agreed to.

The Assembly voted -

*AYES, 10*

Mr Berry  
Mr Connolly  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Wood

*NOES, 7*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Humphries  
Mr Kaine  
Mr Stevenson  
Mr Westende

Question so resolved in the affirmative.

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

### Detail Stage

Clause 1

Debate resumed from 19 October 1993.

**MRS CARNELL** (Leader of the Opposition) (5.08): Madam Speaker, Mr Kaine spoke eloquently about this Bill earlier this week. It includes three particular amendments. There are two that I would like to speak about particularly. The first one is the refund of duty. Mr Kaine ran through what that would do, but I now have had time to look at the information that the Law Society has given. They certainly have raised a number of fairly important considerations that I think this Assembly should take on board.

They, I think, have rightly said what will happen if we pass this amendment Bill and what it will mean in essence when a developer goes ahead with a new development, as happens regularly in Canberra, say at Kingston or in one of the other areas which are looking at medium density developments - something that this Government embraces. The developer wants to go ahead and start selling the units off the plan, as they do, in an attempt to get finance. The purchaser enters into conditional contracts. Those conditional contracts are conditional upon things like planning approval, which may take something like six months in some circumstances; finance, which could take three months; completion of the building works in a proper and workmanlike manner, something that could take up to two years in some bigger complexes; and various other matters that either the purchaser or the developer may feel appropriate.

There are many things that can go wrong in such a contract. This amendment will mean that the stamp duty, which can be \$5,000, \$6,000, \$7,000, depending on the purchase price of the property, will not be refunded if something goes wrong with the development. We can think of some notable examples around Canberra where a particular development took substantially longer than was originally planned. I can imagine that in those circumstances many of the investors who were looking at buying those units may have had to pull out of their contracts, or felt that another property was better. If this particular amendment is passed the stamp duty that they would have paid - the \$5,000, \$6,000 or \$7,000 involved - will not be refundable. I do not think it takes a genius to realise that that sort of approach will mean that fewer people - in fact I would suggest very, very few - will be willing to enter into those sorts of contracts. Their deposit, of course, is fully refundable, but their stamp duty will not be, and it is a substantial amount of money. If we really are looking at getting investment up and going in this city, if we are looking at encouraging development, if we are looking at encouraging urban infill, here is a very quick way to make sure that it does not happen.

It will not happen, Madam Speaker, because the developer, who will be having an awful lot of trouble selling the units off the plan, will not be able to get finance. It is that simple. Unless you can show that you really have a good deal going, the chances of getting finance are limited. Inevitably, that will mean that fewer developers will be willing to take the risk of having to go right through to completion date without having at least a substantial number of the units sold. This inevitably will cost jobs and certainly will cost development.

It seems an exceedingly inappropriate way to go. I know that Mr Kaine, shortly, will bring forward an amendment that I believe, and certainly the Liberal Party believes, will overcome that problem while leaving intact the Government's intent in this area. As I understand it, the Government's intent is to stop the on-selling of these sorts of developments in an attempt to avoid stamp duty. I do not believe that the Government ever intended to stop development, or to impact upon a normal investor's capacity to buy. In terms of the intent, I think our amendment will achieve that end.

The other issue that I would like to talk about is the minimum duty one. A \$20 minimum stamp duty, as the Chief Minister discussed, at first look would appear all right, but once you start looking at what the Chief Minister is really talking about, as Mr Kaine said, it is a fee. If it had been presented that way, possibly the Liberal Party could have looked at it in that light. But it has been presented as a minimum stamp duty. We now know that that also will be payable on exempt transactions. If a transaction is exempt, that is exactly what it should be, Madam Speaker. Under the Act there is a huge number of categories of exempt transactions, and all are exempt for very good reasons. If the Government wants to stop those items being exempt, there are ways of doing it by amending the regulations to the Act. But the Government has not done that. They have just superimposed this \$20 fee.

The sorts of things that we are talking about are certain transactions carried out by charitable organisations. I do not think it was the Government's intention to tax charities, certainly not from the Chief Minister's speech. It certainly now will hit quite a number of transactions with regard to wills. Again, I do not think that is something that the Government intended to do. It will even hit things like discharging a mortgage. We all know that the banks hit you for enough charges when you do that. It does not seem terribly appropriate for the Government to be in there for their chop as well; but again, as I say, I do not believe that the Government meant to do that at all. I think the Government was looking at a way of overcoming some of its administrative charges, not by sleight of hand and amending the number of items that are exempt. Mr Kaine will bring forward an amendment that I believe will overcome that problem as well and still keep intact the Government's intent in this area.

The other area, one that Mr Kaine covered, was the area of 15-year leases. The Law Society, I think, put forward a fairly reasonable argument to suggest that 15 years just is not long enough, particularly in the area of, say, shopping centres and so on, in the area of commercial tenancies. Fifteen years is not very long to recoup what can be a substantial amount of money. We certainly do not argue at all with the intent of this amendment, and Mr Kaine will be putting forward an amendment to the amendment to suggest that that should be 30 years, which would give major tenants a capacity to recoup the very large amounts of money that they often put in.

**Mr Kaine:** Madam Speaker, I seek your guidance. Are we dealing with this clause by clause, or how are we approaching it?

**MADAM SPEAKER:** Yes, we will be, Mr Kaine.

**Mr Kaine:** I assumed that we were debating clause 1 then. I have no amendments to clause 1.

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**MADAM SPEAKER:** Yes, I was going to put the question: That clause 1 be agreed to. That is the question before us now.

Clause agreed to.

Clauses 2 and 3, by leave, taken together, and agreed to.

Clause 4

**MR KAINE** (5.16): I move:

Page 2, line 10, proposed new paragraph 4(1)(c), omit "15", substitute "30".

Mrs Carnell has addressed this issue already. Members will recall that we adjourned the debate on this matter because we had only just received a copy of a letter that had gone from the Law Society to the Chief Minister and which I believed at that time she had not seen. I am quite sure that she has seen it now. The fact that the Government has not seen fit to revise or review its Bill means that the Chief Minister presumably has rejected the advice and the opinion of the Law Society on this matter. They made quite clear their view that to impose a 15-year period in terms of defining a lease or a renewal of a lease or an option to a lease which is no longer exempt and which is now subject to this tax is far too short. It is a disincentive to business. In fact, some of the businesses in our big shopping centres are obliged to take on a lease longer than that right from the outset. This would be a clear disincentive to business. It would be an unreasonable imposition of the tax.

It flows from the premise that somehow or other, because they take a 30-year lease, there has been an effective transfer of the lease. That simply is not the case. One could argue, I suppose, if you had a really long-term assignment of the lease in some fashion, that the Government's position could be upheld and substantiated. But this is not the case. This is simply the case where a retailer in a commercial shopping centre takes a lease for a reasonable period that will allow them to amortise the costs of moving in and occupying the premises. There is no effective transfer of the title or the property at all. So the Government's premise is incorrect in that case. Therefore, I have moved that the term of 15 years be deleted and the term of 30 years be inserted. That is on the basis that anything in excess of 30 years that one could contemplate might reasonably be construed in the fashion that the Government is now construing it - that there is an effective transfer of the rights in that case, and that it would be more than would be reasonably acceptable in terms of a lease for business purposes. I think that is a very reasonable proposition, and I adopt the view that has been put forward by the Law Society on this matter.

**MS FOLLETT** (Chief Minister and Treasurer) (5.20): Madam Speaker, the Government will be opposing Mr Kaine's amendment. The clause that is in the Bill at the moment, Madam Speaker, is in fact an anti-avoidance measure. It has been clear for a while now that long-term leases have been issued as a means of avoiding paying stamp duty. A long-term lease in many respects takes on the attributes of ownership. For example, there is the ability to pass on certain rights of occupancy. I believe that because of that fact duty should be charged on the same basis as conveyances. As I say, Madam Speaker, this is an anti-avoidance measure and I believe that it is equitable that long-term leases should be charged on the same basis as conveyances.

The decision as to the exact moment at which such a lease becomes long term is, of course, arbitrary, and it is always going to be arbitrary. My having chosen the 15-year period is every bit as arbitrary as the Law Society or Mr Kaine having chosen a longer period. I can tell you why, Madam Speaker, the Government did choose the 15-year period. It was chosen to provide some balance between the planning needs of business - I accept that they do have those planning needs - and the need to provide some equity in the tax arrangements. I should advise, Madam Speaker, that most business leases in the Territory - the majority of them - are for five years, with a further option to renew for five years. That is pretty much the standard practice and 15 years, therefore, seems to be sufficiently long to allow businesses to formulate long-term business plans on a more certain basis. Where lessors or lessees would prefer to have a longer-term lease they should be required to face the same tax regime as those taxpayers who are purchasing the property.

Madam Speaker, I disagree with the Law Society on the period that they have proposed and I believe that a 15-year period goes well beyond the majority of business leases in this Territory and it, therefore, I think, is an adequate period. I accept, as I say, that there is a certain arbitrariness about picking a period. The Government has chosen the shorter period, which I think reflects better the reality of leasing life in the Territory. I would urge members to oppose Mr Kaine's amendment for that reason.

Question put:

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

The Assembly voted -

*AYES, 7*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Humphries  
Mr Kaine  
Mr Stevenson  
Mr Westende

*NOES, 10*

Mr Berry  
Mr Connolly  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Wood

Question so resolved in the negative.

Clause agreed to.

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Clause 5

**MR KAINÉ** (5.25): I will move my amendment to clause 5 as circulated in my name and at the same time, Madam Speaker, I will speak to my amendments Nos 4 and 5 because they are essentially the same thing. Although this one relates to land transactions, the other two relate to marketable securities.

**MADAM SPEAKER:** Do you seek leave to move them together, Mr Kaine, or do you wish to move them separately?

**MR KAINÉ:** I leave it to the Assembly whether they wish to vote on them together; but my argument is the same, so I will present it in connection with all three.

**MADAM SPEAKER:** Mr Kaine, if you do not wish to move them together, which is fine, would you mind seeking leave to speak to them?

**MR KAINÉ:** I am quite happy to move my amendments Nos 2, 4 and 5 together, Madam Speaker, if that is the wish of the Assembly. They are all the same.

**MADAM SPEAKER:** Is it the wish of the Assembly to take clauses 5 to 8 together? There being no objection, that course will be followed.

Clauses 5 to 8, by leave, taken together

**MADAM SPEAKER:** Mr Kaine, you can seek leave to move those amendments together.

**MR KAINÉ:** Madam Speaker, I will formally move amendments Nos 2, 4 and 5.

**MADAM SPEAKER:** You will need leave to do that.

**MR KAINÉ:** I seek leave to do that.

Leave granted.

**MR KAINÉ:** Thank you, members. I move:

Clause 5, page 2, line 16, proposed new subsection 18(1), add at the end "where the duty assessed as being payable is \$20 or less, except where there is no duty payable, in which case no charge will be made".

Clause 7, page 3, line 6, proposed subsection 46(1), add at the end "where the duty assessed as payable is \$20 or less, except where there is no duty payable, in which case no charge will be made".

Clause 8, page 3, line 14, proposed subsection 51(1), add at the end "where the duty assessed as payable is \$20 or less, except where there is no duty payable, in which case no charge will be made".

Speaking specifically to my amendments Nos 2, 4 and 5, my argument is essentially the same. This is a case where the Government seeks to have it all, and it goes beyond reasonableness. It takes the principle of taxation, in my view, beyond anything that is reasonable. What we have here is a government saying that there is a tax that is payable and, whether you are liable to that tax or not, we are going to charge you \$20 tax. Up until now not every transaction in connection with land or marketable securities has attracted tax.

In fact, by the Government's own admission they are amending the schedule to delete the words, "Exempt Conveyances" and "Exempt Transfers of Marketable Securities", and substituting instead the titles, "Conveyances Attracting Prescribed Stamp Duty" and "Transfers of Marketable Securities Attracting Prescribed Stamp Duty". So now we are extending taxation to those cases where no tax is payable. I do not understand how the Government can argue this. A transaction takes place and you lodge the documents as you are required to do so that an assessment can be done. There is an assessment that says that you have no tax payable at all. Then the Government says, "We are going to charge you \$20 anyway". I think, as I have said, Madam Speaker, that that takes the credibility of taxation way beyond what is reasonable.

The Government is not imposing a tax; it is imposing a document processing fee. That is a different thing altogether, and to cloak it under the disguise of a minimum stamp duty payable is to misrepresent the case. It is not a duty because the person who is going to have to pay it is not liable to pay duty. For that reason I do object to it. I think that it will be abhorrent to most people that they are going to be slugged a \$20 fee in this fashion.

I am prepared to accept, in cases where a duty is assessed as payable and it falls between zero and \$20, that, in order to go through the whole process of collecting it, perhaps there ought to be a minimum duty payable of \$20. But that presumes that there is duty assessed as payable in the first place; not that you are exempt from it, but that you do have to pay some duty. The effect of my amendment in connection with new section 18, new section 46 and new section 51 is that, if after the assessment is made there is duty payable and it falls between zero and \$20, the people will pay \$20. Of course, if it is over \$20, under the Government's interpretation they do not pay this anyway. They pay only the duty that is assessed. So there is already in here a discrimination against the people who are paying less than others.

My amendment then goes on and says that where it is assessed that no duty is payable it will remain an exempt transaction. If it is exempt, it ought to be exempt. That is all I am saying here. I do concede that, even with the amendment that I am putting, it does allow the Government to discriminate against those people who would otherwise pay very little duty. They now have to pay \$20 minimum. Once you go beyond \$20, people pay whatever the assessment is. There is an inequity there and, for a Government that talks about equity and social justice, it seems rather strange to me. That is the effect of what they are proposing anyway. I am simply moderating it in some respects and saying that, if you assess that no tax is payable, then no tax ought to be payable.

If the Government wants to come back separately and say, "We wish to impose a \$20 document handling fee", they can do that in the same way that they vary all their other fees and charges. They do not have to amend the stamp duties Act to do that. They can simply say in their scales of fees and charges, which are published separately and which are made by ministerial determination, in effect, that they are going to impose a \$20 document handling charge. That is a different thing altogether. This is obscuring a handling charge and disguising it as a tax. It is unfair, it is unreasonable and it is inequitable. I do not buy it. I commend my amendment to the members of the Assembly. If they see the sense, the logic and the reason of this, they will reject the Government's proposal and adopt my amendments.

**MR MOORE** (5.32): Madam Speaker, I think Mr Kaine is quite right when he says that we are really dealing with a fee rather than a tax. It seems to me that this is a fee. In drafting legislation and in giving instructions to Parliamentary Counsel, I suppose we often make decisions about what we call things and how we present things. I think that from a semantic point of view it would have been better had this been referred to as a fee. The reality is that the result is still the same. What is proposed by the Bill is a \$20 fee and, in Mr Kaine's term, it is disguised as a tax. I think he is accurate in describing it in that way. However, the important point, as far as I am concerned, is that the result is still the same. I was somewhat taken by some of his arguments. However, looking at the information provided by the Law Society after it was provided to me through the Chief Minister's office, and after considering the arguments presented by Mr Kaine, I am inclined to accept that, whilst it ought to be called a fee, the result is the same. I am prepared to support the Bill as it is. I will not be supporting the amendments put up by Mr Kaine.

**MS FOLLETT** (Chief Minister and Treasurer) (5.34): Madam Speaker, the Government will be opposing Mr Kaine's amendments. I think the ones under discussion are Nos 2, 4 and 5. As Mr Moore has indicated, the amendment that the Government has proposed in this Bill is an attempt to recover some of the cost of processing the very large number of exempt documents that the Commissioner for ACT Revenue receives. I would refer members to some earlier comments that I had made, where I indicated that in the past year there had been 11,000 of these exempt documents relating to marketable securities alone, stocks and shares - a very large number of documents indeed. Typically, Madam Speaker, exempt transactions are those that involve changes to trust documents resulting from changes to trustees or nominees and transfers of ownership under wills. There has been some concern expressed that transfers of property and shares to charities, which are currently exempt, will now also be dutied at \$20, presuming that the Bill is passed. Madam Speaker, while charities would be required to pay the \$20 minimum duty, you have to remember that they are not having to pay the duty on these transactions. The ACT community therefore already is heavily subsidising these organisations by not imposing the duty on the transactions. They will be required to pay that \$20 minimum only and not the full amount of duty.

I realise that Mr Kaine has made a point about the nomenclature of this particular charge, and I take his point. I do, however, think that it is a matter of semantics. Whether this is referred to as a duty or as a document handling charge, the intention is clearly the same, and that is that by imposing a minimum charge the Government is seeking to recover the very considerable costs of processing exempt documents. That, I believe, is well understood by all members. For that reason I will be opposing Mr Kaine's amendments.



Question put:

That the amendments (**Mr Kaine's**) be agreed to.

The Assembly voted -

*AYES, 7*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Humphries  
Mr Kaine  
Mr Stevenson  
Mr Westende

*NOES, 10*

Mr Berry  
Mr Connolly  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Wood

Question so resolved in the negative.

**MR KAINE** (5.38): Madam Speaker, I have another amendment.

**MADAM SPEAKER**: You will need leave for this, Mr Kaine.

**MR KAINE**: It is my amendment No. 3. I seek leave.

Leave granted.

**MR KAINE**: I move:

Clause 6, page 2, lines 33 and 34, proposed new paragraph 28(3B)(a), omit the paragraph.

Madam Speaker, this amendment has to do with whether or not stamp duty should be payable on transactions that are not completed. Mrs Carnell pointed out the difficulties that this present Bill imposes on developers and the problems that it will present in achieving the Government's urban infill program. Mr Wood, I hope, listened to that. My argument is a different one. It is the argument that has been presented to the Chief Minister by the Law Society, and that is that stamp duty is a duty payable on completed transactions.

**Ms Follett**: No, they are wrong.

**MR KAINE**: I would have thought that the Law Society would be very clear on this, Madam Speaker, and that the Chief Minister, perhaps, might be wrong. The Law Society talks about conditional contracts. Almost all contracts are conditional contracts. If at any time before the final settlement date any one of the conditions that are set on the contract occurs, then the transaction does not go ahead.

Under this law that the Chief Minister attempts to put into place she will oblige the purchaser to pay the stamp duty and presumably, since there is no provision for refunds, if the transaction is not completed for any valid reason in terms of the contract, the purchaser has paid a very substantial sum which they

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cannot recoup. Stamp duty is not payable on transactions of this kind, particularly those relating to land, until settlement date. That is when the stamp duty becomes due and payable. The Chief Minister tells me that I am wrong. She obviously has not bought too much property herself.

**Ms Follett:** Yes, I have. That is how I know.

**MR KAINE:** She is wrong. This being the case, and if she believes that she is right, how does she intend to handle these conditional contracts where they are obliged to pay it within 30 days? Eighteen months down the track the conditions of the contract cannot be fulfilled and the contract fails. Another sale takes place and we get another lot of stamp duty. How does the first contracted person recover their stamp duty?

**Mrs Carnell:** They do not. That is the answer.

**MR KAINE:** I am not prepared to accept that somebody should be obliged to pay \$6,000, \$7,000 or \$8,000 worth of stamp duty up front in connection with a contract that may never be completed. I have been in that position myself with a conditional contract where the stamp duty ran into thousands of dollars. But the Chief Minister is telling me now that I have to pay it within 30 days, and, if the contract does not get completed, tough luck.

If the Chief Minister thinks I am wrong, perhaps she should be consulting with her Attorney-General. Perhaps he can inform me how these people get their money back if the contract does not eventuate. This is the point that the Law Society is making, quite legitimately. I would like to know the answer, because I do not believe that this is fair, reasonable, equitable or anything else. The Government is seeking to capture very large sums of money. The people have to pay it and then cannot recoup it. If they can recoup it, I would like to see the amendment in this Stamp Duties and Taxes (Amendment) Bill (No. 2) that allows them to. I will guarantee that the Chief Minister cannot demonstrate that that is in here anywhere.

I think that members need to be very careful about a Bill like this. The clause is a quite innocuous one. It simply gives the commissioner the power to determine whether he will extend the period beyond 30 days or whether he will not. In fact, according to the Bill that the Chief Minister has put forward, he can do it only if the transaction relates to one principal residence. In no other case can the commissioner even extend the period beyond 30 days. In other words, it is payable right up front. I submit that that is unreasonable, and it will result in the Government collecting potentially thousands of dollars worth of stamp duty that people in the end are not liable to pay. If that is not the case, if the Chief Minister says that I am wrong, she had better demonstrate to me that I am wrong, because I do not believe that I am. For that reason I urge members to think very carefully about what the Chief Minister has put forward in this case, to give very serious consideration to the amendment that I am proposing, and to support my amendment. If they are wrong, and if they support the Government, a lot of people are going to be penalised very severely.

**MS FOLLETT** (Chief Minister and Treasurer) (5.44): Madam Speaker, I want to address some of the comments that the Law Society has made on this matter as well as those made by Mr Kaine. I am aware that members of the Liberal Party have the Law Society's correspondence on this matter. In fact, they had it well before I did. I think they should be familiar with it. Madam Speaker, the Law Society has contended, and I will quote, that "the vast majority of honest, standard and necessary commercial transactions ... should not be affected by the actions of a few". That is a large part of their reason for opposing this amendment to the Act. Madam Speaker, the statement that the Law Society has made is true of all tax avoidance or evasion measures; that is, the vast majority of citizens are honest and pay their taxes. But, of course, we all have to comply with some requirements that necessarily have been introduced by governments to prevent those dishonest few from avoiding their legitimate tax obligations. This is a fact of life. In that respect the amendment Bill that I am moving here is no different from a great many other taxes, at least in principle.

The list of typical conditions which, if they were not met, should lead to rescission, in the Law Society's submission, I believe needs to be very critically evaluated. The Government's concerns relate to a number of matters: Firstly, the emergence of tax evasion schemes and the loss of revenue. Secondly, the uncertainty of revenue collection if contracts can be rescinded at any time, and they quote two years in some examples. Thirdly, escalating costs of tax administration due to abuse of the rescission provisions, and there were over 100 rescissions and refunds last year. Fourthly, the planning of projects so that significant aspects are unresolved at the time parties are committing themselves to binding contracts; for example, there is no planning approval or no finance. The Law Society is suggesting that our concerns, as a government, in relation to those matters are less important than the convenience of developers and the convenience of speculators, and that the developers and speculators should be able to walk away from any such projects which go wrong. I do not agree.

The suggestion that the Government should continue to condone speculation on Government planning decisions is simply not acceptable to this Government. For example, members will be aware from recent media reports of speculation in respect of a proposed Red Hill development. No government can accept that it is appropriate for its planning decisions to be subject to such speculation. As far as this Government is concerned, should this occur the parties ought to bear the full consequences, including the loss of any stamp duty paid, because they are bearing the consequences of their gamble if approval is not forthcoming. Speculation is a risky business. Why should a government move to make it safe for them?

It must also be remembered that these proposed amendments do not take away the right to a refund of stamp duty; nor do they affect any investor's right to enter into a conditional contract. I urge you to pay very careful attention to conditional contracts. Taxpayers involved in commercial transactions will still be able to claim for a refund up to 30 days after the documents have been assessed for duty.

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This 30-day period, Madam Speaker, together with the 30-day period taxpayers have in which to lodge their documents for assessment after execution, means that taxpayers will still have at least 60 days from execution in which to claim for a refund. That is a fair period, surely. Persons will still be able to enter into conditional contracts. These amendments will simply mean that investors will need to critically examine any speculative investment decision before committing their funds. You do need to be cautious about large investments of this nature. People who are not cautious, people who speculate blindly, are playing a very risky game and may stand to lose quite a lot of money through their stamp duty.

Madam Speaker, the Law Society also stated that stamp duty is a tax on completed transactions. Mr Kaine made a great deal of this as well. The stamp duty legislation imposes duty on the agreement for sale and not on the delivery of property. It is a very important distinction. The reason for this is a simple one, Madam Speaker. Once an agreement for sale has been entered into, the investor then has a legal interest in that property. This interest can be sold to other investors through further agreements for sale. Where, for example, an investor purchases a property off a plan, the interest that the investor has in that property may also be sold, and frequently is, often at a profit and often more than once, before that property is finally built. The Law Society suggests that where the investor's decision does not work out the ACT should continue to refund any duty paid. As I have stated earlier, this is untenable. I think it is inappropriate to continue to ask the Territory's taxpayers to continue to subsidise poor and risky investment decisions.

The Law Society proposes that, to combat these anti-avoidance practices, the commissioner should be allowed the discretion to extend the refund period where there is a bona fide reason for rescission. It is not appropriate to extend the commissioner's discretion in this way, Madam Speaker. The Government is determined to bring abuses of the rescission refund provisions by investors to an end, and there have been abuses. The bona fide reasons which the Law Society would seek to have recognised are simply those practices which the Government has determined should cease. We are clearly in disagreement.

I think that providing the commissioner with the discretion would only open each adverse decision to appeal and the Government's intentions there could be defeated. Members will be aware, of course, that the discretion was extended to the commissioner in respect of people purchasing their principal place of residence. So the home buyer is protected. That protection has been extended because we do recognise that people buying a principal place of residence are often inexperienced in conveyancing matters, as are most of us sitting in this room. You do it only a few times in a lifetime. Additional safeguards ought therefore to be available to people who are buying their own home and where they are unable to complete a contract for genuine reasons. Those reasons could be many, but often they relate to finance. I believe that, by trying to ban or to do away with the profit on speculation, and at the same time protecting the principal home buyer, the Government has taken an important step here in cutting down on tax avoidance and evasion and ensuring that the community as a whole does not have to subsidise these kinds of speculative and risky endeavours by some investors.

**MRS CARNELL** (Leader of the Opposition) (5.52): Madam Speaker, I think it is important to clarify one issue. What Mr Kaine's amendment does is actually broaden the power of the Commissioner for Revenue. Under the current situation the commissioner can give a longer period of time for stamp duty to be refunded only in circumstances where it is the principal place of residence of the person and there is a bona fide reason. Mr Kaine's approach is to say that under any circumstances where the commissioner believes that there is a bona fide reason for the agreement to be rescinded he can give back the stamp duty. That seems quite reasonable. Mr Kaine's amendment does not change in any way the basis of the Government's amendment; it just gives the commissioner greater capacity to determine what is a bona fide approach. It still very definitely stops any avoidance mechanism, because the commissioner has a capacity to decide.

**MR HUMPHRIES** (5.54): Madam Speaker, I want to make a small contribution to the debate. I heard the Chief Minister say with some pique that she had not received a letter from the Law Society in the same time that it had come to us. There is a very good reason for that, which I think I should point out. When the Liberal Party sees legislation tabled in this Assembly we write, as a matter of course, to a number of bodies in the ACT, like the Law Society, and say, "Would you like to comment on this legislation? Would you like to contribute to the debate?". Because we do that we get responses. Responses like the one that was referred to today come to us from the Law Society and other bodies. That is why we receive those letters and we produce them in this way. You do not get a reply unless you write the letter in the first place, and that is a lesson that I think the Government could learn about consultation generally.

Question put:

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

The Assembly voted -

*AYES, 7*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Humphries  
Mr Kaine  
Mr Stevenson  
Mr Westende

*NOES, 10*

Mr Berry  
Mr Connolly  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Wood

Question so resolved in the negative.

Clauses agreed to.

Clause 9 agreed to.

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Proposed new clause 9A

**MS FOLLETT** (Chief Minister and Treasurer) (5.58): I move:

That the following new clause be inserted in the Bill:

**Review of decisions**

**"9A.** Section 65 of the Principal Act is amended -

(a) by omitting from paragraph (d) 'and'; and

(b) by inserting after paragraph (d) the following paragraph:

'(da) determining, or refusing to determine, a period under subsection 28(3B); and'."

Madam Speaker, clause 6 provides the Commissioner for ACT Revenue with the discretion, in certain circumstances, to extend the period within which a taxpayer may make an application for a refund of duty. The Standing Committee on Scrutiny of Bills and Subordinate Legislation has pointed out in report No. 16 of 1993 that the Bill does not provide taxpayers with any independent right of review against an adverse decision of the commissioner on this matter. That was an unintentional effect. In fact, to deny taxpayers the right of review under such circumstances would be at odds with those rights of appeal already extended to taxpayers within the taxing legislation. Madam Speaker, this amendment will correct this oversight. Taxpayers, providing the amendment is passed, will have a right of appeal where the commissioner has made an adverse decision in relation to extending the time limit for lodging refund applications. I present a supplementary explanatory memorandum.

Proposed new clause agreed to.

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

Bill, as amended, agreed to.

**PAPER**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): In the heat and excitement of debate yesterday on the Instruments (Amendment) Bill I neglected to table the supplementary explanatory memoranda to Government amendments, although they were circulated. To complete the record, I table them now.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### Legislative Advice

**MR LAMONT** (6.00): I will be very brief. Madam Speaker, before Mr Kaine leaves, there was a question raised this afternoon. I did not choose to rise during the debate to mention it. Mr Kaine's proposed amendments to the Bill that has just been passed would have had the effect of gutting every charity in the ACT. That probably was an unintended consequence. I certainly hope that it was. After Mr Humphries's \$26m gaffe last week and Mr Kaine's gaffe this afternoon in drafting legislation, the Liberal Opposition should get a bit more advice.

Madam Speaker, the Government's Bill abolished the concept of exempt documents. All documents would have been liable for at least a minimum \$20 duty. Mr Kaine's second amendment would restrict the application of this minimum duty to only those documents with a duty of some sort but less than \$20. It follows that, as the effect of the Government's Bill was to abolish exempt documents totally, and Mr Kaine's minimum duty would apply only to those few documents with a duty between zero and \$20, previously exempt documents, including those for charities, would have been subject to full ad valorem duty if Mr Kaine's amendment had got up. Quite obviously, Mr Kaine, and, indeed, the Liberal Opposition, need to take far better advice before they attempt to amend money Bills in this Assembly.

### Legislative Advice

**MR HUMPHRIES** (6.02): I am sure that if Mr Lamont's legal advice is as sound as it was on the disallowance motion last week we know where to put his advice tonight.

Question resolved in the affirmative.

**Assembly adjourned at 6.02 pm until Tuesday, 23 November 1993, at 2.30 pm**

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**ANSWERS TO QUESTIONS**

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

**Questions Nos. 807 - 817**

**Government Committees and Boards**

MRS CARNELL - Asked the following questions on 17 August 1993 of the Chief Minister, the Treasurer, the Attorney General, the Ministers for Housing and Community Services, Urban Services, Education and Training, Arts, Environment Land and Planning, Health, Industrial Relations, and Sport:

- (1) How many Committees and Boards exist under (the Ministers) control.
- (2) What are the names and functions of these Committees and Boards.
- (3) How many people are engaged in these Committees and Boards, either as members or support staff.
- (4) What is the amount of remuneration paid in respect of each Committee or Board, the cost of administrative support and other administrative and incidental expenditure.
- (5) When was the last review conducted of the need for all of these Committees and Boards, or is any sunset clause applicable to any of these Committees and Boards.

MS FOLLETT - The information attached has been compiled from available sources and coordinated into a single response. The response is arranged by Minister, and within that by portfolio. In some cases specific answers to part five of the questions are provided. Nevertheless, in all cases the need for these Boards and Committees either is being, or will be, reviewed in the context of a separate ACT Public Service.

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CHIEF MINISTER Rosemary Follett (807)

A.C.T. OCCUPATIONAL HEALTH AND SAFETY COUNCIL

2. Terms of Reference

The function of the Council is:

- To advise the Minister on matters relating to occupational health and safety.
- To inquire into and report to the Minister on matters referred to the Council by the Minister in relation to occupation health and safety.
- Such other functions as are prescribed.

3. Present Members

Mr Frank Gillingham

Mr Michael White

Mr Barrie Cooke

Ms Kate Lundy

Mr Trevor Zeltner

Ms Jocelyn Plovits

Mr William Chidzey

Mr John Woodrow

Mr Charles McDonald

Public Servants

SES 2 5% \$3729.89

SOG B 15% \$7984.86

SOG C 15% \$6269.25

TO 4 10% \$3638.33

ASO 2 10% \$2309.11

4. Remuneration

Nil

3784

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## AGENTS BOARD OF THE A.C.T.

### 2. Terms of Reference

Grants registration and licences to real estate, stock and station and business agents in the A.C.T..

Grants licences to Travel Agents. Conducts inquiries into breaches of the Rules of Conduct by licensed and registered agents, and other matters under the Agents Act 1968. Responsible for the administration of the Agents Fidelity Guarantee Fund (applies to real estate, stock and station and business agents).

### 3. Present Members

Mr M Phelps (Chair)

Mr A Anforth

Ms C Taylor

Ms C Livingstone

Mr G Kelly

Mr P McCoullough

Ms M Sleigh

#### Public Servants

These positions are located in the Agents Services Section of the Economic Development Division.

Part of the sections function is to provide a secretariat for the Agents Board which regulates real estate, stock and station, business and travel agents. The Boards activities in regulating real estate agents are funded by the Fidelity Guarantee Fund. As estimation of public service time spent in servicing the Board is:

#### POSITION SALARY WEEKLY

(\$000) (HRS)

SEB 1 68 2

SOG C 47 6

ASO 6 37 5

ASO 5 35 5

ASO 4 31 12

ASO 2 24 2

### 4. Remuneration

Remuneration (Repeal) Act 1989 refers. Prescribed Authority - paid in accordance with the

Remuneration Tribunal - offices not specified - category 2 rate.

Chair - Rate per diem - \$248 (from 19/5/93) Remuneration Tribunal det no 2 of 1993

Members - Rate per diem - \$201 (from 19/5/93) Remuneration Tribunal det no 2 of 1993 refers

Note: Sitting fees related to the administration of the Agents Act 1968 in respect of real estate, stock and station and business agent matters are paid from the resources of the Agents Fidelity Guarantee Fund. Sitting fees in respect of travel agent matters are paid by the Economic Development Division.

3785

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3

## BOOKMAKERS LICENSING COMMITTEE

### 2. Terms of Reference

To consider and determine applications and other matters relating to bookmakers licences under the Act.

### 3. Present Members

Mr G Faichney (Chair)

Mr Owens

Mr B Macarthur

Mr Collier

Mr Cramp

#### Public Servants

The Committee is chaired by the Commissioner for ACT Revenue (SES Band 1 PN 5148) and secretariat services are provided by the Registrar of Bookmakers (SOC PN 1370).

The Committee meets on an ad hoc basis to consider licence applications and other matters relating to the licensing and conduct of bookmakers.

The Committee was last convened on 14 April 1992.

### 4. Remuneration

Chair - As a public servant, the Chair receives no additional remuneration.

Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) \$201 per diem (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

3786

4

## BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BOARD

### 2. Terms of Reference

Administers the portable scheme of long service benefits established by the Act in respect to employees and contractors engaged in the building and construction industry in the A.C.T..  
Establishes and maintains the Employers Register and the Employees and Contractors Register.

### 3. Present Members

Mr R J Yeomans (Chair)  
Mr J K Hindmarsh  
Mr B O'Reilly  
Mr J Stephens  
Mr G Wason

#### Public Servants

SOG C \$43367 - 47107 100%  
ASO 5 \$33924 - 35971 100%  
ASO 4 \$30415 - 33024 100%  
AS03x2 \$27289 - 29452 100%

### 4. Remuneration

Chair - Specified Office - Rate of fee per annum - \$25201 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

Member - Specified Office - Rate per diem - \$201 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

3787

21 October 1993

5

## A.C.T. CASINO SURVEILLANCE AUTHORITY

### 2. Terms of Reference

See s.23 of the Act

### 3. Present Members

Hon Justice R Else-Mitchell (Chair) Prof Russell Matthews Dr Roger Mauldon Ms Kaye Dal Bon  
Mr Stephen Hunter

#### Public Servants

Thirteen staff are employed by the Authority.

Chief Casino Inspector SOG B 55234 36 3/4 hours/week  
Office Receptionist ASO 3 28452 36 3/4 hours/week  
Deputy Chief Casino Inspector SOG C 47107 36 3/4 hours/week  
5 x Senior Casino Inspector ASO 5 35971 36 3/4 hours/week  
5 x Casino Inspector ASO 4 29452 36 3/4 hours/week

\* Inspectors work shift work.

The staff are public servants and are paid by the Authority.

### 4. Remuneration

Chair - Specified Office - Rate of fee per annum - \$25201 (from 19/5/93) - Remuneration Tribunal  
det No 2 of 1993 refers

Member - Specified Office - Rate of fee per annum - \$13520 (from 19/5/93) - Remuneration  
Tribunal det No 2 of 1993 refers

3788

6

## WORKERS COMPENSATION SUPPLEMENTATION FUND

(Insurers Advisory Committee For Workmens Compensation Supplementation Fund And Fund Manager)

### 2. Terms of Reference

The function of the Committee is to advise the Manager in the performance of his functions or the exercise of his powers.

Money for the Fund is obtained by a levy on employers or by other means listed in the Act, and is paid for the settlement of claims made under the Act.

The main purpose of the Fund is to provide a mechanism for the handling of workers compensation business previously written by insurance companies which have gone into liquidation.

### 3. Present Members

Mr D J McNeil  
Mr J A Petriella  
Mr G J Matthews  
Mr J Collier

Public Servants

SOG B \$48133 - 55234 6hrs p/w

### 4. Remuneration

Nil

3789

21 October 1993

7

CHIEF MINISTER Rosemary Follett (807)

A.C.T. ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COUNCIL

2. Terms of Reference

To provide the Chief Minister with advice on policies and programs which meet the needs of the Aboriginal and Torres Strait Islander community in the ACT and to advise the Chief Minister on matters relating to the interests and well being of Aboriginal peoples and Torres Strait Islanders in the ACT.

3. Present Members

Ms Kaye Mundine (Chair)  
Mr Percy Knight (Deputy Chair)  
Ms Glenda Humes  
Mr Paul Brandy  
Ms Christine Jard  
Ms Bonnie Brown  
Ms Dawn Johnson  
Ms Paula Dewis  
Mr Thomas Smith  
Ms Kaye Price  
Mr Robert Huddleston  
Ms Joanne Corbin  
Mr Lester Roberts  
Mr Harold Williams

Public Servants

The Multicultural and Aboriginal Affairs Unit provides secretariat support to the Council.

This support is provided primarily by an officer at the ASO 5 level and an officer of ASO 6 level (70% and 50% of their time respectively). From time to time however, additional support is provided at the ASO 4, SOG C and SOG B levels.

4. Remuneration

\$2000 per annum Chair  
\$1500 per annum Members

0



8

A.C.T. TOURISM COMMISSION

2. Terms of Reference

To market Canberra as a tourist destination and provide sales and information services.

3. Present Members

Mr Charles Wright (Chair)

Ms Toni Dale

Ms Elizabeth Whitelaw

Ms Lynn Smith

Mr Samir Harmouche

Mr Ron Murray

Ms Betty Churcher

Mr Glenn Bellchambers

Mr David Lawrance

Public Servants

Chief Executive Officer (David Lawrance): 25% of SEB1 @ \$66387 pa

Executive Assistant (V Blaxell): 35% of ASO 4 @a \$31929 pa

4. Remuneration

Chair to be paid: \$12896 per annum Members to be paid: \$201 per day as part time holders of public office Remuneration Tribunal Category 2 rates.

3791

## A.C.T. WOMENS CONSULTATIVE COUNCIL

### 2. Terms of Reference

The ACT Womens Consultative Council (WCC) will advise the Chief Minister on the Status of Women in the A.C.T.. Acknowledging that all programs, services and policies affect women to a greater or lesser extent, the Council will develop a broad overview of womens status in the A.C.T., with a particular emphasis on identifying gaps in programs or services and on advising priorities for attention. The Council may from time to time provide to and receive from women, and from organisations involved in womens issues, information about matters of concern to women. The Council will prepare a yearly work program for the approval of the Chief Minister and will report on implementation of the program by July each year.

### 3. Present Members

Ms Julia Ryan (Convenor)  
Ms Grace Coe  
Ms Annie Quadroy  
Ms Beverly Chng  
Ms Heather Ponting  
Ms Jacklynn Draper  
Ms Loraine Weatherall  
Dr Charlotte Palmer  
Ms Felicity Rafferty  
Ms Jennifer Bradley  
Dr Gwen Gray  
Dr Dorothy Broom

### Public Servants

The Council is supported by staff of the Womens Unit. Principally the SOG B (20%), the ASO 6 (60%) and ASO 4 (20%) are involved with servicing the Council as part of each officers duties. Staff from the Womens Information and Referral Centre ( ASO 6, ASO 5 and ASO 4) may be involved in the organisation of public functions and consultations of the Council.

### 4. Remuneration

The Convenor receives \$2000 pa, while Members receive \$1500 pa.

10

## ACTNIES EXECUTIVE COMMITTEE

### 2. Terms of Reference

The National Industry Extension Service (NIES) is a joint Commonwealth and State/Territory program to assist Australian Enterprises to attain and sustain international competitiveness through enterprise improvement.

### 3. Present Members

Ms P Karmel (Chair)  
Ms V Callioni  
Ms M Graham  
Ms S Dryden Austrade

#### Public Servants

1 SOG C (\$47107 per annum) 6 weeks per annum

### 4. Remuneration

Nil

3793

ECONOMIC PRIORITIES ADVISORY COMMITTEE OF THE A.C.T.

2. Terms of Reference

Provide broad based and independent advice to the Government in the formulation of economic, industry and employment policies and in particular on:

- (1) feasible and desirable economic goals and targets;
- (2) major issues affecting the growth and conduct of business in the ACT and region
- (3) employment creation opportunities
- (4) the efficiency of public sector operations
- (5) the impact of Government policies and regulations on business activity
- (6) the co-ordination of economic, industry and employment policies across Government

programs.

Provide a forum where the Government can gather informed views on business related issues

3. Present Members

Emeritus Prof Fred Gruen (Chair)

Mr Geoff Carmody

Prof Anne Harding

Mr Howard Powell

Assoc Prof Clem Annice

Ms Llois Cutts

Ms Elizabeth Boydell

Ms Maureen Sheehan

Mr George Wason

Mr Bill Harris

Dr David Rosalky

Ms Martha Kinsman

Public Servants

Estimated 6 meetings per year

SOG B (\$48133 - 55234) - approx 6 days per year

SOG C (\$43367 - 47107) - approx 18 days per year

ASO 5 (\$33924 - 35971) - approx 12 days per year

EPAC also commissions ad hoc project work, some of which is performed by public servants.

4. Remuneration

Remuneration to Chair - \$15,000 per annum from Economic Development Division resources. No remuneration is paid to members.

## INDUSTRIAL RELATIONS ADVISORY COMMITTEE

### 2. Terms of Reference

To provide a forum for discussion with and advice to Government on industrial relations issues.

Acts as head policy committee for other labour relations policy committees.

### 3. Present Members

Minister Wayne Berry

Mr J Woodrow

Mr B Preiss

Mr W Harris

Mr F Gillingham

Mr D Heaney

Mr G Wason

Ms M Sheehan

Mr B Cooke

Mr W Leigh

Mr P Schultz

Mr G Anderson

#### Public Servants

SES 2 5% \$3729.89

SOG B 10% \$5323.24

SOG C 10% \$4540.04

### 4. Remuneration

Nil

3795

21 October 1993

13

## CHIEF MINISTERS YOUTH ADVISORY COUNCIL

### 2. Terms of Reference

To provide the best possible advice to the Minister to meet the educational, developmental, health, welfare, accommodation and such other needs as will improve the situation of young people in the A.C.T..

### 3. Present Members

Mr Adam Stankevicius (interim Chair)

Ms Roberta Bogozzi

Ms Rebecca Baldwin

Mr Timothy Bowden

Ms Carly Godfrey

Mr Tony Laxxarato

Ms Debbie Longhurst

Ms Deidre McNally

Mr Stephen Mendl

Ms Jenifer Rahmoy

Ms Melinda Taunton

Ms Fiona Ulanowicz

### Public Servants

Approximately 40% (\$18842) of the SOG C position and 10% (\$2950) of the ASO 3 position are devoted to servicing the Council.

### 4. Remuneration

\$2,000 per annum Chair

\$1,500 per annum Members

3796

14

## MULTICULTURAL ADVISORY COUNCIL

### 2. Terms of Reference

To provide the Chief Minister with advice on policies and programs which meet the needs of the multicultural community in the ACT and to bring to the attention of the Chief Minister issues of particular concern.

### 3. Present Members

Ms Frederika Steen (Chair)  
Mr Vic Rebikoff OAM  
Mr Gil Anderson  
Ms Lynette Lane  
Mr Domenico Romano  
Ms Aysun Adams  
Ms Roksana Bako  
Mr Ursula Doyle  
Mr Philip Grundy OAM  
Dr James Jupp  
Ms Vasiliki Nihas  
Ms Flor Sermeno  
Ms Despina Voudouris

### Public Servants

The Multicultural and Aboriginal Affairs Unit provides secretariat support to the Council.

This support is provided primarily at the ASO 6 level, approximately 70% of the officers time.

From time to time however, additional support is provided at the ASO 4, SOG C and SOG B levels.

### 4. Remuneration

\$2,000 per annum Chair  
\$1,500 per annum Members

7

21 October 1993

15

## NEW ENTERPRISE INCENTIVE SCHEME ADVISORY COMMITTEE

### 2. Terms of Reference

Make recommendations on applications for NEIS grants.

### 3. Present Members

Mr Geoff Keogh (Chair)

Mr Ray Beshara

Ms Kerrin Hampstead

Mr Neale Emmanuel

Mr Michael Quinn

### Public Servants

ASO 6 (\$36638 - 42088) - approx 20 days per year

### 4. Remuneration

No remuneration

3798



16

## A.C.T. WOMENS EMPLOYMENT ADVISORY COMMITTEE

### 2. Terms of Reference

To assist the Womens Advisor (Employment, Education and Training) in identifying local priorities and needs, reviewing current service provisions in terms of its impact on womens employment, education and training.

To encourage women in entry level training in pursuing employment/training options, including options in male dominated trades and employment.

To consult with community bodies and advise the Womens Advisor (EET) on relevant issues pertaining to womens employment, education and training.

### 3. Present Members

Ms Prue Karmel (Chair)  
Ms Carol Gilbert  
Ms Cheryl OConnor  
Ms Pattie Kendall  
Ms Elizabeth Worthington  
Mr Pat Stakelum  
Mr Hugh Guilfoyle  
Ms Sue OMara  
Ms Maxine Caron  
Mr Colin Thomas  
Ms Vicki Thompson  
Ms Caz George  
Ms Di Summerhayes  
Ms Uyen Loewald  
Ms Ann Wentworth .  
Ms Vivienne Joice  
Ms Annie Quadroy

### Public Servants

Public servants servicing the committee

Executive Secretary Womens Advisor (Employment, Education and Training) \$47107

Time spent by Executive Secretary would be 5 hours per week (approx).

### 4. Remuneration

21 October 1993

17

## WORKERS COMPENSATION MONITORING COMMITTEE

### 2. Terms of Reference

As a sub-committee of the Industrial Relations Advisory Council (IRAC):

Monitor trends in workers compensation premiums payment and recommend changes to premium levels;

- advise the Minister through IRAC on alternatives to the present method of setting premium; and
- advise the Minister through IRAC on any matter relating to workers compensation

### 3. Present Members

Mr G Bellchambers  
Ms M Sheehan  
Mr G Wason  
Mr C Colbert  
Mr M Alves  
Mr F Gillingham  
Mr B Hill

#### Public Servants

SOG B 10% - \$5323.24  
SOG B 20% - \$10646.48

### 4. Remuneration

Nil

3800

MINISTER FOR HEALTH Wayne Berry (815)  
CHIROPRACTIC BOARD OF THE A.C.T.

2. Terms of Reference

To administer the Chiropractors Registration Act 1983. Principal functions include:

- registration of suitably qualified chiropractors to practice in the ACT;
- disciplining of chiropractors through reprimand/suspension/cancellation of registration after due inquiry on specified grounds;
- general oversight of the conduct of the chiropractic profession in the ACT; and
- review of accounts for Chiropractic services.

3. Present Members

Dr M A Badham (Chair)

Dr T Smith

Dr M P Tapper

Dr J Saducas

Dr E Lallemand

Public Servants

ASO 5 \$33924 - 35971 25 % of time

4. Remuneration

Nil

21 October 1993

2

## DRUGS ADVISORY COMMITTEE

### 2. Terms of Reference

To administer the Drugs of Dependence Act 1989. Principal functions include:

- Directs the Medical Officer of Health (MOH) with regard to any applications for approval to prescribe a Schedule 8 drug (ie a narcotic or amphetamine) which the MOH refers to the Committee;
- reviews the decisions of the MOH with regard to applications to prescribe Schedule 8 drugs in the event of an appeal being lodged; and
- formulates policy on the prescribing of Schedule 8 drugs.

### 3. Present Members

Dr S J Rosenman (Chair)

Dr T E Gavaghan

Dr H Lopert

Public Servants

ASO 4 \$29407 - 3192920 % of time

### 4. Remuneration

Nil

3802

3

MEDICAL BOARD OF THE A.C.T.

2. Terms of Reference

To administer the Medical Practitioners Registration Act 1930. Principal functions include:

- registration of qualified persons to practice in the ACT;
- disciplining of medical practitioners, through reprimand/suspension/cancellation of registration after due inquiry, on specified grounds;
- consideration of complaints against fees charged by registered medical practitioners;
- and
- general oversight of the conduct of the medical profession in the ACT.

3. Present Members

Dr A J McIntosh (Chair)

Dr B Richards

D J J ODonnell

Dr T Walker

Dr B Cutter

Dr J W Donovan

Dr C B Bennett

Public Servants

SOG C \$41929 - 45546 90% of time

4. Remuneration

Nil

3803

21 October 1993

4

## MENTAL HEALTH ADVISORY COUNCIL

### 2. Terms of Reference

To advise the Minister and CEO on issues related to Mental Health Legislation and the delivery and development of Mental Health services in the A.C.T..

### 3. Present Members

Ms Libby Steeper (Chair)

Ms Pat Daniels

Ms Marie Hughes

Ms Mary Cooper

Mr Brian IAnson

Mr Robert Linford

Ms Gillian McDonald

Mr Doug McIver -

Ms Eleanor Waight

Public Servants

1 x ASO 4 for 15% of officers time

### 4. Remuneration

Nil

3804

5

## TREATMENT ASSESSMENT PANEL

### 2. Terms of Reference

The functions of the Panel flow from the Drugs of Dependence Act, in particular:

- s.141 - Assessment
- s.142 - Variation of treatment
- s.143 - Periodic review of treatment
- s.144 - Referral for other purposes

### 3. Present Members

Mr R Bayliss  
Mr P Sutherland  
Mr A B Vincent  
Ms J Dominick  
Ms M Pyke  
Ms M Watson  
Mr T Rolfe  
Ms E Skinner  
Ms J Smith

#### Public Servants

ASO 5 \$33924 - 35971 100% of time

### 4. Remuneration

Chair \$140 per session

Member \$125 per session

3805

21 October 1993

6

## PHYSIOTHERAPISTS BOARD OF THE A.C.T.

### 2. Terms of Reference

To administer the Physiotherapists Registration Act 1977 and includes:

- registration of qualified persons to enable them to practice in the A.C.T.;
- disciplining of practitioners, through reprimand or suspension/cancellation of registration after due inquiry on specified grounds;
- consideration of complaints against registered practitioners;
- review of accounts for fees; and
- general oversight of the conduct of the profession in the A.C.T

### 3. Present Members

Ms Patricia Jane Levick (Chair)

Ms Elizabeth Davies (Deputy)

Ms Maureen Bailey

Mrs J M Freeman

Miss J Gunning

Ms K Conroy

Ms A ODonnell

Public Servants

ASO 4 \$33924 - 35971 30% of time

### 4. Remuneration

Nil

3806



7

## A.C.T. RADIATION COUNCIL

### 2. Terms of Reference

To administer the Radiation Act 1983. The Council is responsible for:

- granting licences (s20) in relation to the use of radioactive material and irradiation apparatus;
- registration of irradiating apparatus (s48);
- to advise on "prescribed qualifications" for a licence;
- to advise on and approve the disposal (s68) and transportation (s74) and storage of radioactive material; and
- directing licensees (s44) in situations where the health of-employees may be at serious risk.

### 3. Present Members

Dr Richard Brock (Chair)  
Mr Joseph Lising  
Dr Lawrence Woolf  
Dr Graham Utley

#### Public Servants

STO C \$43367 - 47107 60% of time  
TO 4 \$36638 - 40946 60% of time  
ASO 2 \$17969 - 19926 40% of time

### 4. Remuneration

Chair - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) Rate per diem - \$248 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) \$201 per diem (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

3807

21 October 1993

8

## THE DENTAL BOARD OF THE A.C.T.

### 2. Terms of Reference

To administer the Dentists Registration Act 1931. Principal functions include:

- registration of suitably qualified dental practitioners to practice in the A.C.T.;
- registration of suitably qualified dental hygienists to practice in the A.C.T.;
- disciplining of dental practitioners and dental hygienists, through reprimand/suspension/cancellation of registration after due inquiry on specified grounds; and
- consideration of complaints against fees charged by registered practitioners.

### 3. Present Members

Dr S Parsons (Chair)  
Dr B M Mor  
Dr D Thornton Taylor  
Dr M Loader  
Dr C Bonnano  
Dr K Minto  
Dr S Long

Public Servants

ASO 5 \$33524 - 35971 35% of time

### 4. Remuneration

Nil

9

THE DENTAL TECHNICIANS AND DENTAL PROSTHETISTS BOARD OF THE A.C.T.

2. Terms of Reference

To administer the Dental Technicians and Dental Prosthetists Registration Act 1988. Principal functions include:

- registration of suitably qualified dental technicians and dental prosthetists to practice in the A.C.T.;
- disciplining of dental technicians and dental prosthetists through reprimand/suspension/cancellation of registration after due inquiry on specified grounds; and
- general oversight of the conduct and addressing complaints in relation to the dental technicians and dental prosthetists profession in the A.C.T

3. Present Members

Mr J J Darby (Chair)

Mr P Fraser

Mr D McGuinness (Deputy)

Mr N Lutz

Mr F J Casey

Mr Stuart McCulloch

Public Servants

ASO 4 \$29407 - 31929 40% of time

4. Remuneration

Nil

3809

THE NURSES REGISTRATION BOARD OF THE A.C.T.

2. Terms of Reference

To administer the Nurses Act 1988. Principal functions include:

- registration of suitably qualified nurses to enable them to practice in the A.C.T.;
- disciplining of nurses, through reprimand or suspension/cancellation of registration/enrolment after due inquiry, on specified grounds;
- consideration of complaints against registered/enrolled nurses; and
- general oversight of the conduct of the profession in the A.C.T

3. Present Members

Ms S Trick (Chair)

Miss M Hughes

Mrs C Selkirk

Mr G Bagnell

Ms K F Wong

Miss L E Muir

Mr B J Griffiths

Ms J H Manning

Ms P Shaw

Public Servants

ASO 5 \$33924 - 35971 90% of time

4. Remuneration

Nil

11

THE OPTOMETRISTS BOARD OF THE A.C.T.

2. Terms of Reference

To administer the Optometrists Act 1956. Principal functions include:

- registration of suitably qualified optometrists to enable them to practice in the A.C.T.;
- disciplining of practitioners, through reprimand/suspension/cancellation of registration after due inquiry on specified grounds;
- consideration of complaints against registered practitioners and review of accounts or fees; and
- general oversight of the conduct of the profession in the A.C.T

3. Present Members

Mr W Whitnall (Chair)

Mr D Langley

Ms J Thomas

Public Servants

ASO 5 \$33924 - 35971 10% of time

4. Remuneration

Nil

3811

21 October 1993

12

## THE PHARMACY BOARD OF THE A.C.T.

### 2. Terms of Reference

To administer the Pharmacy Act 1931. Principal functions include:

- registration of suitably qualified pharmacists to practice in the A.C.T.;
- disciplining of pharmacists through reprimand, suspension or cancellation of registration, after due inquiry, on specified grounds;
- consideration of complaints against fees charged by registered pharmacists; and
- general oversight of the conduct of the profession in the A.C.T

### 3. Present Members

Mrs Susan Alexander (Chair)

Dr Susan Walters

Mrs Ruth Giesel

Mr William Arnold

Mr Patrick Develin

Mr Dale Jordan

Mr Graeme Watson

Public Servants

ASO 5 \$33924 - 35971 40% of time

### 4. Remuneration

Nil

3812

13

THE VETERINARY SURGEONS BOARD OF THE A.C.T.

2. Terms of Reference

To administer the Veterinary Surgeons Registration Act 1965 and:

- registration of suitably qualified veterinary surgeons to enable them to practice in the A.C.T.;
- discipline of practitioners, through reprimand, suspensions/cancellation of registration after due inquiry on specified grounds;
- consideration of complaints against registered practitioners; and
- general oversight of the conduct of the profession in the A.C.T

3. Present Members

Mr Kevin Adrian Doyle

Dr W K McDonald (Deputy)

Dr P A Creagh

Dr J Aiton

Ms Lorna Citer (Chair)

Public Servants

ASO 5 \$33924 - 35971 30% of time

4. Remuneration

Nil

3813

21 October 1993

14

MINISTER FOR HEALTH (815)

A.C.T. HEALTH PROMOTION FUND ADVISORY COMMITTEE

2. Terms of Reference

To advise the Minister on the allocation of monies from the Health Promotion Fund.

3. Present Members

Ms Sabina Wakerman

Ms Helen Musa

Ms Kate Lundy

Chair and four vacancies currently being considered

Public Servants

SOG C \$43367 - 47107 100% of time

ASO 6 \$36638 - 42088 100% of time

ASO 6 \$36638 - 42088 100% of time

ASO 2 \$23959 - 26568 100% of time

5. Remuneration

Nil

3814



15

## WOMENS HEALTH ADVISORY COMMITTEE

### 2. Terms of Reference

- Identify and advise on any anomalies or gaps in health services for women of the ACT; and
- liaise with community groups and provide effective consultative and information mechanisms.

### 3. Present Members

Ms Visnja Zarak

Ms Patti Kendall

Ms Tania Poulos

Ms Sandra MacKenzie

Ms Gwen Gray

Ms Michele Hall

Ms Dianne Roberson

Ms Lesley Fraser

Ms Wendy Armstrong

Ms Erica Assenheimer

Ms Charlotte Palmer

Ms Iris Clayton

Ms Pat Craig

Ms Beth Slatyer

Ms Jane Lynch

Ms Jenny Brogan

Public Servants

SOG C - \$43367 - 47107 10% Of time

### 5. Remuneration

Nil

21 October 1993

16

## DRUG AND ALCOHOL PROGRAMS GRANTS ADVISORY COMMITTEE

### 2. Terms of Reference

To provide assistance to Government and non-Government agencies in the provision of community based services relevant to Alcohol and Drug issues. It provides a funding source to projects/programs which complement or support existing Government services to reduce the harmful affects of alcohol and other drug use on society through various methods. Based on a harm minimisation philosophy.

### 3. Present Members

Ms Heidi Ramsay (Chair)  
Ms Karen Freedman  
Ms Heather Wain  
Commander Bill Stoll  
Ms Lyn Grayson  
Mr Martin Derkley  
Ms Debbie Daly  
Ms Heather Moss  
Ms Kass Hancock  
Ms Wendy Armstrong

### Public Servants

ASO 6 - \$36638 - 42088 -5% of time

### 5. Remuneration

Nil

3816

MINISTER FOR SPORT (817)

A.C.T. TOTALIZATOR ADMINISTRATION BOARD (ACTTAB BOARD)

2. Terms of Reference

To conduct or provide Totalizator betting services, to conduct lotteries, to act as an agent for the conducting of lotteries and to provide other services relating to betting as approved by the Minister.

3. Present Members

Mr Athol Williams (Chair)  
Mr Rhyll Scales (Deputy Chair)  
Ms Lesley Piko  
Mr George Wason  
Mr Phillip D Neck (CEO)

Public Servants

Secretariat support by Executive Officer estimated at 2 weeks per year (\$2,000). There is no other administrative expenditure.

4. Remuneration

Chair - Specified Office - Rate of fee per annum - \$25210 (from 19/5/93) Remuneration Tribunal det no 2 of 1993 refers

Deputy Chair -Specified Office - Rate of fee per annum - \$13520 (from 19/5/93) -Remuneration Tribunal det no 2 of 1993 refers

Member -Specified Office - Rate of fee per annum - \$10155 (from 19/5/93) - Remuneration Tribunal det no 2 of 1993 refers

5. Review

The ACTTAB Board was established as a statutory authority in July 1993 and was reviewed in this process. There is no sunset clause. Members are appointed for a three year term.

3817

21 October 1993

2

MINISTER FOR SPORT (817)

A.C.T. ACADEMY OF SPORT BOARD

## 2. Terms of Reference

To provide advice to the Sport and Recreation Council and the Minister on specialist and technical matters relating to the ACT Academy of Sport Program including:

- recommendations for funding of the Academy of Sport; and
- programs and initiatives to be supported by the ACT Academy of Sport.

It is a subcommittee of the ACT Sport and Recreation Council and is chaired by a member of the Council.

## 3. Present Members

Dr Alan Roberts (Chair)  
Ms Robin Duff  
Mr Lawrie Woodman  
Ms Heather McKay  
Mr Tim Sheens  
Ms Sue Hobson  
Mr Steve Whan  
Ms Dale Inabinet (Ex officio)

## Public Servants

Estimated 3 weeks per annum for one ASO 6 (\$2114) and one ASO 3 (\$1574). Other administrative expenditure of \$2000 per annum is allocated to the ACT Sport and Recreation Council. Administrative expenses for the ACT Academy of Sport Board are also paid from this allowance.

## 4. Remuneration

Nil

## 5. Review

The Academy of Sport Program is currently being reviewed. This will include a review of the contribution being made by the Academy of Sport Board. There is no sunset clause.

3818

3

## A.C.T. SPORT AND RECREATION COUNCIL

### 2. Terms of Reference

To provide policy advice and information to assist the government in developing and implementing its sport and recreation policies.

### 3. Present Members

Ms Sue Baker-Finch (Chair)  
Mr Jerry Lee (Deputy)  
Ms Shirley Brown  
Ms Heather Reid  
Dr Alan Roberts  
Mr Frank Cassidy  
Mr Vince Tetley  
Mr Jeff Townsend (Ex officio)  
Mr David Lawrance (Ex officio)

#### Public Servants

Secretariat support - one full time ASO 6 Executive Officer \$36638. Other administrative expenditure of \$2000 per annum is allocated to the ACT Sport and Recreation Council. Administrative expenses for the A.C.T. Academy of Sport Board are also paid from this allowance.

### 4. Remuneration

Committee members receive an honorarium of \$1000 per annum.

### 5. Review

The Council replaced the Sport and Recreation Committee, ACT Academy of Sport Board and the Sports Loan Interest Subsidy Scheme (SLISS) Assessment Committee in December 1991. There is no sunset clause - members are appointed for a three year

term.

*21 October 1993*

4

## MANUKA OVAL BOARD OF MANAGEMENT

### 2. Terms of Reference

To establish policies and oversee operation of Manuka Oval under the terms of the management contract between the Government and the ACT Cricket Association.

### 3. Present Members

The Board consists of three members nominated by the ACT Cricket Association, two from other sporting groups which are major users of the Oval and one from the ACT Government.

### 4. Remuneration Mechanism

There is no direct remuneration payable to members and secretarial support is provided by the ACT Cricket Association.

### 5. Review

The Board is established to run for the period of the management contract on the Oval, which is currently a five year period from 31 October 1990.

3820

5

## OLYMPIC 2000 COMMITTEE

### 2. Terms of Reference

Terms of Reference are not yet settled. The purpose of the committee is to advise government on economic, sporting, tourism and cultural opportunities to the A.C.T. of the 2000 Olympic Games and necessary action which is required to ensure that the A.C.T. is positioned to maximise the benefits of the 2000 Olympic Games in Sydney.

### 3. Members

Mr J Service (Chair)

Mr G Hartung

Mr R DeCastella

Ms S Baker-Finch

Mr D Marshall

Ms K Lundy

Ms H Reid

Mr D Williams

Ms J Sayers

Mr B Clyde

Mr J Warren

Ms S Whitbread

Mr G Fraser (Government Representative)

Mr D Lawrance (Government Representative)

#### Public Servants

A Senior Officer Grade B position ([\$48 133 pa]) will be established to support the committee.

### 4. Remuneration Mechanism

Nil

### 5. Review

The committee is newly established and any processes for review of its need will be settled in the light of its operations.

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21 October 1993

MINISTER FOR EDUCATION AND TRAINING Bill Wood (812)

CANBERRA INSTITUTE OF TECHNOLOGY ADVISORY COUNCIL

## 2. Terms of Reference

The function of the Council is to advise the Director of the Institute with respect to matters relating to the Institute and, in particular, in relation to:

- (a) the education policies to be implemented in the Institute;
- (b) the welfare of students at the Institute and the management of the Institute;
- (c) the development of relationships between the Institute and the community; and
- (d) the planning and programming of educational services to be provided by the Institute and the financial policies for the Institute.

## 3. Present Members

Mr B Livermore (Chair)

Ms D Proctor (Deputy Chair)

Mr M Alves

Mr E Attridge

Mr K Peoples

Mr C McDonald

Mr G Lennon

Dr S Ryan

Prof M Reynolds

## Public Servants

One public servant services the CIT Advisory Council, at SOG C level on a salary of \$47107 per annum, spending an average of 5-7 hours per week.

## 4. Remuneration

Nil



## VOCATIONAL TRAINING AUTHORITY

### 2. Terms of Reference

Plan and co-ordinate the provision of training programs, devise and develop training programs, including the determination of their nature, syllabus and duration, determine requirements as to age, education or any other matter to be satisfied by persons wishing to undertake training programs, accredit training programs, whether provided in the Territory or elsewhere, accredit qualifications for training awarded by other bodies or persons, inquire into the provision of training programs outside the Territory and arrange for the provision of similar programs which the authority considers should be provided in the Territory, promote the provision and undertaking of training programs, promote equity in access to training opportunities, keep under review the adequacy of training programs and their implementation, supervise generally the adequacy of training programs and their implementation, supervise generally the theoretical and practical training, keep under review the adequacy of facilities provided at institutions concerned in the provision of training programs, assess whether by examination or otherwise, the competency of persons who undertake training programs, issue, or arrange for the issuing of, certificates to persons who complete training programs, advise the Minister on matters relating to training in the Territory, inquire into and provide advice to the Minister on matters referred to the Authority by the Minister in relation to training in the Territory.

### 3. Present Members

Assoc Prof Mr Mike Reynolds (Chair)

Mr Norm Fisher (Ex officio)

Mr Mike Alves

Mr John Tozer

Mr Clive Haggart

Mr Charles McDonald

Mr Allan Bright

Public Servants

Meetings of the Vocational Training Authority are serviced by one SOG C (\$43367 - 47107) who would spend approximately 20% of his/her time on this function.

### 4. Remuneration

Chair - Specified Office - Rate of fee per diem - \$248 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

Member - Non-Specified Office - Rate per diem - \$201 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993

refers

21 October 1993

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MINISTER FOR EDUCATION AND TRAINING (812)

A.C.T. ACCREDITATION AGENCY

2. Terms of Reference

To accredit courses offered by the Canberra Institute of Technology, private providers of vocational education and training and training courses offered by industry and the public service.

3. Present Members

Professor Harry Hyland (Chair)

Ms Dianne Summerhayes

Mr C McDonald

Mr C Klimek

Ms Jenni Colwill

Dr J Grant

Ms M Kinsman

Mr W J Monaghan

Prof M Reynolds

Mr M Sawatzki

Public Servants

The ACT Accreditation Agency is serviced by a full time staff of three and comprises:

- a Director at SOG B salary \$55234;

0 2 x ASO 5 \$33924 - 35971

4. Remuneration

Sitting fees where appropriate \$248 per day (Chair), \$201 (member)

3824

4

MINISTERIAL ADVISORY COUNCIL ON PUBLIC EDUCATION (MACPE)

2. Terms of Reference

To report to the Minister both broad and specific policy advice on longer term priorities in A.C.T. government schools.

To advise on such matters affecting government schools as the Minister may refer to the Council from time to time.

3. Present Members

Ms Di Mildern (Chair)  
Dr Marilyn Fleer  
Mr Ray McCulloch  
Dr Sarah Ryan  
Dr Rolf Gerritsen  
Ms Ricki Dargavel  
Mr Charles McDonald  
Ms Wendy Coutts  
Ms Margaret Hird  
Mr Trevor Cobbold  
Mr Ross Dalton  
Ms Trish Payne  
Ms Marguerite Walshaw  
Ms Cecelia Machan  
Ms Cheryl Vardon (Ex officio)

Public Servants

Meetings of MACPE are serviced by one SOG B (\$55234) 1 day per month and 1 ASO 6 (\$36638 - 42088) three days per month.

4. Remuneration

Chair - Sitting fee as determined by the Remuneration Tribunal Act 1973

Chair - Non Specified Office - Rate of fee per diem - \$142 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

Member - Non-Specified Office - Rate per diem - \$118 (from 19/5/93) - Remuneration Tribunal det No 2 of

1993 refers

21 October 1993

MINISTER FOR THE ARTS Bill Wood (813)

## CANBERRA THEATRE TRUST

### 2. Terms of Reference

Actively promotes the Canberra Theatre Centre as a place of assembly for the presentation of artistic and cultural entertainments; promotes and encourages participation in the development of the arts; provides a level of staffing and funding by which the assets entrusted to it are maintained in a safe and proper condition; ensures that the Canberra Theatre Centre is available for hire at rates which give the best return to the Trust while being affordable to users; employs well trained and efficient staff to meet the ongoing need of the Canberra Theatre Centre and the requirements of users; and reviews the facilities and technology at the Canberra Theatre Centre to ensure that the Canberra Theatre Centre is at all times capable of meeting present and future requirements as a place of assembly for the presentation of artistic and cultural entertainments. Presents entertainment in other venues in the A.C.T., including Stage 88.

### 3. Present Members

Mr Jim Leedman AM (Chair)  
Mr Anthony Hayward (Deputy)  
Mr Jeff Townsend  
Mrs Joan Taggart OAM  
Mr Richard Thorp  
Ms K Knockles  
Ms Suzanne Hamilton

#### Public Servants

The Canberra Theatre Trust Board is serviced by

1 SES equivalent (\$68663)  
1 SOG B (\$55234)  
1 SOB C (\$43367)  
1 ASO 6 (\$38579)  
1 ASO 5 (\$35971)  
1 ASO 4 (\$31380)  
3 x ASO 3 (gross \$86124)  
4 1/2 x ASO2  
4 x Theatre Technicians  
2 x Box Theatre Cashiers

### 4. Remuneration

Chair - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) Rate per diem - \$240 (from 19/5/93) - Remuneration Tribunal det no 2 of 1993 refers.

Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) \$194 per diem (from 19/5/93) - Remuneration Tribunal det no 2 of 1993 refers.

### 5. Review

No review has been conducted nor is one proposed. There is no sunset clause.

MINISTER FOR THE ARTS (813)

A.C.T. CULTURAL COUNCIL

2. Terms of Reference

The Council advises the Minister responsible for the Arts on cultural matters.

3. Present Members

The Council has sixteen members representing broad rather than specific interests and include an ex-officio Government representative. Council has a number of community co-optees on its artform/interest committees. There are two peak committees (Cultural Practice . and Cultural Opportunities) and three artform/interest committees which assist primarily with grant recommendations.

One staff member is substantially dedicated to the Council and another six staff provide support as required.

Public Servants

Staff time in Secretariat support 1 x ASO 4 - (2/3 salary \$22811.25)

4. Remuneration

Nil

5. Review

The formation of the Council was one of the major recommendations of the ACT Legislative Assembly Select Committee on Culture Activities and facilities which tabled its final report in June 1991. The Councils membership was announced in December 1991.

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21 October 1993

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING Bill Wood (814)

## A.C.T. HERITAGE COUNCIL

### 2. Terms of Reference

To advise the Minister on matters which relate to the natural and cultural heritage of the A.C.T. and Jervis Bay. The Committees responsibilities also include recommendations on grants for heritage matters and the promotion of public interest and understanding of heritage matters.

### 3. Present Members

Mr Eric Martin (Chair)  
Mr Bruce McDonald  
Ms Robyne Bancroft  
Ms Sue Dyer  
Mr Ken Heffernan  
Ms Matilda House  
Ms Catherine Keirnan  
Mr Donald McMichael  
Mr Phillip Selth

#### Public Servants

The Committee comprises nine part time community members appointed by the Minister; also, the Chief Planner and Conservator of Wildlife are appointed as ex-officio members. In addition, there are two supporting officers - the Manager of the Heritage, Museums and Galleries Section and an Executive Officer who also provides Secretariat support.

### 4. Remuneration

Community members of the Council receive remuneration as per the Remuneration Tribunals Determination 2 of 1993. Members are remunerated for their attendance at Council meetings and for other business of the Council.

The anticipated remuneration to members and other expenditures for 1992/93 are:

- sitting fees/honorariums \$28638
- other direct remuneration \$1161
- Heritage Council support \$53350
- other administrative expenditure \$7131

### 5. Review

The legislation under which the A.C.T. Heritage Council was established became effective as of 2 April 1992. The Council was appointed by the Minister for Land, Planning and Environment on 6 August 1992.

The A.C.T Heritage Council is currently undertaking a review of the arrangements and practices established in its inaugural years.

There is no sunset provision for the Heritage Council. Members are appointed for a 3 year period. The Assemblys Planning Development and Infrastructure Committee is currently reviewing the Land (Planning and Environment) Act 1991 and related legislation

## ANIMAL WELFARE ADVISORY COMMITTEE

### 2. Terms of Reference

To advise the Minister about animal welfare legislation; to participate in the development of codes of practice; to provide advice to other Territory authorities, and to community bodies, about programs for the improvement of community awareness about animal welfare; to advise the Minister about any other matter relating to animal welfare; and to report annually to the Minister on the activities of the Community.

### 3. Present Members

The Committee comprises 13 members as representatives in their own right or as representatives of community organisation. There are two support staff, being one adviser and a Secretary.

#### Public Servants

Staff time in Secretariat support is 1 x ASO 6 for approximately 2 days per month (ie 10% of total duties). Total annual cost \$4000. Other annual administrative expenditure for refreshments and stationery \$60.

### 4. Remuneration

Nil

### 5. Review

The Committee was established on 1 December 1992 with no sunset clause

21 October 1993

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## SURVEYORS BOARD OF THE A.C.T.

### 2. Terms of Reference

Registers surveyors in the A.C.T. to perform surveys for land title purposes, examines candidates for registration and, under a common seal, issues certificates of competency and registration.

### 3. Present Members

Mr Edwin Hyde (Chair)

Mr Peter Wilden

Mr Frank Searson

Mr Jim Riddell

Mr Alan Mail

#### Public Servants

Currently on the Surveyors Board ACT Government:

Mr Edwin Hyde 3 days per month

Mr Frank Searson 1/2 day per month

Associated A.C.T. Government employees with the Board:

Mr Russell Wenholz 2 days per month

Mrs Nan Metha 5 days per month (Registrar)

#### Other Members of the Board

Mr Jim Riddell

Mr Alan Mail

Mr Peter Wilden

### 4. Remuneration

ACT public servants are not remunerated for Board duties.

Other members are paid as per the Australian Capital Territory Remuneration (Amendment) Ordinance 1988.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING (814)

FLORIADE BOARD OF MANAGEMENT

2. Terms of Reference

To manage the non-horticultural aspects of Floriade. Their charter is to engage an event manager to raise sponsorship in order to fund the non-horticultural components and to manage the event. Further development of Floriade is also a major responsibility of the Board.

3. Present Members

Mr Jim Service (Chair)  
Ms Linda Graham  
Miss Oi Choong  
Mr David Marshall  
Mr Bob Mitchell  
Mrs Shirley Meldrum  
Mr Greg Fraser (Ex officio)  
Mr David Lawrance (Ex officio)

Public Servants

Staff time in Secretariat support is 1 x SOG C and 1 x ASO 5 for 4 hours for 12 Board meetings, total annual cost \$2088.

4. Remuneration

Board members receive no sitting fees. Other direct remuneration is travel for one board member from Sydney approximately 8 times per year at approximately \$300 per visit, total annual cost \$2400.

5. Review

An Interim Board of Management was first established in 1990. A permanent Floriade Board of Management was established in March 1993. There is no sunset clause.

3831

## A.C.T. ENVIRONMENT AND CONSERVATION CONSULTATIVE COMMITTEE

### 2. Terms of Reference

The Committee advises the Minister responsible for Environment and Conservation on issues relating to the environment and its protection, park management, nature conservation, urban open space management and outdoor recreation reation in the A.C.T.. In particular it provides advice in these areas on the following:

- preparation of management plans;
- development and content of legislation;
- development of urban open space areas;
- development of policies and programs;
- investigation, study and research requirements;
- community information, education and interpretation; and
- community participation.

The Committee also provides advice to the Minister and the A.C.T. Parks and Conservation Service on the implementation of the A.C.T.s Decade of Landcare Plan. The Committee provides the Minister and the Environment and Conservation Division with a point of liaison and communication with community interests in relation to park management, nature conservation, landcare, urban open space and outdoor recreation management. The Committee also acts as a Territory Assessment Panel for applications made under the National Landcare Program and provides advice to the relevant Commonwealth Government Departments with respect to A.C.T. applications for funding under this program. As part of the A.C.T.s consultative mechanisms established under the National Landcare Plan, the Committee will make recommendations for funding under the A.C.T.s Community Tree Planting Program.

### 3. Present Members

Professor P Cullen (Chair) Ms D Robin Ms C Purdon Mr B Lawrence  
Dr D Smiles Mr P Buckmaster Ms F Brand Mr R Falconer  
Ms J Rees Mr I Fraser Ms A Taylor Ms M House

#### Public Servants

Staff time in Secretariat support is 1 x ASO 6 for 11 Committee meetings and associated workshops (estimated time 30% of total duties). Total annual cost \$12000.

### 4. Remuneration

Nil

### 5. Review

This Committee replaced the ACT Parks and Conservation Consultative Committee in August 1992. There is no sunset clause.

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## LAND AND MARKETING COMMITTEE

### 2. Terms of Reference

Are to:

- address major issues affecting the release and development of land in the ACT.
- discuss strategic options for land development and marketing.
- address major issues concerning the management and redevelopment of leases.
- determine the likely impact of Government land policies, programs and initiatives on the industry and private sector in general.
- provide a forum in which industry and other private sector representation can raise issues of concern relating to the sale, marketing and leasing of the land in the ACT.

### 3. Present Members

Mr P Guild (Chair) Mr P Stakelum Dr C Adrian Ms M Haynes  
Mr L King Mrs C Parsons Mr H P Street Mr J Kenworthy  
Mr O Kleinig Mr M Crowe Mr B Bryant Mr H Lipscombe  
Mr P Marshall Mr G Snow Mr C Tsoulas Mr R Tindale  
Mr H Grigor Mr J Notaris Mr H Tengrove Mr L Roberts  
Ms J Jacobs

### Public Servants

#### ACT GOVT OFFICERS POSITION SALARY \$ TIME DEVOTED P/Y

Mr Peter Guild SE B2 84763 12 hours  
Dr Colin Adrian SE B1 68663 20 hours  
Ms Moiya Haynes SE B1 68663 12 hours  
Mrs Cathy Parsons SE B1 68663 12 hours  
Mr P Stakelum SOG B 55234 12 hours  
Ms J Jacobs ASO 5 35971 40 hours

The Land and Marketing Committee is held on average 6 times per year and each meeting lasts approximately 2 hours. Ms Jacobs, Secretary for the Committee, devotes additional time to the preparation of meetings and minutes.

### 4. Remuneration

Nil

21 October 1993

ATTORNEY GENERAL Terry Connolly (809)

A.C.T. CONSUMER AFFAIRS ADVISORY COMMITTEE

2. Terms of Reference

The Committee advises the Minister and the Director of Consumer Affairs as required or on its own initiative, on matters affecting the interest of consumers. It also acts as a link between the Government and the community.

3. Present Members

Fresh appointments being considered by the Government.

Public Servants

One ASO 5 services the Committee providing 25% of the officers time. The officers annual salary is \$34778.

4. Remuneration

Expenses reimbursed.

3834

2

## A.C.T. LIQUOR LICENSING BOARD

### 2. Terms of Reference

To consider and determine matters referred to it under the Liquor Act. Conduct hearings and inquiries in relation to applications. Provide policy advice to Minister on liquor related issues.

### 3. Present Members

Mrs Robin Gibson (Chair)  
Mr Anthony Brown (Registrar)  
Mr Ken Helm

#### Public Servants

The Board is serviced by the Liquor Licensing Section in Administrative Law and Justice Branch of the Attorney Generals Department.

#### STAFF SALARY % OF TIME

SOG B (Registrar) 55234 10

SOG C 43367 10

ASO 6 42088 5

AS05x2 35971 5

ASO 3 27289 10

### 4. Remuneration

Determination made by the Remuneration Tribunal on 19/5/93 Det No 2 1993

Chair \$248 per day

Member \$201 per day

(in accordance with the Remuneration Tribunal non-specified office Category 2 rate)

3835

21 October 1993

3

## ADMINISTRATIVE APPEALS TRIBUNAL

### 2. Terms of Reference

Review decisions of specified persons or their delegates made in the exercise of power conferred by the enactment (s 24).

### 3. Present Members

Mr L J Curtis P/T President  
Mr N J Attwod P/T Member  
Mr P Corkey P/T Member  
Mr K Beddoe P/T Member  
Mr C A Woodley P/T Member

### Public Servants

SOG C \$43367 - 47107  
ASO 4 \$30415 - 33024  
AS03x2 \$27289 - 29452  
ASO 2 \$23959 - 26568

### 5. Remuneration

President - Specified Office - Rate per diem \$473 (from 19/5/93) plus \$4730 pa (Remuneration Tribunal det no 2 of 1993 refers.

Member - Specified Office - Rate per diem - \$201 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

3836

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## A.C.T. CREDIT TRIBUNAL

### 2. Terms of Reference

The Tribunal adjudicates between credit users and credit providers on matters arising under the Act and decides on applications by credit providers and finance brokers for licensing under the Act.

Deals with:

Contracts of Sale  
Credit Sale Contracts  
Loan Contracts  
Continuing Credit Contracts  
Goods Mortgages  
Home Finance Contracts  
Contracts of Guarantee  
Contracts of Insurance

### 3. Present Members

Mr A C C Menzies (Chair)  
Mr B D Pentony  
Mr J H Fielden  
Ms J B McSpedden  
Ms Elizabeth Symons (A/g Chair)

Public Servants

The administration for this Tribunal is undertaken by the staff of the Guardianship and Management of Property Tribunal, and would take approximately one day per month.

### 4. Remuneration

Chair - Specified Office - Rate per diem - \$378 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) \$201 per diem (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

3837

## CHILDRENS SERVICES COUNCIL

### 2. Terms of Reference

The Functions of the Council are:

- (a) to consider matters related to childrens welfare referred to it by the Minister;
- (b) to consider any other matter related to childrens welfare;
- (c) to make recommendations concerning childrens welfare to a Minister, body, authority or agency concerned with the welfare of children;
- (d) to make recommendations to the Minister with respect to the granting of money, or the furnishing of other assistance, to a body, authority or agency concerned with childrens welfare;
- (e) to inform itself concerning matters related to childrens welfare;
- (f) to arrange meetings for the discussion of matters related to childrens welfare;
- (g) to prepare and issue papers related to childrens welfare; and
- (h) to arrange for the preparation of statistics with respect to any matter dealt with under the Act or otherwise with respect to childrens welfare.

### 3. Present Members

Ms Dianne Proctor (Chair)  
Ms Christine Healy (Ex officio)  
Mr R J Cahill Chief Magistrate (Ex officio)  
Ms Heather McGregor (Ex officio)  
Dr S Packer (Ex officio)  
Supt C Lathbury (Ex officio)  
Ms N R Miller (Ex officio)  
Ms Pam Nielsen (Ex officio)  
Ms Jan Williamson  
Ms Betsy Gallagher  
Mr Chris Staniforth  
Ms Jenny Kitchin

### Public Servants

The Council is serviced by an ASO 6 (\$42088) using 30% of the officers time.

### 4. Remuneration

Reimbursement of child care costs for non-government representatives.

3838



6

## GUARDIANSHIP AND MANAGEMENT OF PROPERTY TRIBUNAL

### 2. Terms of Reference

The Guardianship and Management of Property Tribunal is empowered to make orders appointing guardians and managers on behalf of adults who are incapacitated by illness, injury or an intellectual disability, and need a guardian to make decisions about their health and welfare, and/or a manager to make decisions about their financial affairs.

### 3. Present Members

Mr Ron Cahill (President)  
Mr Karen Fryar  
Mr Harry Geddes  
Ms Patricia George  
Ms Margo Hodge  
Ms Jane Greagg  
Ms Jennifer Marshall  
Mr Brendan Hull  
Ms Ann Hull  
Mr Robert Wedgwood  
Mr Norman Napper  
Ms Rosemary Townsend  
Ms Elizabeth Hurley  
Mr Phillip Thompson

#### Public Servants

The Tribunal is administered by a Deputy Registrar of the Magistrates Court. The officer is at ASO 5 level and is assisted by an ASO 2 on full time basis. The salaries are \$35971 and \$26568 respectively.

### 4. Remuneration

Reasonable Expenses - as allowed for under section 61 of the Act.

21 October 1993

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## LEGAL AID COMMISSION

### 2. Terms of Reference

To provide legal assistance in accordance with the Act.

### 3. Present Members

Mr R K Todd  
Mrs H C Crisp  
Mr David Harper  
Mr Ken Page  
Ms P M Burton  
Ms Kathleen Wancock  
Mr Robert Crowe  
Mr Chris Staniforth (CEO)  
Ms Maureen Lewis (Commonwealth Attorney Generals Department)

Public Servants

Nil

### 4. Remuneration

A Commissioner other than the Chief Executive Officer shall be paid such remuneration as is prescribed or, if a determination of the Remuneration Tribunal is in force in relation to the office of that Commissioner; such remuneration as is determined by that Tribunal. If a person who is a Judge is the President of the Commission, he is not, while he receives remuneration or allowances as a Judge, entitled to remuneration or allowances under the Act.

President - Specified Office - \$20251 (from 19/5/93) - Rate of fee per annum -  
Remuneration Tribunal det No 2 of 1993 refers

Commissioner - Specified Office - \$10115 (from 19/5/93) - Rate of fee per annum -  
Remuneration Tribunal det No 2 of 1993 refers

Chief Executive Officer - Specified Office - \$77371 (from 19/5/93) - Rate per annum of  
Salary - Remuneration Tribunal det No 2 of 1993 refers

Assistant Executive Officer - Specified Office - \$61131 (from 19/5/93) - Rate per annum of  
Salary - Remuneration Tribunal det No 2 of 1993 refers

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## LEGAL AID REVIEW COMMITTEES

### 2. Terms of Reference

To review decisions referred to the Committee under subsection 36(3) of the Legal Aid Act 1977.

### 3. Present Members

Mr H M Selby First Review Committee  
Mr G F McNamara Deputy First Review Committee  
Ms A M Proctor First Review Committee  
Ms D M Kennedy Deputy First Review Committee  
Ms S A Kovacs First Review Committee  
Ms L Robertson First Review Committee

Mr C P McKeown Second Review Committee  
Mr C Whitelaw Deputy Second Review Committee  
Mr G K Burnett Second Review Committee  
Ms D E Parker Deputy Second Review Committee  
Ms J Pearce Deputy Second Review Committee

Mr R F Livingston Third Review Committee  
Mr M J Higgins Third Review Committee  
Mr G P Walker Deputy Third Review Committee  
Ms Penny Joy Deputy Third Review Committee

### Public Servants

One ASO 6 (\$40693) services the Committee providing 3-4 days of the Officers time per week.

### 4. Remuneration

Members of a Review Committee shall be paid such allowances for expenses in respect of the performance of their duties as prescribed.

Remuneration options have not been exercised

## MAGISTRATES COURT

### 2. Terms of Reference

The Magistrates Court is set up under the Magistrates Court Act 1930. Its functions are to hear and determine civil and criminal cases in the exercise of jurisdiction conferred by Territory and Commonwealth legislation.

The Coroners Act 1956 creates the Coroners Court as a separate court and provides that a Magistrate is a coroner for the Territory. Its function is to conduct coronial inquests.

The Small Claims Act 1974 provides that, when exercising the jurisdiction conferred by that Act, the Magistrates Court shall be known as the Small Claims Court. It has a limited civil jurisdiction.

The Childrens Services Act 1986 provides that, when exercising the jurisdiction conferred by that Act, the Magistrates Court shall be known as the Childrens Court. It has jurisdiction over minors for a variety of civil and criminal matters.

### 3. Present Members

Mr R J Cahill Chief Magistrate Mr W K Nichol[ Magistrate Mr M A Somes Magistrate Mr M Ward Magistrate Mr P G Dingwall Magistrate Mr J D Burn Magistrate Ms K Fryar Magistrate Mr M K Bannister Special Magistrate Mr K T Dobson Special Magistrate Mr A A Hardiman Special Magistrate Mr J M Murphy Special Magistrate Mr D W Smith Special Magistrate Captain B L Adams RAN Special Magistrate Jervis Bay Ms M C Layton Special Magistrate Jervis Bay

### Public Servants

### 4. Remuneration

Chief Magistrate - Specified Office - \$118,238 (from 19/5/93) - Rate per annum of Salary - Remuneration Tribunal det No 2 of 1993 refers

Magistrate - Specified Office - \$110997 (from 19/5/93) - Rate per annum of Salary -Remuneration Tribunal det No 2 of 1993 refers

Special Magistrate - Specified Office - \$378 (from 19/5/93) - Rate per diem - Remuneration Tribunal det No 2 of 1993 refers

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OFFICE OF RENTAL BONDS ADVISORY COMMITTEE

2. Terms of Reference

To monitor the operational efficiency of the Office. To make recommendations on funding priorities; and to review and monitor the implementation of the rental bonds amendment to the Landlord and Tenant Act 1949 so as to provide advice on the operation and any desirable reform of the legislation.

3. Present Members

Mr Bruno Yvanovich  
Ms Margot Hughes  
Mr Ken Horsham

Public Servants

Approximately 5% of workload of the Manager of the Office of Rental Bonds involves servicing the Committee.

4. Remuneration

Nil

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21 October 1993

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## PAROLE BOARD OF THE A.C.T.

### 2. Terms of Reference

Matters relating to the release of prisoners on parole and to the discipline of parolees. By invitation, the Board provides advisory recommendations on applications made by A.C.T. prisoners for release on licence.

### 3. Present Members

Professor A D Hambly (Chair) Ms P Burton Commander W J Stoll Ms E Harris Ms A Kleber Mr Justice J J A Kelly holds an appointment to act in the Chair's absence

#### Public Servants

The Board is serviced by an ASO 6 (\$37550) as Secretary who devotes about 75-80% of her time to that task. Keyboard work as required is done by an ASO 2 (\$26568) - about 10% of the officer's time. Non salary costs (1992/93): Sitting fees - \$6622; Incidentals - overtime - \$153.14; transport \$23.

### 4. Remuneration

Members are paid such fees and allowances as are prescribed, subject to any determination under the Remuneration Tribunal Act 1973. Category 2 daily rates are currently paid ie \$248 per diem for the Chair and \$201 per diem for members.

3844

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## PRODUCT SAFETY ADVISORY COMMITTEE

### 2. Terms of Reference

To advise the Attorney General and Director of Consumer Affairs in relation to Product Safety Orders and Bans and on the adoption of Product Information Standards; and

Hear appeals from traders and manufacturers affected by Product Safety Orders or Bans.

### 3. Present Members

Mr M Vernon (Chair)

Mr G Ingarfield

Ms K Gosling

Ms L Wellsmore

Public Servants \_

SOG C (\$47107). Committee work involved under 1% of that officers time.

### 4. Remuneration

Nil

3845

21 October 1993

13

## PUBLIC TRUSTEE INVESTMENT BOARD

### 2. Terms of Reference

To control the investment of money that is from time to time in the common fund or otherwise in the hands of the Public Trustee and available for investment (see section 46 of the Public Trustee Act 1985).

### 3. Present Members

Mr D C Dunckley (A/g Public Trustee)

Ms Tu Pham

Mr N B Page

Public Servants

STAFF SALARY HOURS OF TIME PA

SES BAND 1 61147 12

ASO 6 40519 12

SOG B 55234 4

### 4. Remuneration

As public servants. Mr Dunckley and Ms Pham receive no additional remuneration. Mr Page, who is the Chief Investments Manager, Commonwealth Funds Management Ltd, has not sought remuneration for his services.



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SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM MINISTERIAL  
ADVISORY COMMITTEE

2. Terms of Reference

To provide advice to Territory/Commonwealth Ministers and to the Joint Officers Group on:

- (a) priorities for consideration in the development of the Commonwealth/Territory Plan;
- (b) levels of unmet need;
- (c) program level accountability processes, service standards and performance indicators, data needs and evaluation measures; and
- (d) other program matters referred by Commonwealth and Territory Ministers or the Joint Officers Group for advice.

3. Present Members

Ms J Pearce Ms R Fuzzard Ms J Kitchin Ms D MacGilvray Ms C Athanasos Mr P Chivers Ms J ODwyer Ms M Crawford Ms M Spicer (Three nominations, including Chair, awaiting Commonwealth approval. One nomination still being sought.)

Public Servants

This Committee is serviced by an ASO 6 salary \$40693 requiring approximately 30% of that officers time.

4. Remuneration

Sitting Fees Remuneration Tribunal rates - Chair \$142, Members \$118 (Non specified Office - Category 1)  
3847

21 October 1993

15

ATTORNEY GENERAL (809)

A.C.T. COMMUNITY LAW REFORM COMMITTEE

## 2. Terms of Reference

The Committee is a ministerial committee which reports to the Attorney General on formal references to the Committee and: identifies areas that are in need of review or reform; anticipates emerging socio-legal issues; assesses the practical impact of various proposals and laws on ACT citizens.

## 3. Present Members

The Hon J A Kelly (Chair) Ms Jenny Kitchin (Deputy Chair) Mr Ron Cahill (Deputy Chair)  
Ms Robin Burnett Professor Roman Tosmasic Professor Duncan Chappell  
Mr Nick Seddon Ms Vivienne Joice Mr Graeme Lunney  
Mr Rainer Frisch Ms Veronica Laletin Ms Annmarie Lumsden  
Mr Rod Campbell Mr Peter Sutherland Mr Peter Hohnen  
Ms Alice Tay Ms Rosalie Balkin

## Public Servants

Research and support for the Committee is provided by the ACT Law Reform Unit. This work represents approximately 2/3 of the Units workload. This Unit is also responsible for the ACT Law Review Program. The Unit consists of:

## STAFF SALARY

Legal 2 56188

Legal 1 51052

Legal 1 47107

Legal 1 32091

## 4. Remuneration

Since the establishment of the Committee and until recently, members contributed their time without any remuneration. The Government decided that members should receive financial recognition for their time both at meetings and at other times. The Government has provided remuneration to members calculated on the basis of attendance at monthly Committee meetings effective from April 1993. The remuneration is based on the Category 2 rate determined by the Remuneration Tribunal for a part-time public office holder (currently \$248 per meeting for the Chairperson and \$101 for each member). There is no remuneration for attendance at sub-committee meetings.

3848

16

## A.C.T. DISABILITY SERVICES ADVISORY COMMITTEE

### 2. Terms of Reference

Joint Ministerial appointment with the Commonwealth. To ensure the development of a national perspective in key issues, tasks that have been agreed in consultation between the Commonwealth and Territory Ministers, A.C.T. Disability Services Advisory Committee (DSAC) and Disability Advisory Council of Australia (DACA) annual work program. The A.C.T. DSAC will also include issues specific to the A.C.T. that they have identified, as well as issues referred for consideration by the State Manager, Commonwealth Department or the General Manager, ACT Housing and Community Services Bureau, in pursuit of common objectives to improve outcomes for people with disabilities.

### 3. Present Members

Ms Margo Hodge (Chair)  
Ms Anne Procter  
Mr Wayne Harvey  
Mr Rob Westcott  
Mr Brian IAnson  
Ms Ngaire Whitehead (Ex officio)  
Ms Marcia Vannithone  
Ms Margaret Crawford

### Public Servants

One ASO 6 officer services the Committee providing 30% of the officers time on a weekly basis. The Committee meets eight time a year and the officer provides preparation of background material, minutes, research and assists with the organisation of public meetings and workshops.

### 4. Remuneration

Sitting fees paid by Commonwealth Department of Health, Housing, Local Government and Community Services. Chair awarded part time honorarium pay through Commonwealth Remunerational Tribunal, \$10,155 pa.

21 October 1993

17

## A.C.T. HOME AND COMMUNITY CARE ADVISORY COMMITTEE

### 2. Terms of Reference

Provide the Federal and Territory Ministers with policy advice on Administration of the Home and Community Care Program, which provides services aimed at preventing premature residential care for frail aged and younger disabled people. The Committee will also develop program priorities

### 3. Present Members

Mr Paul Free from December 1992. The Terms of the balance of the Committee expired at the end of February 1993. Approval is being sought for new appointments.

#### Public Servants

Approximately 25% of a full time ASO 5 (\$32800) currently services the Committee. Time spent on servicing the Committee varies depending on when meetings are scheduled, the number of papers required for each meeting and distribution of papers for each meeting. Some supervision is required but this is estimated as being minimal.

A SOG B (\$53403) also attends meetings which are currently scheduled once every six weeks.

### 4. Remuneration

Nil

18

CO-ORDINATING COMMITTEE FOR THE ACT TAXI SCHEME FOR PEOPLE WITH  
DISABILITIES

2. Terms of Reference

To advise the Minister on the A.C.T. Taxi Subsidy Scheme and oversight the implementation and operations of the scheme.

3. Present Members

Ms Marcia Vannithone  
Ms Dene Kellam  
Dr Ralph Fambach  
Dr C English  
Mr L Buttsworth  
Ms M Norris  
Mr J Herner  
Ms M Trezise

Public Servants

One ASO 2 officer services the Committee. The Committee meets twice a year and the officer provides six hours of time per meeting with the preparation of minutes and relevant background material.

4. Remuneration

Nil

21 October 1993

19

## HOUSING ADVISORY COMMITTEE

### 2. Terms of Reference

To advise the Minister responsible for Housing in the A.C.T. on the Housing Trusts strategic direction and priorities based on an evaluation of its performance, in particular:

- the extent to which the Housing Trusts programs meet its corporate goals, ie:
  - accessibility of Housing Trust services;
  - responsiveness and appropriateness of Trust services to community needs.
- priorities for housing assistance;
- areas and levels of unmet need;
- other matters referred by the Minister or the Commissioner for Housing.

The major focus of the HAC is to develop advice on the strategic direction and priorities of the Housing Trust and evaluating its performance against corporate goals.

### 3. Present Members

Mr Ken Horsham (Chair) Ms Rhonda Fuzzard Mr John Mason Mrs Sue Doobov Ms Julie Whitmore Ms Uyen Loewald Mr Bruno Yvanovich Mr Mike Crowe Ms Kerry Elizabeth Mr Bernie Bryant Mr Peter Keating Mr Ken Johnson Ms Margo Hodge Ms Margo Hughes An Aboriginal and Torres Strait Islander representative is to be nominated for appointment by the Aboriginal Advisory Council.

### Public Servants

Secretariat services for this Committee represent a minor time commitment by a SOG B, salary \$55234, with other support services including research, provided from within the Policy and Executive Services Section. It is not possible to determine the time devoted by these officers to the various requirements of servicing this Committee.

### 4. Remuneration

Nil

### 5. Review

The Committee was only established in its current form in 1992. No sunset clause in place.

3852

20

## HOUSING REVIEW COMMITTEE

### 2. Terms of Reference

To review on appeal, special decisions of the A.C.T. Housing Trust.

### 3. Present Members

Mr T McDonald (Chair)

Mr V Hooten (Deputy Chair)

Ms P Gajardo

Dr H Martinez

Mr A Parker

Mr J Paz

Ms N Horne

Mr J Hinchey Deputy

(A new committee is expected to be appointed by 30/9/93)

### Public Servants

This Committee is serviced by an ASO 6 (\$36639 - 42088) and an ASO 3 (\$27289 - 29452) on a full time basis. As well as a direct service role to this Committee, these officers manage the Housing Trusts appeals system and provide an advisory service to appellants. Additional administrative support is provided as necessary.

### 4. Remuneration

Chair: \$248 per sitting day Members: \$201 per sitting day Authority - Remuneration Tribunal guidelines with ministerial approval (part time Category 2 office ). Sitting fees total about \$20,000 annually.

### 5. Review

The need for the committee was last reviewed in August 1993. An ongoing need was demonstrated. No sunset clause applied.

3853

21 October 1993

21

## SUBSTITUTE CARE AND FAMILY SUPPORT SERVICES COMMITTEE

### 2. Terms of Reference

The Substitute Care and Family Support Services Committee provides an ongoing forum which aims to facilitate the co-ordination and development of a single united welfare system and to provide advice on planning and delivery of A.C.T. childrens welfare services.

### 3. Present Members

Executive Director - Family Services Branch Director - Policy and Administrative Support, Family Services Branch Director - Adoption and Foster Care, Family Services Branch Director - Regional Services, Family Services Branch Director - Barnardos Australia Director - Galilee Director - Marymead Director - Open Family Foundation Director - Richmond Fellowship

### Public Servants

The Committee is serviced by an ASO 6 (\$42088) requiring approximately 30% of that officers time.

### 4. Remuneration

Nil.

3854



## WEAPONS CONTROL ADVISORY COMMITTEE

### 2. Terms of Reference

The role of the Committee is to provide advice to the Government with regard to the issue of weapons control.

The functions of the Committee are to:

- (a) monitor the administration and the effectiveness of the Weapons Act 1991 and any related legislation;
- (b) consider developments in weapons control in other jurisdictions within Australia and, where appropriate, elsewhere;
- (c) seek, to the extent it thinks necessary, and consider the views of individuals and organisations on weapons control; and
- (d) make recommendations to the Government concerning weapons control including the need for new or amending legislation.

### 3. Present Members

Magistrate Michael Somes (Chair)  
Dr Peter Grabosky  
Mr Jim McGregor  
Dr Jo Herlihy  
Ms Heather McGregor  
Dr Rosalie Balkin  
Supt Chris Lathbury

#### Public Servants

One ASO 6 (\$42088) services the Committee providing 1/2 - 1 days of the officers time per month including attendance at meetings.

### 4. Remuneration

Nil

### 5. Last Review

Committee established at commencement of Weapons Act in October 1991. Issues still current, and no need seen to review need for this Committee at this time.

3855

## COMMUNITY HOUSING PROGRAM TERRITORY ADVISORY COMMITTEE

### 2. Terms of Reverence

The establishment of an Advisory Committee is a requirement of the Commonwealth Guidelines.

The Program sets out that the Advisory Committee shall develop a 3 year rolling Community Housing plan linked with, or part of, the overall CSHA State Plan.

The Advisory Committee will provide formal mechanisms for community representation and consultation for the Community housing Program in the ACT.

The Program set out that the Advisory Committee shall provide advice on Community Housing Program issues including:

- (a) program level accountability process, all long term capital funded community housing programs;
- (b) current issues in the development of the community housing sector; and
- (c) priorities for consideration in the development of the Commonwealth/State Housing Assistance Plan;

The Advisory committee will provide (through the Plan) recommendations to the State and Commonwealth Ministers in the following areas:

- (a) priorities among program objectives including specific strategies and indicative numerical targets for the expansion of the Community Housing sector;
- (b) strategies to integrate State and Commonwealth Community Housing initiatives;
- (c) strategies to co-ordinate housing initiatives with other service provision where appropriate;
- (d) priority target groups;
- (e) other priorities (eg) locations, types or models of community housing based on an analysis of housing needs;
- (f) proposed expenditure on community housing infrastructure;
- (g) strategies to successfully promote and implement tenant participation;
- (h) proposed publicity for the program; and
- (i) proposed evaluation strategies.

### 3. Present Members

Mr Peter Chivers Ms Maureen Spicer Ms Kerry Elizabeth  
Mr John Mason Ms Rosalie Woodruff Ms Trish McDonald  
Ms Margot Hodge Ms Sue Doobov

### Public Servants

This Committee is serviced by an ASO 6 requiring approximately 40% of that officers time.

### 4. Remuneration

Nil

MINISTER FOR URBAN SERVICES Terry Connolly (811)

(ACT) FIRE BRIGADE APPEALS BOARD

2. Terms of Reference

Affirms, varies, or sets aside determinations of the Fire Commissioner in relation to a disciplinary offence or criminal charge or where the Commissioner has dismissed a member, reduced a member to a lower rank or reduced the salary of a member.

3. Present Members

Mr R Shepard  
Mr N Bateson

Public Servants

Nil.

4. Remuneration

Nil

5. Review

Reviews are conducted periodically. No sunset clause applies.

3857

21 October 1993

2

## ARCHITECTS BOARD

### 2. Terms of Reference

Registers persons engaged in the practice of architecture in the A.C.T. and issues Certificates of Registration and Practising Certificates on the payment of a prescribed fee. Conducts AACA Architectural Practice Examinations. Takes part in reciprocal recognition and review of legislation under AACA.

Maintains a Register of ACT Architects.

### 3. Present Members

Mr John Flutter (Chair)  
Mr B Cameron  
Mr I Thompson  
Ms C Breheny  
Ms Annabelle Pegrum

#### Public Servants

ASO 4 \$33024 40% of total time

### 4. Remuneration

Remuneration (Repeal) Act 1989 refers. Prescribed Authority - paid in accordance with the Remuneration Tribunal - offices not specified - category 2 rate.

Chair as a public servant, receives no further remuneration.

Members - Rate per diem - \$201 ( from 19/5/93) Remuneration Tribunal det no 2 of 1993 refers

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

3858

3

## A.C.T. BUSH FIRE COUNCIL

### 2. Terms of Reference

The Council may take such action as it deems necessary to prevent the outbreak or spread of fire and to protect life and property in any part of the Territory, other than any part which is a built-up area, and may, in particular, acquire fire-fighting equipment, employ workmen, organise fire prevention associations and distribute literature relating to fire prevention.

### 3. Present Members

#### Members

Mr Glen Gaskill (Chair) Mr D T Jamieson Mr K T Anderson  
Mr N Teys Mr G W Evans Ms Diane Garrod  
Mr N P Cheney Mr D J Broderick Mr J M Sandison  
Ms P Lockwood

#### Deputies

Mr I G McArthur Mr J Williams Mrs J Ipkendanz  
Ms J F Rees Mr A S Brownlie Dr A M Gill  
Mr A W Johnson Mr R Donarski

#### Public Servants

SOG C \$47107 30% of total time  
ASO 5 \$35971 45% of total time

### 4. Remuneration

Remuneration (Repeal) Act 1989 refers. Prescribed Authority - paid in accordance with the Remuneration Tribunal - offices not specified- category 2 rate.

Chair \$248 per diem; Member \$201 per diem. Remuneration Tribunal det no 2 of 1993 refers.

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

3859

21 October 1993

4

## A.C.T. ELECTRICITY AND WATER AUTHORITY

### 2. Terms of Reference

- to supply electricity and water;
- to promote and manage the use of electricity and water;
- to collect and treat sewage and otherwise to provide and manage sewerage services;
- to produce sewage treatment by-products; and
- to do such things in relation to electricity or water or the provision of sewerage services as are conferred on the Authority by or under the Electricity and Water Act or any other law of the Territory.

### 3. Present Members

Dr Mike A Sargent (CEO)

Mr P M Phillips (Chair)

Dr H D W Sadler

Ms P M Burton

Ms M P Sheehan

Ms Judith Brine

Mr Jim Service (Deputy Chair)

### Public Servants

ACTEW staff are employed under the Electricity and Water Act 1988. An ACTEW ASO 6 with an annual salary range of \$36638 - 42088 provides secretariat services to the Authority on average 3 days per week.

### 4. Remuneration

Chair - Specified Office - \$25210 (from 19/5/93) - Rate of fee per annum - Remuneration Tribunal det No 2 of 1993 refers

Deputy Chair - Specified Office - \$15114 (from 19/5/93) - Rate of fee per annum Remuneration Tribunal det No 2 of 1993 refers

Member - Specified Office - \$13,075 (from 15.8.91) - Rate of fee per annum - Remuneration Tribunal det No 26 of 1991 refers

Chief Executive Officer - Specified Office - \$102371 (from 19/5/93) - Rate per annum of Salary - Remuneration Tribunal det No 2 of 1993 refers

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

5

MILK AUTHORITY OF THE A.C.T.

2. Terms of Reference

Engage in, regulate and control the supply, sale and distribution of milk in the Territory. Regulation includes the regulation of prices at which milk may be sold or the charges that may be made in connection with the sale of milk.

3. Present Members

Mr A Luchetti  
Ms Laura Fulton  
Ms J Reed

Public Servants

SOG B \$49133 - 55234 5% of time

4. Remuneration

Chair - Specified Office - Rate of fee per diem - \$320 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

Member - Specified Office - Rate per annum - \$6,849 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

5. Review

Reviews are conducted periodically. No sunset clause applies.

3861

21 October 1993

6

## NATIONAL EXHIBITION CENTRE TRUST

### 2. Terms of Reference

Responsible for the management, marketing and development of the National Exhibition and Events Centre.

### 3. Present Members

Mr Bill Lawrence (Chair)

Mr Murray Northrop

Ms Judy Waters

Ms Margaret Coaldrake

Mr Barry Taylor

Mr John Miller

Public Servants

Nil

### 4. Remuneration

Chair - Non-Specified Office - Category 1 (Remuneration (Repeal) Ordinance 1989 refers) -Rate per diem - \$142 (from 19/5/93) - Remuneration Tribunal det no 2 of 1993 refers

Member - Non-Specified Office - Category 1 (Remuneration (Repeal) Ordinance 1989 refers) \$118 per diem (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

3862



7

## PLUMBERS, DRAINERS AND GASFITTERS BOARD

### 2. Terms of Reference

Administers registration of Plumbers, Drainers and Gasfitters, which includes Liquefied Petroleum Gasfitters and Sprinkler Fitters in the ACT.

Takes an active part in formulating uniform regulations and reciprocal recognition qualifications within Australia and New Zealand.

Establishes and maintains a register of Plumbers, Drainers, Gasfitters and Sprinkler Fitters.

### 3. Present Members

Mr B Webb  
Mr D F Bourke  
Mr N Read  
Mr B O'Reilly  
Mr L N Blackley  
Mr R Stone \*  
Mr Ruth Mackay

Ms Christine Forsyth.

Mr Tom Monaghan  
Ms Jane Dwyer  
Mr Mishael J  
\* Departmental officer, no remuneration received.

### Public Servants

ASO 4 \$33024 60% of total time

### 4. Remuneration

Chairperson - Non-Specified Office - Category 2 (Remuneration (Repeal) Act 1989 refers) - Rate per diem - \$248 (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Act 1989 refers) \$201 per diem (from 19/5/93) - Remuneration Tribunal det No 2 of 1993 refers

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

3863

21 October 1993

8

## CANBERRA PUBLIC CEMETERIES TRUST

### 2. Terms of Reference

Administers public cemeteries in Canberra (Gungahlin, Woden and Hall). Maintains associated records including registers of graves, burials and reservations.

### 3. Present Members

Mr Graham McKenzie Smith (Chair)

Mr S R Brown

Mr J R Laity

Mr R J John

Mr F A Carse

Dr R F Miller

Ms Diana Body

Mr Derek Roylance

Mr Ron Bryson

Public Servants

### 4. Remuneration

None.

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

3864

9

MINISTER FOR URBAN SERVICES (811)

A.C.T. TAXI INDUSTRY ADVISORY COMMITTEE

2. Terms of Reference

To make recommendations to the Minister on matters affecting the taxi industry.

3. Present Members

Mr J Warren (Chair)

Mr P Tinson

Mr P Shultz

Mr D Lawrence

Ms A Walls

Ms D Kellan

Mr D McMichael

Mr J McKeough

Mr D OBrien

Mr L Buttsworth

Dr R Clark

(Membership has been renewed indefinitely pending review)

Public Servants

ASO 6 \$36638 - 42088 10 hours every 3 months

ASO 3 \$23959 - 26568 3 hours every 3 months

4. Remuneration

Chair remunerated: Members not remunerated

Chair remunerated in line with Remuneration Tribunal - unspecified office - Chairperson -  
Category 2 \$248/day

5. Review

Reviews are conducted periodically. No sunset clause applies.

3865

21 October 1993

10

## A.C.T. TAXI INDUSTRY LIAISON COMMITTEE

### 2. Terms of Reference

To provide a forum in which the A.C.T. Government and representative of the taxi industry can discuss matters of mutual concern.

### 3. Present Members

Mr P Tinson  
Mr R Paule  
Mr P Shultz  
Mr J McKeough  
Mr E De Borzatti  
Mr M Edwards  
Mr P Button  
Mr D McMichael  
Mr L G Mewburn  
Mr L Buttsworth  
Super Denis McDermott  
Mr John Muir

### Public Servants

SOG C \$47107 3 hours every 3 months  
TO 3 \$31592 - 35843 10 hours every 3 months  
ASO 6 \$40519 3 hours every 3 months

### 4. Remuneration

Nil

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

3866

11

## A.C.T. THIRD PARTY INSURANCE PREMIUMS ADVISORY COMMITTEE

### 2. Terms of Reference

Principally to review premium levels on third party insurance and to recommend changes applicable to the forthcoming insurance year.

### 3. Present Members

Mr B J Reid (Chair)  
Prof A D Barton  
Ms Marion Mantel  
Mr S R East  
MR P Edstein  
Mr P Gerrard  
Mr P Corrigan  
Mr G Davidson  
Dr R Clark

#### Public Servants

SOG A \$57247 1 week per year  
ASO 6 \$42088 3 week per year

### 4. Remuneration

Chair remunerated in line with Remuneration Tribunal - non-specified office - Chair - Category 2 (\$248/day)

Members remunerated in line with Remuneration Tribunal Category 2 \$201/day

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

21 October 1993

12

## ESSENTIAL SERVICES REVIEW COMMITTEE

### 2. Terms of Reference

The Essential Services Review Committee, constituted under the Essential Services (Continuity of Supply) Act 1992, has a Chairperson and Deputy Chairperson appointed by the Minister. Both were appointed on 14 August 1992.

### 3. Present Members

Ms Lynette Lane (Deputy Chair) Ms Kathleen Hancock Mr Bob Leach Ms Patricia Kaye Mr John Socha Ms Deborah Baker Ms Maria Myer Ms Anne Butler Mr Denis Daniels Mr Vincent Ball Mr Michael Johnson Mr Maurice Sexton Mr Ian Carr Mr Murray Basnett Mr Michael Vanderheide Ms Judith Power Ms Carol Wood Ms Rosalie Loftman Ms Margaret Munro Ms Jacqueline Burrige Ms Jacklyn Tait Chair currently under consideration.

### Public Servants

ACTEW staff are employed under the Electricity and Water Act 1988. One ACTEW SOG C is employed full time as Secretary to this Committee. The annual salary is within the range of \$43367 - 47107.

### 4. Remuneration

The Chair is paid \$366 per day and the Deputy Chair \$114 per day during hearings of the Committee.

### 5. Review

Reviews are conducted periodically. No sunset clause applies

13

NRMA THIRD PARTY INSURANCE TRUST FUND  
(NRMA/A.C.T. ROAD SAFETY TRUST FUND)

2. Terms of Reference

To control and manage the disbursement of funds vested in the Trust and allocate grants to projects that will enhance road user safety of A.C.T. citizens.

3. Present Members

Ms Bettie McNee (Chair)  
Mr Bruce Dockrill  
Ms Merilyn Schilg  
Rear Admiral Ian Crawford  
Mr Bruce Searles

Public Servants

SOG A \$52247 1 day/week  
ASO 5 \$35971 full time

4. Remuneration

Nil

5. Review

Reviews are conducted periodically. No sunset clause applies.

3869

21 October 1993

14

## ROAD SAFETY COUNCIL OF THE A.C.T.

### 2. Terms of Reference

Acts as the voice of the community on road safety issues and accident prevention measures. Liaises with Government on these issues.

### 3. Present Members

Mr Mark Ransom (Chair)

Mr Dale Yeaman

Dr R Clark

Sgt S Kirby

Ms Raye Hendy

Mr Paul Doherty

Mr Les Tang

Mr Norrie OLeary

Mr Ian Holburn

Ms J Jeffrey

Mr Ewan Higgins

Mr Barry Robertson

Mr George Cooke

Mr Hal Caston

Public Servants

Nil

### 4. Remuneration

Nil

### 5. Review

Reviews are conducted periodically. No sunset clause applies.

3870



15

TOTALCARE INDUSTRIES LIMITED

2. Terms of Reference

To provide a sterile supply service, linen service, waste management service and transport, \_  
engineering and building maintenance services and motor vehicle repairs and maintenance.

3. Present Members

Mr Dennis R Page (Chair)

Ms Lesley Piko

Mr R Divett

Mr B Tolley

Mr D Sly

Public Servants

Nil

4. Remuneration

Chair Category 1 Remuneration Tribunal det No 2 (19/5/93) \$142 per diem

Members Category 1 Remuneration Tribunal det No 2 (19/5/93) \$118 per diem

5. Review

Reviews are conducted periodically. No sunset clause applies.

3871

21 October 1993

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 977**

**Wright Corporate Group Companies**

MRS CARNELL - asked the Minister for Education and Training on 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.
- (5) If the tender was not the cheapest, why were any of the above entities selected and who approved it.

MR WOOD - the answer to Mrs Carnells question is:

(a) Department of Education and Training

- (1) Yes, only Canberra Mail and Print Pty Limited.
- (2) 73 transactions totalling \$26,833 took place between 10 July 1989 to 12 November 1991.
- (3) Processing of pay slips.
- (4) Quotes were called as contract was less than \$20,000 Canberra Mail and Print Pty Limited was the cheapest quote and the contract was approved by the appropriate delegate.
- (5) Not applicable.

(b) Canberra Institute of Technology

(i) Yes, only Canberra Mailing, previously known as Canberra Mail and Print Pty Limited.

(2) 1991 \$1,331.38  
1992 \$1,473.42  
1993 \$ 965.99

(3) Processing of pay slips.

(4) As processing of Institute pay slips was expected to cost less than \$2,000 per year the tendering process was not required. The order was approved by the appropriate delegate.

(5) Not applicable.

3873

**ATTORNEY-GENERAL  
LEGISLATIVE ASSEMBLY QUESTION  
NUMBER 992**

**Attorney-General Portfolio - Advertising**

MR HUMPHRIES: Asked the Attorney-General in relation to the 1992-93 financial year

- (1) . What services were advertised by (a) the Attorney-Generals Department;  
or .  
(b) each of the agencies under the Attorney-Generals control.
- (2) What was the total cost of advertising of these services by (a) the Attorney-Generals Department; or (b) each of the agencies under the Attorney-Generals control.
- (3) In what publications were advertisement placed by (a) the Attorney-Generals Department; or (b) each of the agencies under the Attorney-Generals control.
- (4) How many advertisements were placed for positions vacant by (a) the Attorney-Generals Department; or (b) each of the agencies under the Attorney-Generals control.
- (5) What was the total cost of advertising positions vacant by (a) the Attorney-Generals Department; or (b) each of the agencies under the Attorney-Generals control.
- (6) How many positions vacant were filled by external applicants with respect to advertisements placed and detailed in (4) and (5).

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

(1) (a) Generally speaking, the Attorney-Generals Department does not utilise paid advertisements to publicise the services that it provides.

Although not strictly advertising services, the Attorney-Generals Department, did place a number of "public announcement" advertisements. These included notifications required under legislation, consumer awareness campaigns, the release of discussion papers and the announcement of public meetings.

As a result of agency arrangements with other governments, a number of advertisements were placed during 1992-93 concerning human rights, policing and the Register of Encumbered Vehicles (REVS). In each such case. the advertisement was placed by an agency not directly controlled by either myself or the Attorney-Generals Department.

(b) The. Office of the Public Trustee advertised its services on buses and milk cartons during 1992-93.

(2)(a) Advertising Services Unit records indicate that, during 1992-93 the

Attorney-Generals Department spent \$14,181.30 on non-employment related advertising.

(b) Printing and design expenditure associated with advertising for the Office of the Public Trustees services cost \$940 in 1992-93. The actual advertising on buses and milk cartons was provided free of charge.

(3)The following publications were utilised by the Department in 1992-93:

- The Canberra Times • The Australian
- The Valley View • The Real Estate and Community Times
- The Chronicle • Canberra Doctor

(4) (a) The Department placed 38 position vacant advertisements during 1992-93. This excludes position vacant advertisements placed in the Commonwealth Gazette.

(b) The Legal Aid Office placed 4 advertisements, 2 each for 2 positions. The Office of the Public trustee placed no position vacant advertisements outside of those placed in the Commonwealth Gazette during 1992-93.

(5) Advertising Unit records show that, excluding the cost of advertisements in the Commonwealth Gazette, the Attorney-Generals Department spent \$23,716.02 on position vacant advertisements in 1992-93.

(b) The Legal Aid Office spent \$759.08 on position vacant advertisements during 1992-93.

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(6) The answer to this question in relation to the Attorney-Generals Department is not readily available. Applications can be attracted from a number of sources and it would be necessary to review each vacancy file to determine whether or not the position was filled by an external applicant and whether the applicant learnt of the position from the media as opposed to the Gazette. I am not prepared to authorise the use of scarce Government resources to undertake this task.

(b) The Legal Aid Office filled both of its advertised positions with external applicants. -

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**MINISTER FOR INDUSTRIAL RELATIONS  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 995**

**Industrial Relations Portfolio - Advertising**

Mr Humphries - Asked the Minister for Industrial Relations upon notice on 14 August 1993:

- (1) What services were advertised by (a) the ministers Department; or (b) each of the agencies under the Ministers control.
- (2) What was the total cost of advertising of these services by (a) the Ministers department; or (b) each of the agencies under the Ministers control.
- (3) In what publications were advertisements placed by (a) the Ministers department; or (b) each of the agencies under the ministers control.
- (4) How many advertisements were placed for positions vacant by (a) the Ministers department; or (b) each of the agencies under the Ministers control.
- (5) What was the total cost of advertising positions vacant by (a) the ministers department; or (b) each of the agencies under the Ministers control.
- (6) How many positions vacant were filled by external applicants with respect to advertisements placed and detailed in (4) and (5).

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

Administrative support services for the Industrial Relations Branch of Chief Ministers Department are normally provided by that Department. I am advised that the Industrial Relations Branch details were included in the Chief Ministers response to Question No. 990, covering the Chief Ministers Department as a whole.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1003**

**Tuggeranong Homestead**

Ms Szuty - asked the Minister for the Environment, Land and Planning

(1) Who are the current leaseholders of the property known as the Tuggeranong

Homestead (Block 1 Section 450 Richardson).

(2) Who are the principals if the answer is a company or companies.

(3) Are the current lessees the original signatories to the lease granted in 1980.

(4) If not when did they become lessees.

(5) Is the lease of 2 September 1980 still in force.

(6) Have clauses 2(a-c) and 3(a-cc) of the original lease signed 2 September 1980, been complied with.

(7) Can the Minister furnish details of the restorations and refurbishment which have been carried out in compliance with these clauses and Schedule "B" of the 1980 lease.

(8) As the original term of the lease has now expired, has the Government taken any action under clause 5(a-e) of the original lease in relation to any breaches of the lease.

(9) On what basis was the lease restored to the current leaseholders after the former Alliance Government attempted to determine the lease in 1990.

Mr Wood - the answer to the Members questions are as follows:

(1) The Tuggeranong Pastoral Company Pty. Ltd. currently occupy the Tuggeranong Homestead on a month to month tenancy basis subject to the conditions of the previous lease granted in 1980.

(2) The principals of the -Tuggeranong Pastoral Company Pty. Ltd. are John and Lyn Anderson and Randall McFie.

(3) The current principals of the Tuggeranong Pastoral Company Pty. Ltd. were not the original signatories to the lease granted in 1980.



(4) The current lessees took over the Tuggeranong Pastoral Company Pty. Ltd. in 1988.

(5) The lease issued in 1980 has expired and the Tuggeranong Pastoral Company Pty. Ltd. has been granted continued occupancy on a month to month tenancy arrangement subject to the conditions of the 1980 lease.

(6) In November 1990 the lessee was served with a notice determining the lease under clause 5(a) relying on a breach of clause 3(b), the restoration requirements. The lessee sought an injunction against this determination.

A settlement was reached with the lessee waiving specific breaches of the lease to that date. The settlement also included a series of actions to be undertaken by the lessee. Further requests for action have also been made by Agriculture and Landcare regarding weed control, tree protection and the reduction in the number of horses agisted. The lessee has responded to these requests.

Given the earlier settlement and lessees ongoing responses to requests by the Department, it is considered that the lessee has to date complied with clauses 2(ac) and 3(a-cc).

(7) The restorations required in Schedule "B" of the 1980 lease were to be completed by September 1985. These arrangements were overtaken by the 1990 settlement. It should be noted that it was the current principals of the Tuggeranong Pastoral Company Pty. Ltd. who undertook to meet the terms of the 1990 settlement and not the principals of the company during the period the works required in Schedule "B" were to be undertaken up until 1985.

(8) When the current planning proposal for the Tuggeranong Homestead is resolved and the ongoing tenancy arrangement determined, the Heritage Unit and Land Division will thoroughly assess the condition of the property. Appropriate action will be taken in relation to maintenance and restoration at that time.

(9) The Australian Capital Territory Government Solicitors Office advised at the time that the lease was determined that it was unlikely that the decision would be upheld by a court. The lease termination was withdrawn and a settlement reached under which the lessee agreed to a specific restoration and refurbishment program.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 1004**

**Housing Trust Tenants - Respite Care**

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to the Ministers reply to question on notice No. 914, can the ACT Housing Trust advise how many of its tenants may have been placed in respite care in (a) 1991-92 and (b) 1992-93.

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

The information regarding (a) and (b) is not available.

It is not the role of the ACT Housing Trust to place its tenants in respite care.

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION 1005**

**Bicycle Helmets - Education Campaign**

Mr Cornwell - asked the Minister for Urban Services:

- (1) Does an education campaign to encourage the use of bicycle helmets operate in the ACT.
- (2) If so, how and if not, why not.

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

- (1) Yes. A number of agencies encourage the use of bicycle helmets in the ACT.
- (2) These include:

ACT Road Safety Unit

Directly targets pre-school and primary school children (ages 4 - 12 years), running programs within primary and pre-schools on request. Programs run in all ACT pre-schools and the majority of primary schools.

Pre-school children receive a general road safety program, including the promotion of helmet wearing, the reasons they are worn, and the importance of always riding with an adult.

The junior primary program (Kindergarten to Year 2) involves the use of puppets wearing bicycle helmets, a discussion with the children on why they should wear helmets, as well as general road safety.

The senior primary program (Year 3 to Year 6) involves a 40 minute discussion on bicycle helmets. Included in this session are the reasons helmets are worn, the safety features, fitting and adjusting the helmet and examples that have been in accidents and saved lives.

In addition to these programs, the ACT Helmet kit was released on 21 September 1993 and distributed to all ACT primary schools. The kit was developed in response to observations by road safety field officers that helmet wearing rates were high in primary schools, but that helmets were not fitted properly.

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#### Australian Federal Police

Promotes the use of bicycle helmets by

- School holiday bicycle safety education sessions at the Belconnen Traffic Demonstration Centre and sessions during term time for years 4 and 5 students.
- Bicycle safety programs for schools for Year 3 to Year 6 students.

#### Child Accident Prevention Foundation of Australia

Promotes the use of bicycle helmets by

- Bicycle helmet promotion included in their general road safety talks to adults (eg playgroups)
- Sell helmets at \$20 each and have a helmet fitting kit to help fit them
- Have a helmet fitting poster (in most ACT schools)

#### Australian Cycling Federation

Runs bicycle education and safety programs in ACT High Schools.

#### Pedal Power

Generally promote helmet usage amongst members; in their magazine and in displays and occasional radio interviews.

#### Head Injury Council of Australia

Promotes the use of bicycle helmets by

- Letters to editors on promotion and usage of bicycle helmets.
- Lectures to Year 10 students (part of the Road Safety Units Pre-Licence Driver Education Program) on head injuries and the need to protect their heads with helmets.

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 1008**

**Housing Trust - Waiting List**

MR. CORNWELL - Asked the Minister for Housing and Community Services - In relation to the recent reduction in the Housing Trust waiting list from 8,500 to 5,500 applications -

- (1) What were the reasons for this significant reduction.
- (2) What is the breakdown as to these reductions eg. numbers who found alternative accommodation etc.
- (3) Were any applicants ineligible because of interstate domicile and if so, how many.

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

- (1) A review of the waiting list for public housing was carried out in August 1993. As part of this review the ACT Housing Trust sent out 7,093 review letters and questionnaires to first time applicants on the public housing waiting list who had registered prior to January 1993. Some applicants on the waiting list did not return the form and they were removed from the waiting list.

Of the applicants who returned forms, some were assessed to be no longer eligible for housing assistance and others advised the ACT Housing Trust that they no longer required public assistance.

- (2) This information is not available.
- (3) No exact figures are available. However, it is considered that there would be a negligible number of applicants in this category.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1009**

**Housing Trust Properties - Maintenance Requests**

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

What constitutes the 265 telephone calls per day by tenants for maintenance of Housing Trust properties.

MR CONNOLLY: The answer to Mr Cornwells question is as follows -

The number of calls received by the telephone maintenance cell fluctuates between 210 and 265 per day.

It is estimated that 50% of all calls are to request maintenance. The most common requests are to:  
clear blocked drains correct external water ponding replace loose and broken wall tiles  
repair/replace or provide floor coverings ease and adjust doors and windows replace broken roof  
tiles replace tap washers replace lost or stolen keys cut additional door keys reglaze broken glass  
repair, service or replacement of heating appliances (winter)

13% of all calls are for follow-up action on earlier maintenance requests.

10% are enquires about the asset improvement program (carpets, security screen doors, kitchen/bathroom upgrades) or the cyclical repairs and painting program.

27% are general enquiries to the section, other sections of the Housing Trust or ACT Administration.

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

**Question No. 1010**

**Tilley Devines Restaurant**

MR CORNWELL - Asked the Chief Minister upon notice on 12 October 1993:

In relation to Tilley-Devines restaurant at Lyneham

- (1) Did the Government in-1989 provide a grant to establish this facility;
- (2) If so, (a) how much was the grant and (b) why was it provided;
- (3) Has the ownership of the restaurant changed;
- (4) If so, (a) was the original owner brought out and (b) what was the changeover price;
- (5) If the response to (2) is affirmative, was any money repaid to the Government.

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

- (1) No
- (2)-(5) Not applicable

**DEPARTMENT OF THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1012**

**Yarralumla Woolshed - Damage**

Mr Cornwell - asked the Minister for the Environment, Land and Planning - in relation to your response to Question on notice. 897 regarding the Yarralumla Woolshed

- (1) In addition to the "minor damage" which "occurred when a car struck one of the Woolsheds supporting pillars, knocking it out of alignment" is it true that (a) the ramp above the "supporting pillar" needed repair; (b) that the toilet facilities were damaged (including broken sewerage pipes, mens toilets and doors); (c) the majority of light bulbs and some light fittings were broken; and (d) cleaning up was not performed by the hirers.
- (2) Is it true that some 4 days later, cleaning up and repairs were still being performed by a team of 6-8 workmen.
- (3) Were these workmen contracted or were they Government officers.
- (4) What costs can be accredited to these workmen (either contract costs or wages).
- (5) If the Woolshed was not closed for several days while damage was being repaired, why did an officer of the office of Sport and Recreation request that prospective hirers of the Woolshed delay their inspection for a few days because "the sewerage pipes are broken".
- (6) Why did repairmen who were repairing the ramp advise those prospective hirers that the damage was structural.
- (7) If the mens toilet door was not damaged by the hirers why was a new unpainted door freshly fitted after that hiring.
- (8) Prospective hirers of the shed are advised that the \$150 bond is to ensure cleaning after an event - if the hirer does not leave the shed clean they lose their bond. If "approximately \$150" "has been deducted from the security deposit" which supposedly covers the cost of cleaning which had not been performed (rubbish and broken glass was still in the shed several days later; how will the cost of repairs be recovered.



- (9) If the cost of repairs was \$150, where does one find a team of 6-8 workmen who will cleanup, replace doors, do structural repairs and plumbing over a period of several days for such a sum

Mr Wood - the answers to the Members questions are as follows:

- (1) (a) Some minor repairs were needed associated with the misaligned pillar. (b) No major damage occurred to the toilets. There was a pre-existing problem of blockages to the sewer line which had been of concern for about two weeks. Blockages and overflows occurred during this particular hiring so during the following week workmen undertook more comprehensive remedial work than had been previously employed. (c) No major damage to light fittings was reported by field staff. (d) The hirers did not carry out a complete clean up after the hiring although some attempt was made. The remaining rubbish was removed by field staff.
- (2) No - I am advised that repairs to the sewer involved allocation of a plumber to the job and he may have required some assistance from the carpenter repairing the pillar but I understand there would not have been any more than two workers on site at any time.
- (3) They were workmen from the Department of Urban Services.
- (4) This work involved a cost of approximately \$500.
- (5) Prospective hirers were advised as a courtesy to defer their inspection because there had been sewer overflows and repair work was in progress. This meant that the area was subject to unpleasant odours and potentially unhygienic conditions.
- (6) Damage to the shed was of a very minor nature. I am unaware why the repairman would have said otherwise.
- (7) The door was replaced after workers noted some damage when carrying out other requested repairs. It is not clear whether this resulted from the particular hiring or if it was a pre-existing problem. It is not uncommon for other faults to be noted while a particular requested problem at a facility is being rectified.

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- (8) For the minor damage and cleaning associated with this particular hiring, the security deposit of \$150 met the costs incurred and no further recovery action was necessary.
- (9) As indicated earlier, the bulk of the work carried out was routine repairs and maintenance not attributable to the particular hiring of the Woolshed.

**MINISTER FOR SPORT  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1013**

**ACTTAB - Funds Allocation Review**

Mr Cornwell - asked- the Minister for Sport -

- (1) In relation to your reply of 17 June 1993 to Question on Notice No. 751, have you appointed a suitable person to conduct a review into the percentage allocation of TAB funds to (a) gallops; (b) harness racing; and (c) grey hounds.
- (2) If you have not yet appointed a suitable person, why not.

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

- (1) I have agreed to the appointment of Peter Bennett and Associates Pty Ltd to undertake the review of the distribution of ACTTAB funds to the three racing codes. Mr Bennett, an economic consultant from Tasmania, has undertaken consultancies on a wide range of racing and gambling issues for the Tasmanian, Victorian and Northern Territory Governments.
- (2) N/A

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**MINISTER FOR EDUCATION AND TRAINING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1014**

**Government Schools - Sport and  
Physical Education**

MR CORNWELL - asked the Minister for Education and Training on notice on 12 October 1993:

(1) Is sport or physical education a compulsory subject to Year 10 in ACT government schools and if not, why not.

(2) If it is a compulsory subject, how many hours per week are devoted to sport or physical education.

MR WOOD - the answer to Mr Cornwells question is:

(1) My Department has a curriculum policy which ensures that all schools provide students with a balanced curriculum encompassing the eight key learning areas.

One of these key learning areas is Health and Physical Education. Sport would be included as a part of physical education programs.

In ACT Government schools, students from kindergarten to Year 8 study all the eight key learning areas. In the later years of high school and secondary colleges, from Years 9 - 12; schools must offer a curriculum which provides students with access to all of the eight learning areas.

(2) Each school community in the ACT through its School Board determines its own educational program within broad parameters set by the Department. As part of this program each school is responsible for its own timetabling arrangements, including the allocation of time to each learning area and to specific courses and programs. This may vary, somewhat from school to school depending on the particular needs of each school. There is no standard figure, for time allocated to Physical Education and Sport, for schools across the ACT.

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

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1015**

**Gungahlin - Retirement Village Site**

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

Has land been set aside in Gungahlin for a retirement village of the style of say, Goodwin Homes and if not, why not.

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

No. Land for community facilities in Gungahlin is identified on the Territory Plan.

Under the current system of land development the community use sites are serviced by the private sector and handed back to the Territory. Community organisations discuss their requirements for land with the Department of the Environment, Land and Planning. There is ample land in Gungahlin to meet all justified needs.

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

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1016**

**Backyard Automotive Repairers**

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

- (1) In relation to the issue of backyard traders in automotive repairs which was raised with the Minister by the Motor Trades Association on 14 September 1993, and other times, what has been the Ministers response to dealing with this problem.

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

- (1) In response to a letter from the Motor Trades Association on 14 September, I met with a small delegation of members of the Association on 28 September 1993 regarding automotive home businesses. I am awaiting the views of the Association concerning this issue. My Department will be working towards developing additional guidelines that recognise the Associations concerns and the broader policy of home business approvals.

Complaints received from the Motor Trades Association about the operation of backyard motor mechanics are investigated by my Department and the Association advised of the outcome. To date none of the businesses reported by the Association are operating in breach of their conditions including those relating to the environment.

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**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question no. 1017**

**Payroll Tax**

MR WESTENDE - Asked the Treasurer upon notice on 13 October 1993:

- (1) How many businesses pay payroll tax in the ACT.
- (2) What is the breakdown of the number of businesses paying payroll tax in the ACT under the following categories: (a) businesses with a payroll of up to \$500,000; (b) businesses with a payroll of \$500,000 to \$2,000,000; (c) businesses with a payroll of \$2 million to \$3.5 million; and (d) businesses with a payroll of greater than \$3.5 million.

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

- (1) As at 30 June 1993 the number of businesses paying payroll tax in the ACT was 1551.
- (2) As at 30 June 1993 there were:
  - (a) 964 businesses with a payroll of up to \$500,000;
  - (b) 578 businesses with a payroll between \$500,000 and \$2 million;
  - (c) 6 businesses with a payroll between \$2 million and \$3.5 million; and
  - (d) 3 businesses with a payroll greater than \$3.5 million.

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1018**

**Gordon Primary School - Construction Cost**

Mr Cornwell - asked the Minister for Urban Services - In relation to Gordon Primary School -

- (1) What was the budget for the construction of the school.
- (2) Was the budget exceeded; if so, by how much and why.

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

- (1) The budget authorisation was \$7.85 million inclusive of all costs.
- (2) No. .



**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1019**

**Conder Primary School - Termite Barrier**

Mr Cornwell - asked. the Minister for.. Urban Services - In relation to Conder Primary School -

(1) Was a variation sought to install a termite barrier, if so was only 80% of the work carried out due to funding restraints.

(2) If only 80% of the work was carried out, what effect will this have upon the efficient combating of termites in 100% of the school:

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

(1) Yes.

(2) 100% was carried out.

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1020**

**Government Schools - Exposed Aggregate Surfaces**

Mr Cornwell - asked the Minister for Urban Services - In relation to Government Schools -

Is exposed aggregate being put down instead of concrete; if so (a) what is the life expectancy of both . surfaces; (b) what are the costs of both surfaces (i) to install and (ii) to maintain and (c) how safe is each surface.

Mr Connolly - the answer to the Members question is as follows.,

Yes.

- (a) Life expectancy of both types for practical purposes is the same as that of the building.
- (b) (i) On current prices broom finish is \$265 per square meter and washed exposed aggregate is \$271 per square meter to install.,
- (ii) Both are maintained at the same rate and similar cost.
- (c) Both surfaces are non slip paving and exposed aggregate provides less glare and is usually less abrasive than broom finish when appropriate aggregate is used.

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1021**

**"Murryong" Property**

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

In relation to the property known as "Murryong" (District of Kowen, Block 29, Kings Highway)

- (1) Who holds the lease of "Murryong" and for how long has this person held the lease.
- (2) Is the property currently for sale and, if so, what are the terms of the changeover of the lease into a new lessee's hands (including asking price, qualifications and expertise etc.)
- (3) Is the property for sale (a) in its entirety or (b) only a part.
- (4) If only a part of it is for sale (a) which part and (b) is the current lessee intending to retain part of the lease.
- (5) Prior to sale, what are the terms of its lease ie. what type of lease, withdrawal clause, rent, rates, land tax, beginning and expiry dates, renewal options, purpose clause and any other clauses relevant to that particular property.

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

- (1) The lease is held in the names of Lyndsay Neilson and Barbara Norman. The present lessees acquired the property from the previous lessee in March 1989.
- (2) I understand the property is currently for sale: every rural lessee has the right to sell his or her lease.

Should there be negotiations over a sale, my Department would consider a request to transfer the lease. Such approval would be subject to the new lessee demonstrating the expertise and financial resources necessary to manage a rural lease and to their entering into a Property Management Agreement. The "asking price" is not a factor considered in exercising this delegation under the Land (Planning and Environment) Act 1991.

- (3) I am unaware whether all or part of the property is for sale. However, the lessees currently have an application with my Department to subdivide the block.
- (4) This is not a matter on which I can comment.

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(5) A Leases Act 1918 lease commenced on 1 September 1983. Its expiry date is 31 December 2005.

The lease has a withdrawal clause; the current rent is \$3360 pa.; rates for 1993-94 are \$837.25; the Member will be aware that land tax is not payable on a rural lease; and the purpose clause refers to "grazing and agricultural purposes".

While there is no specific renewal provision made in the lease, and S.172 of the Land Act does not permit the renewal of a rural lease, the "renewal options" available to any rural lessee is the surrender of the existing lease (generally in the process of seeking a variation to the lease) and the grant of a new lease.

Under the Governments Rural Lease Policy, a new lease granted in this part of Kowen could be for a period up to 50 years.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1022**

**"Murryong" Property**

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

In relation to the property known as "Murryong" (District of Kowen, Block 29, Kings Highway)

(1) Why has a "preliminary assessment" been prepared for your Department: (a) who has requested it; (b) who has paid for it and (c) what was its cost.

(2) What is the proposed variation of the lease.

(3) Is the proposed variation being discussed with prospective buyers as an alternative use for the property.

(4) What is the purpose of the preliminary assessment report.

(5) Why is the property being subdivided.

(6) What portions are being subdivided and who will lease these portions.

(7) If subdivision is permitted and the property is broken up into smaller holders (sic) for intensive commercial enterprises such as viticulture or horse agistment, will the property be leased as a commercial lease(s), thereby paying land tax, rates and annual rent at corresponding levels; if not, why not.

(8) What development will follow the subdivision and who will pay any costs incurred in the subdivision.

(9) Why is your Department looking at subdividing this particular ACT rural lease when its policy elsewhere in the Territory is to amalgamate smaller holdings to produce larger, more viable holdings such as this.

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

(1) In assessing the proposal lodged under the Land (Planning and Environment) Act 1991 to subdivide this block, my Department was keen to address any environmental factors which may arise. The lessees, at their expense, were required to undertake a Preliminary Assessment, as required by the legislation.

(2) The variation sought is to subdivide into blocks of 228.9 hectares and 92.77 hectares, and to change the purpose clause to allow viticulture and horse agistment in addition to grazing.

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(3) This is not a matter for my Department. Any lessee in the Territory has the right to seek a variation to their lease and they may well use that as a negotiation point with buyers.

(4) The Preliminary Assessment requirements are given in Schedule 3 of the Land Act. In summary, the Assessment addresses details of a project, the site conditions, the relationship to surrounding developments and describes any potential impact on the environment.

(5) The reasons for a request to subdivide are a matter for individual lessees seeking such a variation.

The existing Block 29 Kowen is already split in two by the access road to the site used by the Canberra International Clay Target Club. The proposed subdivision reflects the existing division of the land.

(6) The portions are those mentioned in (2), to the east and west of the access road mentioned in (5). Should the variation be approved, two new leases will be granted to the current lessee.

(7) The application has been lodged under the Land Act and, if approved, two Land Act rural leases will be issued. Under the National Capital Plan and the Territory Plan the land is designated as "rural" and the Government wishes to retain rural activities in this District.

If the application is approved, betterment and a higher level of land rent will be payable.

(8) The application seeks the additional rural activities of viticulture and horse agistment, along with grazing, and permission to have a house on the smaller block as well as lessee and managers houses on the larger block.

All costs incurred in creating the subdivision are payable by the lessee.

(9) The application is consistent with the Governments Rural Lease Policy.

The policy seeks to create viable rural activities and, in many cases, this may mean the amalgamation of small blocks. However, the Policy does not specify minimum block sizes: each case is considered on its merits.

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1027**

**"Murryong" Property**

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

In relation to the property known as "Murryong" (District of Kowen, Block 29, Kings Highway) -

- (1) Who has requested the proposed variation of lease.
- (2) What were the terms of its lease at January 1993 ie. withdrawal clause, rent, rates, land tax, beginning and expiry dates, renewal options, purpose clause and any other clauses relevant to that particular property.
- (3) What are the current terms as listed in (2) and what terms are under review.
- (4) Has the property changed hands recently or is it in the process of changing hands.

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

- (1) The variation has been sought by the present lessees, Lyndsay Neilson and Barbara Norman.
- (2) and (3) I refer the Member to my response to Question Number 1021.
- (4) No, it has not changed hands recently. There is no request for transfer presently with my Department.

21 October 1993

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1028**

**Childers Street Theatre - Demolition**

Mr Cornwell - asked the Minister for Urban Services: In relation to the Childers Street Theatre - . .

(1) What work was covered by Purchase Reference 209627 (Gazette G38,

22 September 1993) Childers Street Theatre Demolish Theatre \$30,000.

(2) What work was covered by Purchase Reference 209627 (Gazette G38,

22 September 1993) Childers Street Theatre Demolish Theatre \$40,936:

(3) Why does Purchase Reference 209627 appear twice with two different amounts:

(4) Who arranged the Purchase References above.

(5) What was the total cost of demolition of the Childers Street Theatre

(6) What materials were able to be salvaged for recycling by the demolition firm.

(7) Prior to the theatre being damaged by fire, was there an estimate for the demolition:

If so, what was the cost.

(8) What additional goods could have been salvaged for recycling:

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

(1) This order was raised on 6 August 1993, to cover the cost of demolition of the Theatre.

(2) This is a variation raised on 30 August 1993, to cover additional costs encountered in demolishing the Theatre.

(3) As previously stated the first entry is the purchase order, and the additional listing is a variation.

(4) Asset Management Service of my Department.

(5) \$105,000.

(6) Brick footings were salvaged; Most of the other materials were contaminated with loose asbestos from broken fibre asbestos sheeting.

(7) Yes - \$50,000.

(8) It may have been possible to salvage the roofing iron, however this would have been "give away" rather than cash value.



**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1029**

**Education and Training Portfolio -  
Distribution of "Commonwealth Gazette"**

MR CORNWELL - asked the Minister for Education and Training on notice on 13 October 1993:

In relation to the contract arranged for "subscription of Commonwealth Gazettes to ACT Education and ACT Schools" (ACT Gazette G38, 22 September 1993) for \$73,075 (Purchase Reference 140088)

- (1) For what period of time is this subscription.
- (2) How many copies of the Commonwealth Gazette are made available under this contract and where are they distributed.
- (3) What is the purpose of such distribution.
- (4) What benefit is gained by this distribution.

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

- (1) The subscription period of the Commonwealth Gazette is for 50 issues (12 months).
- (2) 185 copies are made available for distribution: 165 copies are sent to all Government Secondary Colleges, High Schools, Primary Schools, Preschools and Special Schools. 20 copies are distributed to the various sections and personnel in Head Office.
- (3) The Gazette contains notices concerning administrative and recruitment matters for all. Public Service employees. It is standard Departmental, practice, in keeping with its EEO policy, to ensure all staff have access to the Gazette.
- (4) All staff employed by the ACT Government are fully informed of vacancies, promotions, transfers, retirements and dismissals.

21 October 1993

**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1030**

**Jervis Bay Territory**

MR CORNWELL - Asked the Treasurer upon notice on 13 October 1993:

In relation to Jervis Bay:

- (1) What financial contributions does the ACT Government make to the Jervis Bay community per annum and how are levels of these contributions calculated.
- (2) How much funding was provided to each specific area (e.g. education, health, policing etc. if applicable) in 1992-93.
- (3) How much funding will be provided from the 1993-94 Budget for each specific area in (2).
- (4) What other contributions does the Government make by way of personnel, resources, urban services etc. to Jervis Bay.
- (5) What legislative control does the ACT have over residents, events or activities at Jervis Bay.
- (6) What benefits does the ACT receive in exchange for its support of the Jervis Bay community.

TREASURER - The answer to the Members question is as follows:

- (1) The ACT does not make any financial contributions to the Jervis Bay community. At the time of self-government the then Prime Minister, Mr Bob Hawke MP, wrote to me as the incoming Chief Minister outlining a proposal for the ACT Government to be responsible for providing services to the Jervis Bay Territory on behalf of the Commonwealth, under the laws of the Jervis Bay Territory.

My successor as Chief Minister, Mr T. Kaine MLA, agreed with the proposal and subsequently entered into a Memorandum of Understanding (MOU) referred to as the Head Agreement with the former Minister of State for the Arts, Tourism and Territories, Mr Clyde Holding, on 15 February 1990. This covers the provision of a range of municipal and territorial services by the ACT to the residents of Jervis Bay on a full cost recovery basis from the Commonwealth.

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The Head Agreement remains in operation. It outlines the basis for the provision of services and facilities in relation to Jervis Bay by the ACT and sets out the responsibilities of parties, financial arrangements and administrative procedures to apply. A copy of the Head Agreement is at Attachment A.

As outlined in the Head Agreement, further Memoranda of Understanding (MOU) were progressively entered into for each individual service by Commonwealth and ACT Agency Heads (or their delegates). These detailed arrangements for individual services. These Memoranda expired on 30 June 1993 and have since been renewed by officers from the Commonwealth Department of the Environment, Sport and Territories and the ACT. Two agencies opted for a fee for service basis instead of formal MOUs. The agreements incorporate varied timeframes ranging from two to five years for the continued provision of services.

Amounts paid by the Commonwealth cover direct and all indirect costs including overheads such as accruing superannuation liability.

- (2) and (3) The range of services, provided by the ACT on a cost recovery basis, is set out in Attachment B together with actual costs for 1992-93 and budget estimates for 1993-94. Please note that policing services are provided directly by the AFP in its national role and are not subject to a MOU.
- (4) The ACT does not provide any other services outside those identified in Attachment B. The ACT Parks and Conservation Service operation in Jervis Bay transferred to the Australian Nature Conservation Agency (formerly the Australian National Parks and Wildlife Service) on 1 July 1992. Similarly, library services, formerly provided by the ACT Library Service, are now provided by the Shoalhaven City Council via a Bookmobile service.
- (5) The ACT has no direct and intentional legislative control over residents, events or activities at Jervis Bay in that it does not have the jurisdiction to develop legislation specifically for implementation in the Jervis Bay Territory.

However, the ACT does have unintentional and indirect legislative control over the Jervis Bay Territory. This control arises from Section 4A of the Jervis Bay Territory Acceptance Act 1915 (the Acceptance Act). Pursuant to Section 4A, the laws of the ACT are, in so far as they are capable of being applied, are applicable in the Jervis Bay Territory as if it formed part of the ACT. Accordingly, when the ACT makes changes to legislation applicable in the ACT, those changes also apply in Jervis Bay and therefore impact (albeit unintentionally) on Jervis Bay and its residents. A more detailed explanation of the relationship of the ACT and Jervis Bay Territory legal regimes is contained in the following paragraphs.

As part of self-government preparations, the Commonwealth amended relevant Commonwealth legislation to facilitate possible future agency arrangements and to provide an appropriate legal regime for the Jervis Bay Territory, namely:

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Section 4A of the Jervis Bay Acceptance Act 1915 (via section 32 of the A.C.T. Self-Government (Consequential Provisions) Act 1988) was amended to provide that the laws in force in the ACT would also apply to the Jervis Bay Territory as if it formed part of the ACT;

Section 413 of the Acceptance Act also provides that powers or functions vested in a person or authority under an ACT law in force in the ACT may be exercised or performed by that person or authority in relation to the Jervis Bay Territory; and

Section 37 of the Australian Capital Territory (Self-Government) Act 1988 states that power may be vested in the ACT Executive by or under an agreement or arrangement between the ACT and the Commonwealth (i.e. the ACT Executive may be empowered to act on behalf of the Commonwealth).

In effect, the Commonwealth is free to choose which ACT laws are considered applicable to the Jervis Bay Territory and would be required to override any provision unsuitable for application in the Jervis Bay Territory by enacting its own legislation, under Section 4F(1) of the Jervis Bay Territory Acceptance Act 1915.

(6) The ACT does not receive any specific benefit in providing these services. Similarly, it incurs no specific costs as the full costs of service provision are recouped from the Commonwealth.  
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## ATTACHMENT A

### MEMORANDUM OF UNDERSTANDING

BETWEEN THE COMMONWEALTH AND THE AUSTRALIAN CAPITAL TERRITORY FOR THE PROVISION OF SERVICES IN RELATION TO THE ADMINISTRATION OF THE COMMONWEALTH TERRITORY OF JERVIS BAY ("THE TERRITORY")

#### PREAMBLE

Section 4A of the Jervis Bay Territory Acceptance Act 1915 ("the Acceptance Act"), as amended by section 32 of the A.C.T. Self-Government (Consequential Provisions) Act 1988, provides that the laws (including the principles and rules of common law and equity) in force from time to time in the Australian Capital Territory (ACT) are, so far as they are applicable to the Territory and are not inconsistent with an Ordinance made under the Acceptance Act, in force in the Territory as if the Territory formed part of the ACT.

Section 4B of the Act provides that, except where the Governor-General otherwise directs, powers or functions vested in a person or authority under an ACT law in force in the Territory may be exercised or performed by that person or authority in relation to the Territory.

Under section 37 of the Australian Capital Territory (Self-Government) Act 1988 ("the SelfGovernment Act") power may be vested in the Australian Capital Territory Executive by or under an agreement or arrangement between the ACT and the Commonwealth.

#### THE PARTIES

The Commonwealth of Australia represented by the Minister for the Arts, Tourism and Territories or the Minister from time to time responsible for administration of the Acceptance Act.

The Australian Capital Territory, the body politic established under Section 7 of the SelfGovernment Act, represented by the Chief Minister of the Australian Capital Territory.

#### PURPOSE

This Memorandum of Understanding between the Commonwealth and the ACT outlines the understanding for the provision by the ACT of services and facilities in and in relation to the Territory.

The Memorandum of Understanding also encompasses administrative arrangements relating to powers and functions exercisable by a person or authority pursuant to Section 413 of the Acceptance Act.

#### RESPONSIBILITIES

Consistent with section 4B of the Acceptance Act, arrangements made thereunder by the Governor-General, the Self-Government Act and the requirements of any other legislation, the ACT shall be responsible for administering the laws of the Territory on behalf of the Commonwealth.

Details of arrangements for specific programs and services to be provided in the Territory by the ACT will be set out in individual memoranda of understanding or agreements between the Secretary of the Department of the Arts, Sport, the Environment, Tourism and Territories (DASETT) or his authorised officers on behalf of the Commonwealth and the heads of the relevant agencies of the ACT or their authorised officers.

21 October 1993

## FINANCIAL ARRANGEMENTS

### Reimbursement of Expenditure by the ACT

The Commonwealth will reimburse the ACT on a fortnightly basis for agreed expenditure incurred in the provision of Commonwealth programs and services and in the exercise of statutory powers and functions pursuant to section 4A of the Act.

The payments will cover direct salaries and wages plus on-costs calculated on a formula agreed to by the parties. Both parties agree that the on-cost formula may vary from one agency to another and therefore may need to be assessed to take account of particular circumstances applying to each agency.

### Audit Access

The ACT shall maintain separate reports for each agency/function relating to all expenses incurred in relation to the Territory.

The Commonwealth Auditor-General or a person authorised by him is entitled at all times to full and free access to all accounts and records of financial transactions relating to the Territory.

## ADMINISTRATIVE PROCEDURES

### Access to records

The ACT will be responsible for the control and safekeeping of any Territory records currently in its possession or received from DASETT.

The ACT permits access by officers authorised by DASETT to all such records under its control. DASETT will provide access for ACT personnel authorised by the relevant ACT Agency to files, documents and other information under its control required for the carrying out of ACT responsibilities in the Territory.

### Amendments to Memorandum of Understanding

The Parties can agree in writing to vary this Memorandum of Understanding at any time.

If either party wishes to terminate this Memorandum of Understanding, it will provide the other party with six months notice in writing of the intention to terminate.

### Financial Control

A three year forward program is to be agreed between DASETT and the ACT and is to be provided to DASETT, in time to allow DASETT to meet the Commonwealth Budgetary timetable. This program will be used to determine the annual budget for each function provided by the ACT.

Arrangements for the transmission of monies, for reporting on program and project specific expenditure details, for aggregate and forecast financial year expenditure estimates and for revote assumptions are to be agreed between properly authorised officers of each party or as specified in individual memoranda of understanding or agreements. These may be altered with the written agreement of the parties.

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### Commonwealth Assets

A register of Commonwealth assets in the Territory shall be maintained by DASETT.

Arrangements for the use and control of buildings, plant and equipment owned by the Commonwealth in the Territory shall be specified in individual memoranda of understanding or agreements.

### Liaison and Reporting

Liaison meetings shall be held between senior officers of DASETT and ACT at least annually to review the status of current programs and co-ordinate the preparation of forward programs.

Arrangements for consultation, if any, with other Commonwealth agencies and specific liaison and reporting procedures for each program/ function will be contained within the relevant agency memorandum of understanding or agreement.

### COMMENCEMENT

This Memorandum of Understanding has effect from 1 July 1989.

### EFFECT OF MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding records the intention of the parties but gives rise to no enforceable legal obligations. The parties agree that they shall not take any proceedings in any court based on this understanding including proceedings for the interpretation of its terms. The parties agree, however, that this clause shall not apply to any individual memorandum of understanding or agreement negotiated pursuant to this Memorandum of Understanding.

(Clyde Holding) (Trevor Kane)  
Minister of State for the Arts, Chief Minister of the  
Tourism and Territories Australian Capital Territory  
15/2/1990 1/3

1990

21 October 1993

ATTACHMENT t

1992/93 OUTCOME - SERVICES PROVIDED IN THE JBT BY ACT AGENCIES

Details of Expenditure

Service

Dept Urban Services (range of services) \* 42.3  
Environment Protection 4.6  
Registrars Office (Births, Deaths etc) 4.4  
Health Services 189.7  
Magistrates Court 20.4  
Education 1,111.7  
Milk (Control of supply and sale) 1.8  
Liquor Licensing and Permits i 0.6  
Childrens Day Care (licensing ;t inspection) 7.0  
Occupational Health &. Safety 2.3  
Total 1,384.8

\* Services include: Building Control; Traffic Control devices; Vehicle Registration Driver  
Licencing; and Parking Operations.

1993/94 ESTIMATE for SERVICES PROVIDED IN THE JBT BY ACT AGENCIES

Dept Urban Services (range of services) \* 4-4.4  
Environment Protection 9.4  
Registrar's Officc (Births, Deaths, etc) 4.6  
Health Services 199.2  
Magistrates Court 21.4  
Education 985.4  
Milk 1.8  
Liquor Licensing and Permits 0.6  
Welfare & Childrens Day Care (tic & inspection) . 7.3  
Occupational Health & Safety 2.4  
Total 1,276.5

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

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1035**

**Fairbairn Park**

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

In relation to the Fairbairn Park Motorsport Complex and the five sporting bodies which use it

- (1) What is the present leasing situation of the Complex to those organisations.
- (2) Do those five organisations operate on a month-to-month basis.
- (3) Has consideration been given to leasing to those organisations on a "limited individual tenure" basis; if not, why not.
- (4) Is restrictive short-term tenure preventing long-term planning for maintenance of the facility.

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

- (1) A lease was granted to the Fairbairn Park Control Council Inc. for the period 1 June 1986 to 31 May 1987. The previous 10 year lease had been granted in 1976. Since 1987, the lease has been extended on a quarterly basis.
- (2) No.
- (3) Consideration has not been given to issuing individual leases. Successive Governments have continued a policy of fostering cooperation between sporting bodies to establish a single management group to administer such facilities. With motorsports facilities in particular, a single management group is likely to be better able to negotiate more favourable public risk and other insurance matters. In addition, if the leases were to be granted individually the Government would be responsible for a major infrastructure upgrade. There would also be less likelihood of ongoing coordination of the events.
- (4) The Government is aware of the needs of the Council and planning studies are underway to examine the facility.

21 October 1993

**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1037**

**Health Department - Driving  
Instruction Classes**

Mr Cornwell - asked the Minister for Health

1. Are Government cars, for example ACT 203506, seen recently in Tomes Street, Red Hill, being used by your Department for driving instruction classes.
2. If so, who are the people receiving instruction and why can they not be taught by private driving schools.
3. Who is conducting this instruction and what other duties are performed by this officer(s) for your Department.
4. What qualifications for driving training are held by this officer(s).
5. Do the vehicles used for such driving instruction have dual controls and, if not, why not.
6. What is the estimated cost of conducting these driving instruction classes and is this normal practice of a Health Department.

Mr Berry - the answer to Mr Cornwells questions are:

1. One ACT Health vehicle, 203506, is currently used to conduct driving instruction classes.
2. The vehicle is used by Rehabilitation and Aged Care Services (RACS) to conduct the Driver Assessment and Training Program for people with disabilities as part of their rehabilitation program. The Program is carried out by RACS as private driving instruction schools do not have access to vehicles with the necessary modifications to train people with disabilities.
3. Mr John Hebron of Hebron Partners conducts the instruction of learner drivers with disabilities. Mr Hebron is employed as a contractor on a fee for service basis.
4. Mr Hebron is the chief instructor with the driving school Hebron and Partners and is a qualified driver education consultant of high standing.
5. One vehicle only is used for the program. This vehicle is fully equipped for training people with disabilities and includes dual controls.
6. There is no cost to ACT Health as clients pay a fee to RACS which includes administration of the program. Several Rehabilitation Services conduct similar programs to the RACS Driver Assessment and Driver Training Program.

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

**LEGISLATIVE ASSEMBLY. QUESTION**

**QUESTION NO 1038**

**Saudi Arabian Embassy Site**

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

(1) Was there a proposal to offer land to the Saudi Arabians to build an Embassy in Yarralumla.

(2) Is so, (a) what is the current status of negotiations over the offer of land and (b) where is the site.

(3) Did negotiations lead to the relocation of a bus stop adjacent to the site; if so, where is the bus stop relocated.

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

(1) The Kingdom of Saudi Arabia was offered an Embassy site in Yarralumla by the Department of Territories on 5 November 1985.

(2) Block 15 Section 66 Yarralumla was offered to the Kingdom of Saudi Arabia for the purpose of an Embassy. The lease for the Embassy commenced on 17 March 1989. The Embassy is located on declared National Land and is under the management control of the National Capital Planning Authority.

(3) ACTION Buses were asked to relocate two bus stops within Hopetoun Circuit, Yarralumla after consultation with the Australian Federal Police and the Department of Foreign Affairs and Trade. The original request to relocate was made by the Saudi Arabian Government which considered the locations a security risk to their new Embassy site on Block 15 Section 66 Yarralumla. As a result, the bus stops have now been relocated further north along Hopetoun Circuit at 55 Hopetoun Circuit, Block 33 Section 75 Yarralumla and 28 Hopetoun Circuit, Block 26 Section 35 Yarralumla.

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21 October 1993

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION No 1039**

**Olympic Bowl Site**

Mr Cornwell - asked the Minister for the Environment, Land and Planning upon notice on 13 October 1993.

What is the status of the vacated ten-pin bowling building at block 10, Canberra City.

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

Block 4 Section 10 City is leased by OBC Investments Pty Limited for the purpose of an indoor bowling centre. The bowl has been closed for a long time as there is no longer demand for the facility.

The National Capital Plan was varied in late 1991 to allow the redevelopment of the site in conjunction with the adjoining Block 12 which is leased by the YMCA. Since that date my Department has assessed a number of options submitted by the applicants, however, for various reasons, none of them has proceeded. Any new proposal to redevelop must be considered under the provisions of the Land (Planning and Environment) Act 1991.

Given that the Olympic Bowl has not operated for some time the lessee is in breach of the lease purpose. Officers of my Department have advised the lessee that they must now re-open the bowl or the lease will be determined. The lessee indicated a potential to reopen the bowl or to provide other recreational facilities on the site. This is now being pursued:

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**SPEAKER OF THE LEGISLATIVE ASSEMBLY  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION ON NOTICE NO. 1041**

**Legislative Assembly - Tuesday Night Sittings**

Mr CORNWELL - asked the Speaker - In the financial year 1992-93 -

- (1) How many Tuesday night sittings of the Assembly were held.
- (2) What was the average attendance by the public per sitting.
- (3) What was the staffing cost, including overtime and after hours transport costs.
- (4) Has consideration been given to abolishing Tuesday night sittings as part of the Assembly's required two percent Budget cut and, if not, why not.

MADAM SPEAKER - The answer to the Members question is as follows:

- (1) 16.
- (2) No statistics are kept to record the average attendance by the public per sitting.
- (3) \$28,932.63
- (4) On 7 April 1992 all Members of the Assembly voted to adopt, amongst others, temporary orders 27 and 34 which provide that on Tuesdays the Assembly meet at 2.30 pm and the question is proposed on the adjournment at 9.30 pm. The decision to sit on Tuesday evenings is one which is determined by the Assembly not the Speaker.

3915

**MINISTER FOR SPORT**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE NO. 1042**

**Sportsgrounds - Linemarking**

Mr Cornwell - asked the Minister for Sport -

- (1) Has there been a recent change in policy for the line marking of sportsgrounds and if so, why.
- (2) What is the estimated dollar savings in any reduction and how is it anticipated that these savings will be achieved.

Mr. Berry - the answer to the Members questions are as follows:

- (1) As part of an ongoing review of all areas of expenditure to identify savings, it has been decided, at this point in-time, to reduce the provision of linemarking on Government sportsgrounds.

The Office of Sport and Recreation are currently holding discussions with representatives of the outdoor field sports. These discussions centre on ways in which savings on grounds maintenance/ preparation might be achieved through co-operative initiatives between the office and the sporting groups. Several proposals have been identified for further investigation..

- (2) The reduction in line marking is estimated to save about \$30,000 this financial year.

The savings will be achieved essentially, by marking only the perimeters of sportsfields for football codes and hockey. Internal marking such as goal squares, half and quarter lines will be the responsibility of users.

Due to their complexity, multilane 400 metre tracks will continue to be provided for athletic centres.

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

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE NO 1043**

**Winter Floriade Proposal**

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

- (1) Is the Government involved in a proposal for a Winter Floriade and, if so, (a) what form will the proposal take and (b) who will be involved in its production.
- (2) Have Government funds been provided and, if so, how much to date.
- (3) Is it intended to allocate more Government funds and, if so, how much.
- (4) When is it anticipated this Winter activity will take place.

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

- (1 - 4), The Government is not involved in a proposal for a Winter Floriade. I understand, however, that the ACT Tourism. Commission is involved in a proposal to hold a festival based on Canberras autumn beauty. I refer the Member to-the ACT Tourism Commission for further information about this proposal.

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

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1044**

**Grass Mowing Program**

MR WESTENDE: To ask the Minister for the Environment, Land and Planning - In relation to the contracts entered into by the Ministers Department for grass cutting in public areas adjacent to and within urban areas of the Territory -

- (1) What is the annual program of your cutting and/or slashing.
- (2) How much is undertaken by external contractors.
- (3) How much is undertaken by departmental staff.
- (4) What are the names of the contractors.
- (5) What are the general responsibilities of the contractors and any departmental officers involved.
- (6) What is the performance criteria of the contractors.

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

- (1) The annual program for mowing is about \$4M. The actual expenditure in any one year will vary depending upon seasonal conditions.
- (2) About 70% of area based maintenance contracts. is mowing and the total value of these contracts is \$1.5M.
- (3) The remainder of the grass mowing program is being undertaken by departmental staff.
- (4) The business names of the contractors are as follows: Canberra Horticultural Maintenance Contractors; IE & LG Mundy;. Horticare P/L & Dabakala P/L; Biermann P/L; Apollo Garden Services;

Arioli Mowing and Horticultural Services;.

Burgess Horticultural Services;  
Beemak Enterprises;  
Morning Dew;  
P.A. Nott;  
Wilkil Weed and Pest Control;  
Glen Thompson;  
Owen Stewart.



*21 October 1993*

(5) & (6) The responsibilities and performance criteria of contractors are contained in the attached extracts from the document Standard Specification for Horticultural Maintenance - Parks and Conservation Service, City Parks. Departmental officers are responsible for all other aspects of the mowing program.

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*21 October 1993*

STANDARD SPECIFICATION  
FOR HORTICULTURAL MAINTENANCE  
PARKS AND CONSERVATION SERVICE  
CITY PARKS

( EXTRACTS )

23/09192

## PART 2

### MOWING AND EDGING

#### 2.1 MOWING

- 2.1.1 The Contractor shall cut the sward cleanly and bring it to a condition as uniform in height as is practicable and consistent with the ground surface. No slicing, skidding, dragging or operational technique detrimental to the grassed area will be permitted.
- 2.1.2 The Contractor shall maintain watered grass areas at a minimum height of 40mm and a maximum height of 70mm and shall mow as regularly as necessary to maintain this height. The Contractor should expect to mow watered grass areas up to 50 times per year. Prior to mowing, the Contractor shall check all sprinklers and ensure stems are depressed and quick coupling valve heads are in a closed position.
- 2.1.3 Dry-land grass areas shall be maintained generally between 50mm and 150mm in height or unless otherwise directed by the Supervisor. The Contractor should be expected to mow dry-land grass areas up to 20 times per year.
- 2.1.4 To prevent damage to trees, Contractors shall not use tractors to mow closer than 300mm from a tree, but shall mow close to this limit as permitted by overhanging branches. Contractor shall cut grass within 300mm of tree trunks with appropriate mowers.
- 2.1.5 Contractors shall avoid causing damage to stems, branches, basic or foliage of trees and shrubs. The Territory may recover costs of tree surgery works necessary as a result of damage caused by the Contractor.
- 2.1.6 In the vicinity of buildings, and other furnishings, Contractors shall trim the sward neatly to the edge of these areas.
- 2.1.7 The Contractor shall use in dry-land areas only those herbicides that the chemical and its area of application are approved by the Supervisor and are in accordance with the Section on Weed and Pest Control. The Contractor may employ chemical edging provided the width of the applied strip does not exceed 50 millimetres along footpaths and 300 millimetres around the base of trees. The Contractor shall be required to make good any damage caused by careless application of herbicide. The Territory may require the Contractor to repair any damage caused and may require the Contractor to edge by mechanical means only for the duration of the contract. The Contractor shall use only mechanical edging in all watered , areas and around flats, schools and public buildings.

#### 2.2 EDGING

- 2.2.1 Contractors shall carry out edging of the sward against buildings, footpaths, kerbs, gutters, and shrubs beds to maintain a neat and tidy appearance. In irrigated areas Contractors shall edge monthly from October to March and bi-monthly from April to September or as directed by the Supervisor. The Contractor shall edge irrigated areas eight times per annum. The Contractor shall edge dry land areas once every three months. All edging material shall be swept and removed from the area by the end of each working day.
- The Contractor shall remove excess grass clippings from all grassed areas. The Contractor shall sweep clean all walkways and footpaths, or any other hard surfaced areas after mowing or edging.
- 2.2.3 The Contractor shall not use mowing equipment or any other any plant within school grounds during recess periods. The Contractor shall not proceed with work at any time when children are visible on school grounds

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### 2.3 SAFE OPERATION OF MOWER ETC

2.3.1 The Supervisor may remove or stand down any operators of mowing and edging equipment who, in his opinion, are untrained or operate their machinery in an unsafe manner.

#### PART 9

#### PLANT AND EQUIPMENT

##### 9.1 MAINTENANCE OF PLANT -

9.1.1 The Contractor shall keep all plant and equipment used in the contract in a safe and good working condition at all times. Operators shall operate their equipment in a safe and efficient manner. The Supervisor may require the Contractor to prove the efficiency and safety of the plant, equipment and operator, causing them to undergo any test that the Supervisor deems appropriate. Any blades, belts brother moving parts must be adequately guarded. Equipment shall comply with ACT Inspection of Machinery Regulations (Machinery Act 1949) and the relevant SAA Codes. Safety and efficiency checks may be made during the contract period. Operators who are deemed, by the Supervisor, to be untrained, or who operate their equipment in an unsafe manner, maybe removed at the discretion of the Supervisor.

9.1.2 All plant and attachments (including safety equipment) required for the performance of this contract shall be presented for inspection, to the Inspecting Officer, Engineering Services Unit, ACT Parks and Conservation Service at Fyshwick, prior to the commencement of work. Specifications for this equipment shall be supplied by the Contractor at this inspection. Contractors are required to present a Certificate of Currency Insurances s before inspection of plant can proceed.

9.1.3 The Contractor shall promptly and efficiently carry out at his own expense, all repairs, servicing and adjustments deemed necessary by the Supervisor for the satisfactory and safe operation of the plant equipment.

9.1.4 The Contractor shall not operate motorised equipment before 7.30 am or after 7.00 am. The Contractor shall exercise discretion to avoid danger or inconvenience to the public.

9.1.5 The contractor shall ensure his machinery conforms to the requirements of the Noise Control Ordinance (1988).

9.1.6 The Contractor is required to exercise discretion to avoid danger or inconvenience to the public.

#### PART 11

#### LITTER REMOVAL

11.1 Bottles and glass shall be removed prior to mowing to avoid further breakage. Paper and other rubbish shall be removed prior to mowing.

11.1.1 The Contractor shall keep the entire grounds of flats, schools, pr e-schools, playgrounds, shopping. areas and government buildings, free of litter at all times, including, but not restricted to, all footpaths, driveways, shrub beds, hedges and paving within the area. Litter includes leaves, soil and gravel. Residents prunings and litter shall be removed at least once a week.

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11.1.2 Litter shall be removed from shrub-beds and hedges in urban parks monthly.

11.1.3 All litter shall be removed from hedges at the time of pruning.

## PART 12

### FIRE CONTROL EQUIPMENT

12.1 Tractors shall carry an ACT Bushfire Council approved 20 litre knapsack filled with water. Contractors and operators of machines may be liable for damages caused by, and the cost of suppression for any fire which is-ignited by their machine. (Ref. Careless Use of Fire Act, 1936). Contractors shall ensure that hired operators are aware of this ordinance.

12.1.1 The Contractor shall install at his own cost the appropriate and approved fire extinguishers to vehicles and plant used on this Contract. The extinguishers shall be the types for wood tire, petrol fire, live electricity fire and motor vehicle fire.

## PART 13

### NEEDLES AND SYRINGES

#### 13.1 PRECAUTIONS IN HANDLING NEEDLES AND OTHER SHARPS

13.1.1 The Contractor shall make himself aware of the problem of HIV/AIDS and Hepatitis B. Information on Territory policy is available on. 205 0326.

13.1.2 During maintenance operations the Contractor shall use tool as much as possible especially when cleaning hedges or shrubbery. Workers shall wear protective leather gloves. If the Contractor or his staff find a needle or a syringe during maintenance operations, they shall not handle it due to the risk of "needle stick" injury and subsequent risk of contracting AIDS or "hepatitis B".

13.1.3 The Contractor shall note the location of needle/syringe he may find noted and shall notify. the Sharps Hotline on 207 5959. This is a 24 hour service. The Duty Officer will be paged and will attend within 20 minutes of notification. The Contractor shall wait for the arrival of the Sharps Hotline Officer and show him the location of the needle/syringe.

## PART 15

### TRADING

15.1 The Contractor shall attend training sessions, sponsored by Parks and Conservation, when so directed by the Supervisor.

## PART 16

### SAFEKEEPING OF EQUIPMENT

16.1 The Contractor shall ensure the safekeeping of all equipment, during the term, of the contract. Unused material and spares, after a days work, shall not be stored at the work site.

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PART 17  
COMMUNICATION -

17.1 The Contractor shall at his own expense;

- a) maintain telephones at both his, place of business and his residence;
- b) telephone the nominated Supervisor each week at times and frequencies as indicated by the Supervisor to receive instructions;
- c) provide an alpha numeric paging system which: the Territory may use to contact him at all times

PART 18

OTHER WORKINGS AT THE SAME AREA

18.1 While fulfilling his obligations under this Contract, the Contractor shall be aware of, and co-operate with others working -in the same area. -

PART 19

ENTRY TO DEFINED, RESTRICTED AREAS

19:1 Where works are to be conducted in restricted areas, the Contractor shall be required to obtain permits of entry to those areas from the concerned authorities through the Supervisor before commencement of such works.

PART 20

SPECIAL INSTRUCTIONS

The following special conditions to the specification apply:

20.1 MOWING

20.1.1 The Contractor shall not use of mowing equipment and other plant within school grounds during recess periods or if children are on the grounds or ovals.

20.2 ROAD MEDIANS

20.2.1 The Contractor shall. edge dry land road medians twice yearly; once in Spring and once in Autumn.

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**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1051**

**Government Schools and Colleges -  
Sanctuary Rooms**

MR CORNWELL - asked the Minister for Education and Training on notice on 19 October 1993:

Has the possibility of providing a "sanctuary room" - a place for sanctity, privacy and solitude - in Government schools and colleges been explored; if so, what were the results of the inquiry; if not, why not. -

MR WOOD - the answer to Mr Cornwells question is:

The need for the provision of a "sanctuary room" in government schools and colleges has not been considered. Other building issues such as occupational health and safety have priority. At least one sick room is provided in each ACT government school.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1052**

**Weston Creek Property - Lease Transfer**

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

In relation to Block 664, Weston Creek and your reply to Question on Notice No. 903

- (1) Was the block (a) auctioned; (b) offered publicly for sale, (c) negotiated in private, or (d) sold by some other means.
- (2) What procedures were followed leading up to consent to transfer the lease.
- (3) Who supervised the procedures leading up to consent to transfer the lease.
- (4) What was the purchase price paid for the lease in 1991.
- (5) What annual rent is paid for the block and what is the rent review period.
- (6) What is the unimproved capital value of the block.
- (7) How much land tax was paid for this block in (a) 1991-92; (b) 1992-93 and (c) 1993-94
- (8) What charge was paid for rates in (a) 1991-92; (b) 1992-93 and (c) 1993-94
- (9) Is the block connected to town water and sewerage and what regular "town services", such as garbage collection, does it receive.
- (10) Do the current lessees have current control of other leases, or did they have such control at the time of purchase of Block 664, particular commercial leases, in the ACT; if so, what are they.

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

- (1) The Block was sold by the previous lessee to the current lessees after private negotiations.
- (2) The present lessee submitted documents outlining the proposed land use, his financial backing and a development plan. These were approved by the Agriculture and Landcare Section. Having been satisfied that all the necessary conditions were met, the delegate deemed the lessees eligible to hold a rural lease and consent was given to the transfer of the lease.
- (3) As is normal practice, the transfer was handled by the Director of the then  
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Lease Alterations and Compliance Section, Lease Administration Branch, in my Department. That officer held the necessary delegation.

(4) The purchase price is a confidential matter between the buyer and seller.

(5) The land rent is \$4300 p.a. and, in line with current practice, it is reviewed on a three yearly basis. The next review date is 2 January 1995.

(6) The following unimproved values have been used by the ACT Revenue Office for rating purposes:

(i) 1 January 1991 \$120,000

(ii) 1 January 1992 \$145,000

(iii) 1 January 1993 \$175,000

(7) All rural land in the ACT is exempt from land tax in accordance with current land taxing legislation.

(8) The following general rates charges have been assessed:

(i) 1991-92 \$ 689.40

(ii) 1992-93 \$ 738.78

(iii) 1993-94 \$1,723.75

It should be noted that the Rates and Land Tax Act 1926 was amended in 1992 to make properties used for primary production purposes, and located within the Canberra City Area, liable for full rates. However, an undertaking was given by the Chief Minister that "genuine primary producers holding leases within the City Area will continue to pay rural rates". Accordingly, all relevant lessees have been given the opportunity to establish their status as a primary producer.

(9) The Block is not connected to town water nor to sewerage. A water main passes the Lady Denman Drive boundary and the nearest sewerage connection is on the adjacent Block 1163.

The "town services" of garbage collection, recycling and mail delivery are not available.

(10) The current lessees hold no other leases, commercial or otherwise, at this point in time.