DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

9 December 1993

Thursday, 9 December 1993

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

PAPER

MRS CARNELL: Madam Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not contain the addresses of the petitioners.

Leave granted.

MRS CARNELL: I present an out-of-order petition from 208 residents requesting that the Assembly amend the Drugs of Dependence Act 1989 to guarantee that methadone treatment services be provided free of charge to public hospital patients.

Ms Follett: I raise a point of order, Madam Speaker. If the petition does not contain addresses I do not think it is accurate to refer to the petitioners as residents.

Mrs Carnell: It has the suburbs.

Ms Follett: Does it?

Mrs Carnell: Yes, it has suburbs, but not addresses.

MADAM SPEAKER: That is an interesting point, Chief Minister. It is partial addresses, I suppose. Leave was granted for an out-of-order petition to be presented and an out-of-order petition has been received. But the point is taken, Chief Minister.

AUSTRALIAN NATIONAL TRAINING AUTHORITY (TERRITORY FUNCTIONS) BILL 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.33): Madam Speaker, I present the Australian National Training Authority (Territory Functions) Bill 1993.

Title read by Clerk.

MR WOOD: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The introduction of this Bill is a significant milestone in the development of a new national system of vocational education and training which will have significant beneficial implications for the Territory in the years ahead and which becomes operational on 1 January 1994. The purpose of this Bill is to create legislation which will ensure the constitutional basis for the performance of the functions of the Australian National Training Authority, ANTA, in the Territory. The Bill also provides the Minister responsible for vocational education and training in the Territory with the power to nominate a body as the State training agency. The agency will be the body charged with developing and maintaining a direct relationship with the authority and ultimately performing a range of strategic planning, management and funding functions with respect to our own system of vocational training.

The importance of the emerging relationship with ANTA should not be underestimated. The national vocational education and training system agreement, which the Chief Minister signed on behalf of the Territory Government in July 1992 and which underpins ANTA, provides a new national framework for the planning, management and funding of vocational education and training throughout Australia. The objective of the agreement is to provide for a more cohesive system of vocational education and training which is responsive to the nation's requirements. It is imperative that the Territory, through the body which will be designated as the training agency, develop an efficient and authoritative relationship with ANTA, not only to ensure that the Territory's interests are met but also to enable us to influence national directions and national policy. This Bill will provide the legislative basis for the relationship and will protect the Territory's interests in that relationship by creating a complementarity of functions, enabling the authority to function, within its own legislative provisions, in the Territory.

I am currently considering the necessary transitional steps to confer on the Vocational Training Authority the responsibilities of interim State training agency for the Territory, a function currently being performed by the Education and Training Coordination Committee. Ultimately, I expect to proceed with more detailed legislation for a permanent agency. The transition will, therefore, provide time for the Government and the stakeholders to observe the interim agency in operation so that the final legislation will benefit from its operational experience. The legislation arising from this Bill will complement more detailed legislation. This Bill, though concise, is extremely significant and represents a real watershed in the management of vocational education and training in Australia and in the Territory. Madam Speaker, shortly I will provide to members a copy of the Commonwealth legislation to which this refers. I commend the Bill and associated explanatory memorandum to the Assembly.

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

EVIDENCE (AMENDMENT) BILL (NO. 3) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.37): Madam Speaker, I present the Evidence (Amendment) Bill (No. 3) 1993.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the Evidence (Amendment) Bill (No. 3) 1993 abolishes the privilege that an accused person in criminal proceedings has to make an unsworn statement. The use of an unsworn statement places the accused in a privileged position compared with other witnesses, who must provide evidence on oath and submit to questioning by opposing counsel to test the validity of their testimony. Today there exists no compelling reason to preserve this obsolete vestige of nineteenth century legal history. When unsworn statements evolved the accused was not allowed to give sworn evidence, and furthermore, in felony proceedings, was not entitled to legal counsel. This oppressive environment in which the nineteenth century accused found himself or herself clearly warranted the use of unsworn testimony.

Fortunately, we now live in more enlightened times. Now an accused person is legally recognised as a competent witness, meaning that he or she can give sworn testimony in their defence. Furthermore, any accused person is entitled to seek legal representation. The High Court recently has held that there is a common law right to legal aid in serious criminal proceedings, and this Assembly has passed legislation to ensure the right to an interpreter for persons not proficient in English. The right to give unsworn testimony disappeared in the United States and Canada after the accused was given the right to give sworn evidence. More recently, unsworn statements have been abolished in England, New Zealand and most Australian jurisdictions. Today they remain in only New South Wales, Tasmania and the ACT. Both of these other jurisdictions are now acting to abolish what is an unwarranted privilege.

Often the victim of a crime is the only witness to that crime. If court proceedings eventuate it is important that the victim give evidence for the prosecution, which entails a sometimes difficult and painful recounting of the facts of the crime. Then the victim is often subject to cross-examination which can be even more harrowing. This process of testimony and subsequent cross-examination is a necessary and fundamental part of our system of justice, optimising the conditions for the emergence of a recounting of events closest to what actually happened. The use of unsworn testimony by the accused provides him or her with an opportunity to avoid the rigorous requirements of this process. As no oath or affirmation is required, the accused does not have to be concerned about the possible consequences of perjury or false testimony. In some cases such statements are being used by accused persons to launch unjustified attacks upon the character of victims of criminal behaviour. This unfair action does not have the effect of rendering admissible evidence of the accused's own prior convictions or bad character, and this is particularly a concern in sexual assault trials.

A very limited response to this problem was provided by the insertion of section 76H of the Evidence Act, which limits the content of unsworn statements in regard to references to the sexual history of the complainant in sexual offence proceedings. The rules of evidence, which perform an important function in preventing irrelevant or hearsay material from being presented, do not apply as clearly or strictly to unsworn statements as they do to sworn evidence. Finally, the accused, in giving unsworn evidence, cannot be cross-examined on material in that statement to test its validity or truthfulness. Thus the accused is not restricted by the important safeguards which regulate the provision of evidence by other witnesses. Some would argue that unsworn statements represent an important right to which the accused should be entitled. However, nothing can justify treating the accused in such an unjustifiably privileged way. This Bill seeks nothing more onerous than to ensure that, if the accused does choose to give evidence, he or she is legally obliged to give a truthful account, and to face questioning from the prosecution about their testimony. Of course, the right to remain silent will remain as an option for the accused and it is important that this right be preserved.

Those who argue for the retention of this privilege raise two main concerns. The first is that an unjustly accused person can appear guilty under questioning by a skilled cross-examiner. I think that it is doubtful in the extreme to assume that a jury cannot distinguish a person who is lying under cross-examination from a person who is inarticulate, poorly educated or fears the consequences of his conviction. Furthermore, accused persons are represented by legal counsel, and are also protected by the judge's overriding discretion to ensure a fair trial. Considering these factors, it is unlikely that the prosecution would be able to take advantage of the accused's inability to cope with cross-examination.

The second justification for retention is that, without the use of unsworn statements, the accused would be deterred from truthfully claiming fabrication of evidence or an illegally obtained confession on the part of the prosecution or the police through fear of prejudicial evidence of prior convictions being introduced. This is a consequence of the existing law which, in some cases, has the effect of removing the prohibition on the prosecution raising the accused's bad character or prior convictions if the accused has made allegations relating to the character of the prosecution or its witnesses. Sometimes the prejudicial effect of introducing evidence of the accused's bad character or prior convictions can outweigh its probative value.

The overriding consideration that the accused receives a fair trial has motivated an additional measure in this Bill which will both narrow and qualify the operation of the provision. Clause 5 of the Bill amends section 70 of the Evidence Act to make it clear that only gratuitous attacks upon the credibility of the prosecutor and prosecution witnesses will provide a ground for the loss of the accused's protection against questioning as to character or criminal record. The Bill performs two functions. It removes an obsolete privilege, the existence of which cannot be justified, and it bolsters the right of the accused by ensuring that he or she retains the ability to present his or her defence in the most favourable way.

Madam Speaker, I am aware that the Legal Affairs Committee of the Assembly has an interest in this matter. It is certainly not the Government's intention to proceed to debate this Bill until that committee has had the opportunity to make such inquiries and conduct such hearings as it feels appropriate, but the Government did feel that it was appropriate to nail its colours to the mast and join New South Wales and Tasmania, which have recently moved to abolish this right. I present an explanatory memorandum to the Bill.

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

DISCRIMINATION (AMENDMENT) BILL (NO. 3) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.44): I present the Discrimination (Amendment) Bill (No. 3) 1993.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

Madam Speaker, the Discrimination (Amendment) Bill (No. 3) 1993 adds age to the grounds covered by the ACT Discrimination Act of 1991. This means that it will be unlawful to discriminate because of age in the areas of work, education, access to premises, goods, service and facilities, accommodation and clubs and in requests for information. The existing complaints mechanism will apply and those who believe that they have been discriminated against because of their age can lodge complaints with the ACT Human Rights Office. This is an important addition to the already comprehensive legislative framework that deals with the protection of human rights and completes the Government's commitment to protecting the people of the ACT from unfair age discrimination.

Earlier this year the Government released for the purposes of community consultation a discussion paper that looked at the issues and options for an age discrimination law in the ACT. That paper was widely circulated to interested individuals, community groups, employers, and union and employer groups. I am particularly pleased that so many in the community contacted my department expressing interest in and, for the most part, general support for the issue. It is the responses from these people that confirm in my mind the need for this legislation. The draft Bill included in the paper was not intended as the Government's final view on this matter. It did, however, reflect the experiences of other States that have introduced similar laws, and for this reason the Bill before the Assembly has required relatively few changes. I would like to thank those who took the time and made the effort to make submissions on this Bill and to assure them that all comments were given serious consideration. Comments were diverse and were very carefully balanced in considering the final form of the Bill.

The Government has not taken this matter lightly and recognises that some changes flowing from this Bill will have important repercussions, particularly for employers, including, of course, the Government. We recognise that some fundamental employment practices such as retirement are based on age and, with this Bill, the Government will be asking employers to adopt non-discriminatory policies and practices. I believe that these requirements are consistent with sound business practice, but, at the same time, they introduce standards of fairness that the community now expects.

Madam Speaker, it has been necessary to include in the Bill a number of exceptions to the general prohibition of age discrimination. While exceptions to anti-discrimination law should generally be regarded as undesirable, the Government did not want to affect justifiable and fair practices based on age, and has drafted the Bill accordingly. For example, the Bill includes an exception for concessions based on age. The existing exception in the Discrimination Act for equal opportunity measures, or measures that meet the special needs of particular groups, will also apply to the age ground. It is intended that measures such as special training schemes for younger workers, or special housing for elderly citizens, would be permitted by this existing exception. The greater part of the Bill and community comments have focused around these exceptions, but we should not forget that the main thrust of this Bill is to prohibit age discrimination, and the exceptions cover quite specific circumstances. The impact of the Bill will be to ensure that people will be judged on their merits and abilities and not on inaccurate stereotypes about age. The Bill serves as a statement about standards in employment, service delivery and other areas of public life, and provides the means to enforce those standards.

Two aspects of the Bill were subject to particular comments. These were youth wages and compulsory age based retirement. As was explained in the discussion paper, where youth wages are permitted by Federal awards the payment of that rate cannot be excluded by an ACT law. The exception in the Bill recognises this but also permits an employer to advertise for and recruit a person who is eligible for the endorsed youth wage. By leaving out this second part of the exception, the Government could have restricted the ability of employers to recruit juniors. We believe that this is neither constructive nor workable, given that the basic award structure is federally entrenched, and experience in other States has shown that prohibiting the employment of junior staff can lead to unpredictable and unproductive confusion. We received submissions from community groups in Canberra pointing out the inequity and unfairness of youth wages. While I am sympathetic to these views, the Government is restricted in the extent to which change could be triggered by this legislation. One effect of the Bill is that it will be unlawful to dismiss a person because they are no longer eligible for a youth wage. Complaints about this issue and their outcomes will be a very important monitor about the effectiveness of the law, and I will ask the Human Rights Office to keep me informed.

The other main area of comment was about age based retirement. The Bill delays commencement of the retirement provisions for two years. After this, it will be unlawful to force a person to retire simply because of their age. The Government recognises that this raises some difficult issues. Compulsory retirement based on age introduces an element of certainty into the complex question of when a person should end their working life. However, this

operates at the cost of cutting short the working lives of those who wish to continue irrespective of their particular needs or abilities. It also deprives the community of access to the skills that these people have developed throughout their working lives.

Some employers have reacted cautiously to this proposal, although there were many in the community who were very interested in the idea of more flexible retirement ages. These employers were concerned that the legislation could lead to management difficulties that would be expensive to resolve and, in particular, focused on the question of what to do with the older worker who is no longer effective. Although it is clear that this legislation will require greater management of retirement, we see similar legislation affecting age based retirement operating in New South Wales and, over the next two years, commencing in three other States. This delayed commencement, in addition to an exception for age discrimination that can be justified for health and safety reasons, should provide employers with adequate flexibility to make special provision for older workers where that is necessary, as well as sufficient time to assess their personnel practices before this part of the legislation comes into force.

Some occupations rely on a very high standard of professional practice to ensure that safety standards are maintained. While the Bill provides employers with some leeway where there are risk factors that might be associated with age, some submissions raised the question of whether there are occupations that should be dealt with differently. If employers believe that they are faced with peculiar difficulties, the Discrimination Act does provide for a further three-year exemption if it can be justified to the Discrimination Commissioner. The Discrimination Commissioner is required to weigh these requests against the need to promote acceptance of the legislation, and I would not envisage that exemptions would be given lightly. However, this does add further flexibility to provide for extreme cases where compliance is not possible within the two-year delay that is already provided.

Empirical evidence on retirement ages from North America suggests that a prohibition on enforced retirement will barely affect the current trend to earlier retirements. If this is also true in the ACT, the reforms introduced by this Bill still represent a fundamental change for older workers in providing a greater degree of choice in the timing of their retirement. It also reflects the recognition that, as the community ages, it becomes imperative to consider more flexible retirement practices, not only to allow people to engage in more meaningful activity to remain healthier, but also to maintain a skilled working population.

The Discrimination Act does not deal simply with complaints. It has a broader charter to inform and educate the community, and to try to break through the barriers that the use of stereotypes can impose. I hope that the legislation will help address some of the attitudes that immediately link age with incapacity, as well as some of the issues surrounding the immense difficulties faced by unemployed, middle-aged workers who are attempting to rejoin the work force. Madam Speaker, the two-year delayed commencement of the retirement provisions will apply to employers outside the Commonwealth Government sector. Within this period we can expect the commencement of a separate ACT public service, and we will be looking at this issue in that context.

The Bill will prohibit age discrimination in areas other than employment, and it is in these areas that there have been some departures from the draft Bill. The Bill had provided some exceptions in the area of education which were to permit unexceptionable practices such as mature age admission schemes and the setting of minimum age limits for educational programs that are devised for particular age groups. This latter exception allows, for example, the setting of entry ages for preschool and kindergarten. These are necessary and they reflect the practice in other States.

In response to ACT circumstances, a further exception that permitted the setting of upper age limits for senior secondary colleges was included in the draft Bill. This was considered necessary to provide for the possibility of the need to restrict the number of mature age students at senior secondary colleges, given that the Canberra Institute of Technology provides a mature age Year 12 program. The exception will now operate only until the beginning of 1996, as it may unfairly restrict opportunities to complete secondary education. The extension of time will allow the Department of Education and Training to monitor the situation and review funding policies for senior school education so that they are consistent with the Discrimination Act. I would have preferred to remove the exception immediately, but the two-year delay will avoid creating short-term difficulties that could place pressure on the standards of education in the ACT.

Members will note that there is an additional exception that did not appear in the draft Bill. This exception excludes decisions made in the selection of prospective adoptive parents from the provisions of the Discrimination Act. The Adoption Act contains some provisions that conflict with the Discrimination Act, namely, restricting adoptions to heterosexual couples or, in certain circumstances, single people. It was made clear when the Adoption Act was passed that I would be seeking permanent exception from the Discrimination Act so that adoption practice in the ACT would continue to reflect the desired community standard which I believe is consistent across all Australian jurisdictions.

Earlier adoption legislation contained restrictions about the age of prospective adoptive parents. As a result of community consultations on the Adoption Bill, these were taken out of the legislation to be placed in administrative guidelines so that they could be applied more flexibly and be more receptive to change. Without an immediate exception in the Discrimination Act, these guidelines would constitute unlawful discrimination. The exception for adoption procedures has been included in the Discrimination Act at this stage primarily to permit the operation of these age guidelines. An existing provision in the Discrimination Act for anything done to comply with other ACT laws covers the otherwise discriminatory provisions in the Adoption Act. However, this is intended only as a temporary exception. As the adoption legislation has been considered so intensively by the Assembly and the community - that is something of an understatement, I think - I believe that it is appropriate to include the exception at this time.

The Bill also provides an exception that recognises and excludes actions based on the laws relating to the legal capacity of minors. In the ACT the legal capacity of minors to enter into contracts is largely based on the common law which provides protection for minors at the cost of some uncertainty for the other party. The common law position is that a person contracting with a minor cannot be certain that the contract will in all circumstances be enforceable against the minor.

It was argued in submissions that this amendment to the Discrimination Act will have limited impact in protecting minors from discrimination as it may be possible for contractors not wishing to deal with young people to hide behind this exception and argue that they are concerned about the uncertainty of enforcing the contract rather than simply the minor's age. This may well be the case, although this argument would be unsuccessful where contracts are for what are called "necessaries" - those goods that are necessary to support the person. This would cover such important contractual situations as entering into a lease for accommodation. There have been calls for codification and clarification of the law of legal capacity in the ACT. This will require more detailed consideration, although some form of exception in the Discrimination Act is necessary in any event and so the exception has been retained.

The Bill contains an exception for recreational tours and accommodation. We are not aware that rigid age limits are imposed widely in the travel industry, but it was not seen as constructive to legislate against those tours being marketed in the ACT when there appears to be a wide choice available. This is particularly so when New South Wales has introduced an age discrimination law that includes a similar exception. This means that those tours would be available through travel agents across the ACT border.

Madam Speaker, this Bill represents an important addition to the protection already provided by the Discrimination Act. It retains the ACT's position as having one of the most comprehensive and progressive discrimination laws in Australia. I recognise that there are different views about the role of such legislation, and in particular the impact of age discrimination laws. However, the Government believes that the conciliation style, backed by real powers in addition to the obligation to inform and educate the community, will mean that the changes brought about by this legislation can be introduced in a fair and equitable way. Madam Speaker, I commend the Bill to the Assembly. I table the explanatory memorandum.

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

MAGISTRATES COURT (AMENDMENT) BILL (NO. 3) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.57): Madam Speaker, I present the Magistrates Court (Amendment) Bill (No. 3) 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

Madam Speaker, this Bill, among other things, will amend the power to determine fees and charges in the Magistrates Court. It comprises, with two interlocking Bills - the Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1993 and the Small Claims (Amendment) Bill 1993 - a package of Bills which broadens the power to determine fees and charges for the Magistrates Court and the Small Claims Court and locates that power within the

Magistrates Court Act. Amendment of the Magistrates Court Act in this way is part of a larger legislative exercise to introduce, as far as is appropriate, substantially similar fees and charges provisions into the courts and Administrative Appeals Tribunal legislation.

The Magistrates Court (Amendment) Bill (No. 3) 1993 will amend the Magistrates Court Act 1930 in several respects. Presently, section 257 of the Magistrates Court Act, section 307B of the Magistrates Court (Civil Jurisdiction) Act and section 50A of the Small Claims Act provide that the Minister may determine fees for the purposes of those Acts. The package of Bills will have the effect of replacing this regime with a new section, section 248A, located in the Magistrates Court Act, which will allow the Minister to determine fees and charges in respect of the Magistrates Court and the Small Claims Court. Under the Small Claims Act, the Magistrates Court, when exercising jurisdiction under that Act, is known as the Small Claims Court. There might be a quiz on this later.

The power to determine fees and charges will not be confined to determining fees and charges strictly for the purposes of the various pieces of legislation or incidental to those purposes but will be broad enough to allow for the determination of fees and charges for services or facilities those courts provide which, perhaps, are not directly contemplated by the legislation. Fees and charges that might be determined might be common to both courts, but it will not be necessary that they be so. The power will be broad enough to allow for variation in similar types of fees between courts and, indeed, for some fees and charges to be applied in one court but not in the other where that is appropriate. The effect of the scheme will be that only one determination of fees and charges will need to be made in future where presently there are three. A high degree of flexibility will be provided for, in that a determination may provide for exemptions from payment of filing fees and fees for service and execution of process, in whole or in part, and for the remission, refund or deferral of liability for payment of fees and charges by the registrar. A determination will, of course, be a disallowable instrument and will come before this Assembly.

Section 248B, to be inserted by the Magistrates Court (Amendment) Bill (No. 3) of 1993, will provide the obligation to pay fees or charges determined under section 248A and, except where a fee cannot be calculated until after the function is performed or facility or service provided, to pay them in advance in accordance with the determination. The registrar or the courts will be under no obligation to perform a function or provide a facility or service if a fee or charge payable in advance is not paid when due. Section 248C will provide that fees or charges may be remitted, refunded or liability for payment deferred in accordance with the determination. Liability then for the payment of fees and charges will also be centralised in the Magistrates Court Act, as will the grounds for remission or refund of, or exemption from, payment of fees and charges.

While the determination may provide for some exemptions, section 248C will also deal with exemptions from payments of fees and charges and for their waiver by the registrar in certain circumstances. At the moment, exemptions are not common across all the legislation, but the Magistrates Court (Amendment) Bill (No. 3) will apply them to proceedings generally rather than to proceedings under particular legislation and locate the existing exemptions, other than those that may be provided for by a determination, in the Magistrates Court Act.

The Bill will introduce a new exemption from payment of some fees and charges in respect of matters under the Guardianship and Management of Property Act 1991. The exemption from payment of court fees currently located in the Children's Services Act 1986, for ease of reference, will be relocated to the Magistrates Court Act. Apart from cases where legal assistance is granted or fees and charges waived on hardship grounds, the exemptions set out in the legislation will be restricted to filing fees and fees for service and execution of process.

Sections 248D and 248E will reflect and extend the policy currently in the legislation that certain fees not paid or not required to be paid by a successful plaintiff in civil proceedings or by an informant in certain criminal matters should, in effect, be paid by the defendant. Section 248F will provide a person who claims to be entitled to a remission, refund, deferral of liability for or waiver of payment of fees and charges and who is affected by a decision of the registrar in relation to that matter with a right to apply to a magistrate for a review of that decision. No fee or charge will be payable in relation to such an application. So there is an appeal right.

The Magistrates Court (Amendment) Bill (No. 3) 1993 will also make a number of other amendments to the Magistrates Court Act consequential upon the introduction of the new fees and charges regime or for the purposes of style. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

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

MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.02): Madam Speaker, I present the Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

Madam Speaker, this Bill, among other things, will amend the power to determine fees and charges in the Magistrates Court. It comprises, with two interlocking Bills - the Magistrates Court (Amendment) Bill (No. 3) 1993, which I have just presented, and the Small Claims (Amendment) Bill 1993 - a package of Bills which broadens the power to determine fees and charges for the Magistrates Court and the Small Claims Court and locates that power within the Magistrates Court Act. Amendment of the Magistrates Court (Civil Jurisdiction) Act in this way is part of a larger legislative exercise to introduce, as far as is appropriate, substantially similar fees and charges provisions into the courts and Administrative Appeals Tribunal legislation.

The Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1993 will consequently amend the Magistrates Court (Civil Jurisdiction) Act 1982 as part of the amendment of the fees and charges regime by omitting the definition of "determined fee" in section 3 and references to determined fees, and by repealing section 292. Section 292 imposes the liability to pay determined fees, sets out when the filing fee is to be paid, provides for exemptions from payment and makes provision for an unsuccessful party, against whom costs are awarded, to pay certain fees where a successful party has not had to pay them. The Bill also repeals section 307B, which grants to the Minister the power to make fees determinations. The substance of the relevant provisions will be relocated in the Magistrates Court Act.

The Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1993 will also amend section 306A of the Magistrates Court (Civil Jurisdiction) Act in relation to the entitlement to inspect a register containing particulars of default judgments. There is, in effect, no longer a register as such, and the Bill alters that entitlement to an entitlement to inspect a record of the court containing such particulars rather than an entitlement to inspect the register itself or the documents in it. I commend the Bill to the Assembly and present the explanatory memorandum.

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

SMALL CLAIMS (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.05): I present the Small Claims (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

This Bill, among other things, will amend the power to determine fees and charges in the Small Claims Court. It comprises, with the other interlocking Bills, a package of Bills which broadens the power to determine fees and charges and locates that power within the Magistrates Court Act. Amendment of the Small Claims Act in this way is part of a larger legislative exercise to introduce, as far as is appropriate, substantially similar fees and charges provisions into the courts and Administrative Appeals Tribunal legislation.

The Small Claims (Amendment) Bill 1993 will consequently amend the Small Claims Act 1974 by omitting the definition of "determined fee" from section 3 of that Act, by amending paragraph 29(1A)(a) to refer to a determination made under the Magistrates Court Act and by repealing sections 46 and 50A. Section 46 imposes the obligation to pay the determined fee, sets the fees in respect of warrants of execution, and provides for exemption from payment of fees in hardship cases. Section 50A confers on the Minister the power to determine fees for the purposes of the Act.

The Small Claims (Amendment) Bill 1993 will also amend the Small Claims Act 1974 to permit the court, when it appoints a person to inquire into and report upon any question of fact arising in proceedings, to order that a party to proceedings pay some or all of the costs of remuneration of a person so appointed. I commend the Bill to the Assembly and I present the explanatory memorandum.

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

CORONERS (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.07): I present the Coroners (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

The Coroners (Amendment) Bill 1993 will amend the Coroners Act 1956 in two respects. It will insert a definition of registrar and it will provide a broad-based scheme for determining fees and charges payable in respect of the Coroner's Court. The Bill will insert into the Act a new Part, "Part VB, Fees and Charges", containing new sections 34P, 34Q, 34R and 34S. Amendment of the Coroners Act in this way is part of a larger legislative exercise to introduce, as far as is appropriate, substantially similar fees and charges provisions into all courts legislation and that relating to the Administrative Appeals Tribunal.

The fees and charges provisions are modelled on those proposed for the Magistrates Court Act. They include a similar wide head of power to determine fees and charges and have substantially similar provisions for determining exemptions from payment and for the remission, refund and deferral of liability for and waiver of payment of fees and charges by the registrar. Similarly to the Magistrates Court Act, there also will be a right to apply for review by the coroner of an unfavourable decision. There is a similar appeal right and determinations again will be tabled in this Assembly and will be subject to disallowance by this Assembly.

While the determination may provide for some exemptions, section 34R will also deal with exemptions from payment of fees and charges. No fee or charge will be payable by a person receiving legal assistance under the Legal Aid Act 1977 or under another scheme or service provided or approved by the Attorney-General. Nor will fees be payable if the registrar considers that payment would cause hardship. I commend the Bill to the Assembly and I present the explanatory memorandum.

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

SUPREME COURT (AMENDMENT) BILL (NO. 3) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.09): Madam Speaker, I present the Supreme Court (Amendment) Bill (No. 3) of 1993.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Madam Speaker, the Supreme Court (Amendment) Bill (No. 3) of 1993 will replace the fees and charges regime presently provided for in the Supreme Court Act with a regime which allows for fees and charges to be set by determination, rather than prescribed by regulation, and which allows for a wide range of fees and charges to be so determined. The Bill repeals and replaces the present section 37 and inserts sections 37A, 37B, 37C and 37D. Amendment of the Supreme Court Act in this way is part of a larger legislative exercise to introduce, as far as is appropriate, substantially similar fees and charges provisions into the legislation of all the courts, which we have heard this morning, and that relating to the Administrative Appeals Tribunal.

The present section 37 of the Supreme Court Act provides that the Executive may make regulations in relation to fees. This Bill will replace this section with a new section 37 which will allow the Attorney-General to determine fees and charges by notice published in the *Gazette*. This will bring the fee setting mechanisms into line with the general approach taken in other ACT legislation.

The fees and charges provisions are modelled on those proposed for the Magistrates Court Act. They include a similar wide head of power to determine fees and charges and have the same provisions for determining exemptions from payment and for the remission, refund and deferral of liability for and waiver of payment of fees and charges by the registrar. Similarly to the earlier Bills, there also will be a right to apply for review by the master or a judge of an unfavourable decision of the registrar. So again, there is an appeal right, and once again, Madam Speaker, determinations will be disallowable instruments brought before this Assembly.

While the determination may provide for some exemptions, section 37B will also set out circumstances in which fees and charges are not payable. The exemptions from payment set out in section 37B are similar to those exemptions currently provided for by the Supreme Court (Fees) Regulations. However, whereas, under the regulations, some exemptions are only from payment of filing fees, this Bill provides that those exemptions will also be from payment of service and execution of process fees.

Section 37C will introduce an obligation that filing fees or fees for the service or execution of process not paid by a successful party in civil proceedings because of an exemption applying under a determination or due to legal assistance having been provided or because the fees and charges were refunded, remitted, or their payment waived, should, in effect, be paid to the registrar by the other party where costs have been awarded against that other party. I commend the Bill to the Assembly and I present the explanatory memorandum.

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

ADMINISTRATIVE APPEALS TRIBUNAL (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.12): Madam Speaker, I present the Administrative Appeals Tribunal (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

Madam Speaker, the Administrative Appeals Tribunal (Amendment) Bill 1993 will amend those provisions of the Administrative Appeals Tribunal Act 1989 dealing with the determination of fees. Section 59 of the Act provides for the determination of fees and allowances or expenses to be paid to a person summoned to appear as a witness before the tribunal and for the determination of fees payable in respect of applications to the tribunal. Presently a determination may make provision for the refund of fees in respect of applications to the tribunal where a procedure terminates in a manner favourable to the applicant.

The Bill will amend section 59 by removing those provisions dealing with application fees so that that section will deal with witnesses' fees and allowances only, will insert sections 59A, 59B, 59C, 59D and 59E into the Act which will implement a new fees and charges regime and will make a clarifying amendment of subsection 59(2). Amendment of the Administrative Appeals Tribunal Act in this way is part of a larger legislative exercise to introduce comparable fees and charges provisions across the range of ACT courts and tribunal legislation.

The fees and charges provisions are modelled on those proposed for the Magistrates Court Act. They include a similar wide head of power to determine fees and charges and have similar provisions relating to exemptions from payment, remission or refund of fees. Again, there will be a right of review by the tribunal in respect of an unfavourable decision of the registrar, and once again determinations of fees will be disallowable and will be brought into this Assembly. While the determination may provide for some exemptions, section 59C will also set out circumstances in which fees and charges are not payable. No fee or charge will be payable by a person receiving legal assistance under the Legal Aid Act 1977, or assistance provided under an existing provision, or by other schemes or services approved or provided by the Attorney-General. Also, under the current determination, the application fee is refunded if an application terminates in a manner favourable to an applicant, and this will now be reflected in section 59C. Section 59D will introduce a significant benefit to some applicants as it will allow the registrar to order that only one application fee is payable where two or more applications relate to the same applicant and the applications may conveniently be heard by the tribunal together.

These initiatives are in line with the Government's desire that review by the tribunal should be as inexpensive as is reasonably possible. I commend the Bill to the Legislative Assembly and I present the explanatory memorandum. When you have 20 FOI applications relating to the same matter, Mr De Domenico, you might save on your filing fees. Madam Speaker, I will be conducting a quiz on all of those Bills together at lunchtime.

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

A.C.T. PUBLIC SERVICE - SELECT COMMITTEE
Alteration to Resolution of Appointment

MR DE DOMENICO (11.15): Madam Speaker, I move:

> That paragraph (5) of the resolution of the Assembly of 17 June 1993, establishing the Select Committee on the Establishment of an ACT Public Service, be amended by omitting "by before the commencement of the in principle debate on the Bill" and substituting "after the Minister has moved and spoken to the motion that this Bill be agreed to in principle and before the resumption of the debate on the motion;".

Madam Speaker, this motion is technical in nature and clarifies an inadvertent ambiguity in the motion which established the select committee on 17 June 1993. As members would know, the in-principle debate commences when a Bill is formally presented to the Assembly by the responsible Minister. At present the committee would be bound to report simultaneously, which to me is a wellnigh impossible procedural condition. The intent of the debate on 17 June as recorded in *Hansard* was that the Assembly should receive the committee's report by the time that the substantive debate on the separate service Bill was to commence. Normal procedure, under standing order 171, would mean that this would occur before the resumption of the in-principle debate and after the Minister has moved and spoken to the motion "That the Bill be agreed to in principle". On that basis I seek agreement to this technical amendment to clarify the committee's reporting date.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE
Reference - Mental Welfare Bill Exposure Draft and Crimes (Amendment) Bill Exposure Draft

MS ELLIS (11.17): Madam Speaker, I move:

> That the resolution of the Assembly of 14 September 1993, referring the Exposure Drafts of the Mental Welfare and Crimes (Amendment) Bills, be amended by omitting "report by 16 December 1993" and substituting "report by the last sitting day of April 1994".

Madam Speaker, given the complexity of the issues that have been raised during the period of receipt of submissions by the committee, which, I might add, has since closed, and the public hearing process that the committee has undertaken, the committee has determined that a further extension of time for proper deliberation on this very complex matter will be required. Members will note that we have suggested a new reporting date of the last sitting day in April. If it is at all possible, we may seek to table something in the February sittings. I should imagine that we will have our report ready by the end of the sitting period in April.

Question resolved in the affirmative.

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

Debate resumed from 25 November 1993, on motion by **Ms Follett**:

> That the Assembly takes note of the papers.

MR CORNWELL (11.18): Madam Speaker, I supported the original report on aged accommodation and support services in the ACT. Whilst I have to say that in general I support the Government's response, I have some reservations about some of the replies they have given to the recommendations, and I will come to those in a minute. However, I still believe that we have not solved a significant part of the problem of aged accommodation and support services. To explain what I mean I would like first to refer to the Chief Minister's tabling statement on the Government's response. She stated, quite properly:

> The inquiry focused on the concern that some older Canberrans, who were not eligible for public housing and not able to afford the more expensive private accommodation being developed, had no option but to stay in housing that was either not appropriate or not adequate to meet their needs.

I do not really believe that the Government has addressed this issue in its response, but I have to say, in fairness, that I am not 100 per cent sure that the committee addressed it in the report. The Chief Minister went on in her response to say at page 3:

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

I am pleased that she said "which assists in providing", because it is a qualification. It is certainly not the complete solution to the problem. I believe that the complete solution to the problem will be closer once the market becomes overheated at the top end, when builders might therefore adjust downward in medium density accommodation.

Interestingly enough, this morning's *Canberra Times* indicated that in the September quarter there has been a 13 per cent drop in house building commencements here in the Territory. Perhaps we are approaching that downward spiral that may induce some builders to look at building cheaper medium density accommodation which will better meet the needs of some of the community. That remains to be seen, however. The only other alternative I could come up with was perhaps the Government's involvement in assisting developers with land packages to again decrease the basic cost of medium density accommodation for elderly people who wish to move out of large houses into something more suited to both their age and their pockets.

Turning now to the response from the Government to our report No. 2, I would like to address my comments to each of the recommendations where I have some disagreement with the Government. In recommendation 3 we talk of the viability of joint venturing arrangements between community organisations and private enterprise. The Government's response states:

> Through the ACT Housing Trust, the Government is expanding its range of aged persons' accommodation through joint venturing with community organisations and private enterprise.

It goes on to state:

> The Government believes that the advantage of such a joint venture arrangement is that community organisations may continue to provide aged care accommodation without having to provide the significant upfront construction and infrastructure costs.

I have no argument with that, but I do say, Mr Temporary Deputy Speaker, that it still does not address the question of aged people who wish to live independently. I do not believe that we have - - -

Mr Connolly: Public housing - another public enterprise initiative of this Labor Government.

MR CORNWELL: I do not believe that we really have addressed this question in terms of the entire community, Mr Minister. I turn now to recommendation 5, which refers to "allowing more flexibility for redevelopment particularly with respect to dual occupancy and separate title arrangements". We are aware that dual occupancy provisions are part of the design and siting approval process. I believe, however, that there have been a few unintended consequences of that. I certainly have received complaints, and perhaps other members of the Assembly have, in relation to dual occupancy in adjacent properties. Two of those have concerned Housing Trust properties. I was interested to know that Housing Trust tenants, whilst being consulted about these, really do not have much choice if it is decided by the trust, and that is the Government, that dual occupancy will take place on the block where they are residing. The alternative is, "If you do not like it we will move you". I think, however, that this needs to be examined in a little more detail. I note that the response says this at paragraph 19:

> In mid 1992 the Minister for Urban Services formed a task force to review residential development guidelines in the ACT. The task force is now developing a set of standards that will allow greater flexibility and innovation in residential development.

I would like to know when that might come through. The Minister might like to let me know at some time whether the matter has - - -

Mr Connolly: We will table them and make them public when they are finalised.

MR CORNWELL: Thank you very much indeed, Minister.

Mr Lamont: The Labor Government doing it better; better than you ever could, even in your dreams.

MR CORNWELL: Turning now to recommendation 7, the Government was asked by the committee, and, I would suggest, by the entire community of the ACT, to "bring all possible pressure to bear on the Commonwealth with a view to ensuring that the number of nursing home beds required in the ACT is calculated on a basis that recognises the ACT's unique needs". In response we got some flim-flam which we knew already. The response states:

> The Commonwealth formula for allocating nursing home and hostel bed approvals does not take into account the ACT's unique situation.

We said that ourselves. I do not know that this is the Government doing it better, Mr Lamont, to respond to your earlier interjection. However, it goes on to conclude:

> The ACT Government will again raise the issue with the Commonwealth.

I would hope, as I am sure everybody else in the ACT would hope, that the Government does it better on this, and raises again and again, with increasing ferocity and increasing persistence, this question of nursing home beds here in the ACT. We are in a unique situation. It is about time the Commonwealth recognised it, and I would suggest that it is about time this ACT Government did something to make them recognise it.

I turn now to recommendation 9, which says:

> The Government give consideration to a purpose built facility to cater for younger people with disabilities.

To my amazement, all we got from the Government was this:

> The Government gives qualified agreement to this recommendation.

The Government goes on to state that it will "consider options, which could include purpose built accommodation". I would like to know, first of all, when it will consider those options to provide purpose built accommodation, because it has been brought to the Government's attention on numerous occasions. We are not necessarily talking about 19- and 20-year-olds; we are talking about people from 33 to 50 years of age who find it extremely depressing to be accommodated in these facilities with people who are over 65. Indeed, in a recent response the Minister for Health, Mr Berry, said that they were looking at various possibilities, and one of them was to develop group houses for young people with disabilities. He went on to say:

> For such an option to be progressed it will be necessary for ACT Health and the Housing and Community Services Bureau to collaborate on the planning issues.

I await your response, Ministers.

Mr Connolly: We collaborate all the time.

MR CORNWELL: I await your response on housing for young people with disabilities.

I turn now to recommendation 16. This is a call for the Housing Trust to "review its general maintenance and support policies for the elderly in public accommodation". The Government's response is:

> The Housing Trust will investigate the issues raised in the report about lack of information and maintenance support for older tenants.

Again, I would be interested to hear the Minister for Housing's response to that particular issue at some time. Recommendation 19 states:

> The ACT Government actively pursues with the Commonwealth the need for changes to the current funding arrangements for dementia specific units to make them more cost effective thus making it possible to create more full time dementia beds in the Territory.

There is a rather surprising statement here, for a Government that Mr Lamont has been interjecting "keeps on delivering". It is:

> As in other States, all ACT hostel beds for people with dementia are in the non government sector.

What is this socialist Government doing to provide some dementia beds?

Mr Lamont: What absolute hypocrisy on your part!

MR CORNWELL: You have been interjecting constantly. Are you just dumping it over to the non-government sector when it is suitable to do so?

Mr Kaine: When it suits them.

MR CORNWELL: When it suits them. How is this:

> The Government will raise this matter with the Commonwealth, on behalf of the non government sector ...

I think that is a cop-out. Recommendation 20 states:

> Additional respite beds be made available in the ACT and that, where possible, these additional beds should be co-located with nursing home beds.

The Government response says:

> This occurs because respite care beds have a greater number of non occupied bed days than do nursing home beds, thereby producing a significant loss of potential revenue for the nursing home.

This is why we do not have as many respite care beds. I would suggest that recommendation 19 and recommendation 20 should be coordinated with recommendation 7, which draws the Commonwealth's attention to our unique situation in respect of nursing home beds and respite care. I would again commend that approach to the Government.

Finally, I refer to recommendations 21 and 22. Recommendation 21 reads:

> Consideration be given to the provision of a crisis care facility for the aged in the northern part of Canberra.

The response is:

> The Government notes this recommendation.

That is all. However, it states at paragraph 55:

> ... suitable sites in inner Canberra are scarce.

What about the Bruce Hostel that you knocked down? I have here an anonymous note which says:

> If the ACT Government is not prepared to redevelop redundant schools, why do they want to knock this down?

This was in May 1993. It refers, in fact, to an advertisement to demolish the Bruce Health Services Hostel. The anonymous statement says:

> Purpose-built, in good structural condition, 20 years old. Mainly single storey, good quality kitchen and amenities. Manager's 2/3 bed flat. Could be suitable for Aged Persons Hostel with adjoining land for Aged Persons Units.

One wonders, therefore, why the Government states that suitable sites in inner Canberra are scarce. Of course, this response was made after they flattened the Bruce Hostel, so we are left, I suppose, with a fait accompli. Finally, recommendation 22 states:

> The Government undertake to construct a convalescent facility in the ACT as a matter of urgency.

The Government, again, has noted this recommendation. I suppose that that is not surprising, given that they are still dithering around with the hospice on the Acton Peninsula. I trust that the Chief Minister will clarify both the provision of a crisis care facility for the aged in the northern part of Canberra and the construction of a convalescent facility, and give us a timeframe for each of these facilities.

Mr Temporary Deputy Speaker, that completes my remarks on the Government's response. I said that I would support the report. However, I remain unconvinced, at least in the areas I have commented upon, that the Government has either done all it could or moved as fast as it should to act upon the recommendations that were first presented to it in December 1992. That is now 12 months ago, and nine months before this response was received.

MS SZUTY (11.33): I welcome the Government's support of the Social Policy Committee's work and its endorsement of the majority of the committee's recommendations. Many of the comments that I have about the Government's response echo the comments which have been made by Mr Cornwell this morning. I agree with Mr Cornwell that the Social Policy Committee of this Assembly spent some months looking at this inquiry into aged accommodation

and support services, and we waited a very long time for the Government to respond to the issues that we raised. Like Mr Cornwell, I believe that the Government has not gone far enough in addressing some of the recommendations of this report - for example, recommendation 7 on page 6 of the Government's response, which Mr Cornwell referred to. The recommendation was:

> The Government bring all possible pressure to bear on the Commonwealth with a view to ensuring that the number of nursing home beds required in the ACT is calculated on a basis that recognises the ACT's unique needs.

I believe that the Government response, as we have it, is inadequate. It says:

> The ACT Government will again raise the issue with the Commonwealth.

Presumably, it has done that and has not met with any success. I, like Mr Cornwell, would be very interested to hear the Chief Minister's response to this particular recommendation of the committee. I would appreciate hearing from her what options she feels the ACT has in terms of progressing the issue as a matter of some importance in the ACT.

I would also like to refer to recommendation 8, which states:

> The Government proceed with the relocation of Jindalee to a more suitable site or sites as a matter of priority.

The response was:

> The Government agrees to this recommendation.

I think the Assembly would appreciate being informed as to what sites are being considered for the possible relocation of Lower Jindalee, and in what timeframe a decision is likely to be made on this very important issue.

Recommendation 9 was:

> The Government give consideration to a purpose built facility to cater for younger people with disabilities.

Again, Mr Cornwell has raised this very important recommendation that the committee made. I, like Mr Cornwell, would like to know what options the Government currently is considering other than building a purpose built facility to cater for younger people with disabilities. Obviously, on the basis of the recommendations that the Social Policy Committee has made, the Government at the moment would not have the resources to construct the range of facilities that are needed; but any strategies that the Government can outline to the Assembly to deal with these very significant issues will be appreciated.

Recommendation 11 was:

> It be incumbent upon the retirement village industry to draw up its own self-regulatory code and that, if this self-regulatory code is not forthcoming within a reasonable time frame, the Government should consider the introduction of appropriate legislation.

Again I feel that the Government's response on this issue is not strong enough, and I again ask: What is considered to be a reasonable timeframe for this matter?

Recommendation 12 was:

> The ACT Government negotiate with the Commonwealth with a view to the funding arrangements for HACC being made realistic including the deletion of the absolute requirement that the main grant of funds be matched on a dollar for dollar basis.

Again, a timeframe for consideration of these issues would be appreciated, in terms of informing the Assembly as to exactly what is happening in that area.

Recommendation 13 states:

> Residents of hostels be eligible for HACC funded services, should HACC funds be increased.

Again, I would be interested to know how and when the ACT Government will convey this recommendation to the appropriate Commonwealth Minister, and what discussions, if any, have occurred since the Government tabled its response to this report some three months ago.

Recommendation 14 was:

> A review of all HACC Program services be undertaken with a view to these services being delivered in a more efficient manner.

Recommendation 15 was:

> The Government investigate the feasibility of more appropriately locating the administrative sections of HACC funded services and, in some cases, HACC funded services themselves that operate in the ACT.

The Government has agreed to recommendation 14 and noted recommendation 15. Although the Government agrees with one recommendation and notes the other, I remain unsure that, even as a result of these reviews as described, significant change will occur; yet it is an issue that was raised fairly frequently during the hearings of the Social Policy Committee. It remains an important issue that needs to be addressed. I believe that the Government needs to go much further in examining these recommendations more closely, not only looking at the need to review individual agencies, but looking holistically at the way home and community care services are delivered in the ACT and comparing this with what happens in other States such as Western Australia for example.

I would like to quote paragraph 8.7 of our report. It states:

> Ross Walker commented that ... "a lot of the things in the HACC's services are small and fragmented. They all have their structures and they all then appeal for funds and this sort of competition and energy is energy wasted and resources wasted".

Recommendation 17 states:

> An ACT Information Office for the Aged be established to act as a "one stop shop", drawing together all relevant information, both government and non-government, on ageing issues into one location. This Information Office, given appropriate funding, could be formed as an adjunct to the Council on the Ageing (ACT).

The Government did not agree to this recommendation. I believe, Mr Temporary Deputy Speaker, that the Government has not been terribly imaginative in responding to this recommendation. This is a legitimate issue. If, physically, we cannot create a one-stop shop, there may be other ways that we can facilitate the operation of a one-stop shop in Canberra to better meet the needs of elderly people. They often complain that the services they receive are fragmented and uncoordinated between particular agencies.

Recommendation 19 states:

> The ACT Government actively pursues with the Commonwealth the need for changes to the current funding arrangements for dementia specific units to make them more cost effective thus making it possible to create more full time dementia beds in the Territory.

Mr Cornwell drew attention to this recommendation. Again I agree that the Government's response in this area is not strong enough. It is an issue we have heard about in recent times this year, particularly at the opening of Eabrai Lodge some months ago. Recommendation 20 states:

> Additional respite beds be made available in the ACT and that, where possible, these additional beds should be co-located with nursing home beds.

Again, the Government agrees to this recommendation, but I would be interested to hear of a timeframe in which the Government is going to implement it.

Recommendation 21 was:

> Consideration be given to the provision of a crisis care facility for the aged in the northern part of Canberra.

Again, the Government notes this recommendation. Members of the Social Policy Committee heard at length about the operations of the Burrangiri Crisis Care Centre in Rivett and took on board the concern of the operators of that facility that they were not able to adequately meet the needs of the community. Again I would be interested in a timeframe that the Government is considering for the establishment of additional crisis care facilities, and perhaps Belconnen could be considered as an appropriate site for such a facility.

Recommendation 22 was:

> The Government undertake to construct a convalescent facility in the ACT as a matter of urgency.

The Government merely notes this recommendation. I think it was a fairly strong recommendation of the Social Policy Committee and, again, I would encourage the Government to look at the issue in more depth than they have done to date.

The final issue that I wish to comment on is recommendation 26, which was:

> Full cooperation and consultation be sought with various ethnic groups in the provision of future aged facilities.

I note that the Government agrees to this recommendation and I would be interested to hear more about how it believes that it can facilitate discussion with ethnic groups in the provision of future aged care facilities. In summary, Mr Temporary Deputy Speaker, while I welcome the Government response to this very important report by the Social Policy Committee, I believe that in very many instances it did not go far enough in addressing the very real issues confronting aged people in the ACT.

MRS CARNELL (Leader of the Opposition) (11.42): I fully agree with the comments made by both Mr Cornwell and Ms Szuty; so I will not run through the various recommendations one by one. The issue I want to bring up, though, is how important it is that the Government set a timeframe for the establishment of the convalescent care unit and also for the increase in respite care and the crisis care facility in North Canberra. Mr Berry, on many occasions, has told us in the Assembly that one of his greatest methods of cutting costs in Health is to reduce the average length of stay at Woden Valley Hospital. If the average length of stay continues to decrease as quickly as it is now, the pressing need for long-stay convalescent care in Canberra becomes substantially more - - -

Mr Berry: That is rubbish. You assume that they are put out of hospital before they are ready to go.

MRS CARNELL: We can see quite categorically the need for a convalescent care unit. In fact, Mr Berry, when Health Minister in 1989-90, had a convalescent care facility as, I think, a first priority on his list of things that he believed he needed to do.

Mr Berry: No; I think you are wrong.

MR TEMPORARY DEPUTY SPEAKER (Mr Westende): Order, please!

MRS CARNELL: Thank you. I am not wrong. It was priority one on Mr Berry's list of priorities when he first was Health Minister. It is unfortunate that it now is a recommendation that is only noted. As we move away from long-term care in our critical care hospitals, we have to set up facilities that can cope with that. When the Social Policy Committee went to have a look at crisis care at Burrangiri they told us that they were finding more and more requests for beds due to the fact that people were being discharged earlier. That was exactly what they said.

Mr Berry: How many more?

MRS CARNELL: Enough, because they are full. They did not have enough beds. That is the reason why the committee recommended another facility in North Canberra. They said categorically that what we needed was somewhere to send patients who were not sick enough for crisis care in hospitals but not well enough to look after themselves at home.

Mr Berry: Simplistic shroud waving. That is all you are good for.

MRS CARNELL: Ask Ms Ellis directly behind you. Do you want to turn around and ask Ms Ellis?

Mr Berry: No, I am listening to your speech.

MRS CARNELL: No, you are not. You are talking.

Mr Berry: I am listening to your speech.

MRS CARNELL: You are talking.

MR TEMPORARY DEPUTY SPEAKER: Order, please!

MRS CARNELL: That was the overriding statement that kept coming through. Yes, it is appropriate to move elderly people out of crisis care accommodation, but unless they have family support they cannot look after themselves at home. So where do we send them? The only place we can send them is to a convalescent care facility that we do not have, or to a crisis care facility to be looked after for at least a week or two when they are first discharged from hospital. That is really not available and is not what crisis care was set up to do; but, unfortunately, more and more, it is what crisis care is doing in Canberra. I would be very disappointed if the Government did not take on the convalescent care facility as a priority. If they do not, we will continue to see elderly people taking up beds in our crisis care facilities inappropriately to them and to our health facilities.

Like Ms Szuty, I would like to see the actual plans for Lower Jindalee. With the closure, hopefully, of Lower Jindalee, there is an obvious capacity to sell that site and hopefully build a new facility for the younger disabled - something that the committee felt very strongly about. I would like to find out from the Chief Minister whether the two respite care beds that were to be established at Upper Jindalee actually have come to pass, because they are certainly sorely needed.

MR KAINE (11.47): Mr Temporary Deputy Speaker, I think that by now the Chief Minister must be beginning to realise that her response to this excellent report has not been received very favourably. I would suspect that it is not only the members of this Assembly who are disappointed with it. The people out there who are the real victims of the Government's inaction on this matter must be making the same judgment. This is a failed Government response. The response from the Chief Minister on 15 September is like so many responses from her. It has lots of nice words in it; but, at the end of the day, none of the hard decisions have been addressed and we get no indication from the Government that they really took the report seriously. It is the usual honey-coated pill prescribed by the Follett Government, but it leaves a nasty, bitter aftertaste in your mouth.

I will not traverse all of the recommendations, as I think that enough has been said about them. The fact is that there were 26 recommendations in this report and they fell broadly into three categories. The first category has only one recommendation in it and it is the smallest of them. That is recommendation 4, which recommended continuing to exempt the not-for-profit sector of the aged accommodation industry from land tax. That actually expects the Government to do nothing, so they should be able to deal with that one.

The next group recommends policies and legislative action involving little or no expense on the part of the Government. They include, for example, the inclusion in Cabinet submissions of information about how a new policy will impact on the ageing; giving good health and active ageing high priority; allowing more planning flexibility for dual occupancy and separate titles; the home swap scheme, and new maintenance policies for ACT Housing Trust properties occupied by elderly persons and others. All that required was a decision on the part of the Government to actually do something, but no great expense, no great effort.

The third category is the one that contains all the issues that required some real commitment from the Government. These are the gut issues, the measures that actually require some expenditure, some planning and some decision making on the part of the Government; and, of course, these are the ones they ducked, without exception. The report talks about adequate nursing home beds, efficient delivery of housing and community care program services, a day care facility at Victoria Shakespeare Cottage, more respite care beds in nursing homes, a North Canberra crisis care facility, which other speakers have referred to, a convalescent care facility, longer hours at day care centres and the like.

These are the ones that the Government has simply ducked. They note them, and that is very nice; but these are the things that the ageing community out there needs and we have no indication from this Government. When you read the Government's response you have to come to the conclusion that they went through it very carefully to decide how they could avoid taking any action. All of their responses say, "Well, we think it is a good idea. We note that. We will get the Commonwealth to fix it. We will ask the private sector to fix it". There is no commitment from this Government to fix anything. Where in their capital works program is there anything that flows from this report? The answer is nowhere; there is absolutely nothing.

Any government, I submit, Mr Temporary Deputy Speaker, would find itself troubled by the prospect of having to implement all the recommendations flowing from this report. It indicates the results of decades of neglect of an increasingly ageing population; one that the Chief Minister keeps talking about but does nothing about. They do involve, in total, considerable expenditure. It is a bit of a problem.

How does this Government approach the report? It has approached it by simply avoiding the issue. The Chief Minister's statement conveys a response without a structure, without assigning priorities to what can be done. In fact, it is scarcely acknowledging that anything can be done. These are the questions that the ageing community is confronting every day and that they are worried about, and they want to see some action from the Government.

The Chief Minister, I suggest, needs to go back and correct those omissions. She has failed to give the Assembly or the community a structured plan for dealing with the broad question of accommodation and support services based on the committee's recommendations, showing how the Government plans to give effect to all or any of them - they must have decided to accept some - and explaining the reasons for rejecting those that it does not accept. She has failed to tell us what priority the Government assigns to any of the recommendations from the committee. So it is, as usual, soft and furry. You cannot put your finger on it and you cannot tell what, if anything, the Government intends to do. She has failed to tell us how or whether the Government intends to approach the major expenditure recommendations.

Mr Temporary Deputy Speaker, I am not trying to back the Government into a corner about accepting all of these recommendations. I do not think that is a reasonable thing to do, because they are the result of decades of neglect in some cases. You cannot expect any government to pick them up and fix them in one year. But I would like to know whether they have any long-term plan to address them. I think that if the Government was doing its job efficiently it would have come into this chamber and said, "We accept these recommendations and this is what we are going to do about them; and we reject those because we think they are beyond us", or for some other good reason. We do not know what they intend to do.

We read the response and it makes statements like the fact that they recognise the heterogeneity of the ACT community. Well, so what? Or the Territory Plan encourages older people to remain resident in their localities even if in another house. They do not require any action on the part of the Government; they are simply statements of fact. Occasionally, the response gripes about the way the Feds are treating the aged in the ACT. But we know all these things. We do not need to be told them. In fact, Ms Ellis's report highlights all of that. That does not need to be restated by the Chief Minister in her response. What we want to hear from the Government is something new, something innovative. We know that there are problems. We want some demonstration of the fact that they have a real contact with the issues, and there is nothing in here that suggests that they do. In fact, in the whole of their response, the only real contact with an issue is the rejection of the recommendation for a one-stop shop for an ACT information office for the aged. I do not have any great difficulty with their decision on that. They obviously have reasons for doing so. But it is a bit disappointing that the only clear-cut response on anything is to say no to one of them. There is hardly one yes in the whole response.

There are three things that I would like to touch on briefly. One is the dementia specific unit. It simply is not good enough, after all these years, to say, "We are asking the Commonwealth to review its funding". I am appalled. We are going to be asking the Commonwealth to review its funding 50 years from now. We still will not have any dementia specific units if we follow this line. It requires some commitment from this Government. Mr Berry, of course, always says, "How much money do you want to spend?". That is for him to determine. It is for his Government to determine how they can fit some expenditure into their capital works program and provide some dementia specific units.

There is a reference to Lower Jindalee. We are told that the long-term future of Lower Jindalee will be examined. Well, there you are. The Government began the investigation of the future of Jindalee in 1990. That was three years ago. We are moving into the fourth year since that project was begun, and the Government says that it will examine the matter. For heaven's sake, for how long do you examine a matter before you do something about it? The answer, with the Follett Labor Government, is forever. We should have something on the table. Somebody else raised the question, "What are the options for sites? What is the Government's timetable? How much does it expect to spend, and over what timescale?". If they cannot do it this year, that is okay.

Mr Berry: Do not panic, Trevor. We will have one ready for you.

MR KAINE: Mr Berry does not want to listen. He wants to mumble away to himself. We would like to know when, where, how much, and over what period.

Then we come to the hospice. We have the money in the budget for the hospice, but Mr Berry has his knickers in a knot because the NCPA will not let him put it where he wants to put it. We are not going to get a hospice, obviously, because the money is there to be spent. All he has to do is do what he is telling the VMOs to do - to be reasonable. We could have a hospice out at Calvary this fiscal year; no problem at all. But, no, Mr Berry has his knickers in a knot. Somebody told him, "No, you cannot put it on Acton Peninsula", so we will not be getting one.

Madam Speaker, this report was well researched. It is a valuable report and the Government's response is, to say the least, disappointing. The people to whom the report has real meaning, the ageing in our community, I am sure will judge the exercise as a total failure. It is a good report and the Government has failed in its response. In this day and age, it simply is not good enough, Madam Speaker.

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

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Monitoring of Budget Supplementation

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

That the report be noted.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Monitoring of Budget Supplementation - Government Response

Debate resumed from 24 November 1993, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

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

MADAM SPEAKER: The time for Assembly business has now expired.

A.C.T. PUBLIC SERVICE - SELECT COMMITTEE
Progress Report

MR DE DOMENICO: Madam Speaker, I ask for leave to make a statement regarding progress of the inquiry by the Select Committee on the Establishment of an ACT Public Service.

Leave granted.

MR DE DOMENICO: Madam Speaker, I would like to take this opportunity to inform the Assembly of the work thus far undertaken by the committee. I believe that my fellow committee members, Ms Szuty and Mr Lamont, may also wish to speak on the issue. We have not yet consolidated our views as a committee, and the issues we raise today do not reflect a committee view. I shall focus my remarks on matters raised to date during our inquiry.

Madam Speaker, when the select committee was appointed on 17 June, there was general agreement in this chamber that legislating for the creation of an ACT public service was probably one of the most important tasks we will undertake and that the work of the committee should not unduly delay the passage of legislation. Madam Speaker, the work of the committee commenced almost immediately upon the committee's appointment. Late in June inquiries were made of the Public Service Commissioner and other government bodies regarding the establishment of a separate service. These inquiries were general in nature. We sought to establish the broad parameters of the inquiry and to draw on the experience of the Commonwealth Government and of governments interstate.

As a committee, it is important that we carefully balance the experiences of other legislatures and governments against the needs of the ACT, and our inquiries have reflected this need. The committee has sought to canvass public opinion, initially through public advertisements placed in the *Canberra Times* of 31 July 1993, and in the community newspapers in the week following. The advertisements sought written submissions from interested parties on a range of matters.

Madam Speaker, we were keen to hear opinions on the form and structure of an ACT service. For instance, do we have the right distribution of agency functions? Would we, for example, be best served by a few large agencies or by a larger number of smaller functional groups? We were also interested in opinions on the desirable roles and responsibilities as a separate service. How is it best accountable to the community, to the Government and to the legislature? What improvements to the Westminster system should we be looking to incorporate in our own public service? How central should community consultation be to the code of conduct for our public service? What sorts of transitional arrangements should be put into place? For example, what do we anticipate the evolution of our public service will bring in its first few years - more local functions, more State level functions? How do we manage these changes vis-a-vis the Commonwealth Government and our State and Territory counterparts?

We seek the broadest possible response from the community so that we can be informed by their needs and aspirations. It would be unfortunate if, for instance, at the end of the day there was a general perception that the establishment of a separate service addressed the needs of public servants rather than the public. Madam Speaker, my use of this example should not be interpreted as any criticism of the public servants who are diligently working to draft legislation and rules for the establishment of an ACT public service. It would be manifestly unfair to expect the public servants who must execute the process of establishing a separate service to also bear the full burden of accountability. Rather, my example highlights the role which this chamber must play in ensuring that the right thing is done and that it is seen to be done.

The committee's work was greatly assisted by a briefing from the Chief Minister and officers of her department on 31 August 1993. The briefing focused on the ACT Government's submission to the committee, which we received on 13 August 1993 and which was briefly discussed in this chamber on 14 October. The submission itself included a valuable dissertation on the machinery of government, as well as other papers relating to how the process of public sector reform might be continued within a separate service. Also included was an outline of the points for discussion between the ACT and Commonwealth governments. The successful conclusion of those negotiations was clearly central to the establishment of a separate service. Both parties are no doubt concerned with getting the best possible outcome for their public sectors.

Madam Speaker, the committee received a further briefing from the Chief Minister's Department on 8 November. The committee was encouraged to hear that many of the 20 points to be discussed with the Commonwealth had been agreed in principle. However, the committee was informed that the outstanding issues needed further negotiation before proposals could be put to Ministers. Consequently, I believe that it is fair to say that the legislation to be put before this Assembly will reflect the degree of success of those negotiations.

I understand that the key issue for resolution will be the degree of mobility which ACT public servants will be able to exercise with respect to employment in the Commonwealth. It appears to be desirable to maintain the current mobility between services, especially given the relatively small size of the ACT labour pool. Creating artificial barriers to employment would seem to be an awkward step within a population of only just over a quarter of a million.

Madam Speaker, during briefings the committee was made aware that elements of the South Australian Government Employment Management Act 1985 were being considered as the basis of ACT legislation. The committee travelled to South Australia and the Northern Territory early in November to meet with officials to discuss legislative and administrative matters which it believed to be important to the inquiry. In Adelaide the Commissioner for Public Employment, Ms Sue Vardon, made many of her staff available to brief the committee and to explain the consequences of the South Australian legislation. We were informed that, while it was desirable to have most staff employed under a single piece of legislation, the South Australian Act covered only a small proportion of all government staff. Ms Vardon and her colleagues made a number of points which the committee noted and, while we have not yet arrived at a view on these matters, I feel that they may be of interest to the Assembly.

Madam Speaker, in the legislative context the ACT has a once in a lifetime opportunity to consolidate its public employment legislation. Some 110,000 people are employed in the South Australian public sector. Of these, approximately 75,000 are within the budget dependent sector and approximately 15,000 of these are employed under the Government Employment Management Act 1985. The remainder are employed under other legislation, including, for example, teaching staff under the Education Act and nurses under the relevant health Acts.

Uniform employment legislation has a range of legislative and administrative advantages, provided sufficient account is taken of areas where employment may best be effected through specific legislation. An example which members of this chamber may wish to consider is the employment of staff in government business enterprises where private sector conditions may be most appropriate. Another is the status of officers of the legislature itself, whose primary function of serving the legislature may be compromised by employment under a government employment Act.

Madam Speaker, in the administrative context, South Australia is moving beyond the ideas embodied in the 1985 Act towards a more flexible public sector. For example, where the Government Management Board established under the Act may exercise a determinative role, the trend is increasingly towards an advisory role. The board informs the Government of the courses of action available under the Act, effectively leaving negotiation in the hands of the Government, management and the unions. This has been accompanied by a trend towards greater direct employment responsibility residing with the chief executive officers of government agencies.

The move toward agency bargaining is another factor to be considered. The overall objective was summarised by one officer as "endeavouring to retain the values of probity, objectivity and fairness within the South Australian Public Service but not the traditional compartmentalised responses to public sector management". Careful consideration must be given to those public sector management matters which should be managed centrally. While many management decisions could effectively be devolved to chief executive officers, the South Australian experience suggests that others, such as the development of information technology and the overall staff development and training agendas, should be managed centrally.

Madam Speaker, there should be clear articulation between relevant auditing and financial accounting legislation and any public service management legislation. Finance and audit legislation should be up to date to cope with the expanded role of the chief executive officers and the increasingly complex role of government. While auditing should retain untouched its powers of scrutiny, the modern environment requires that auditors should also be capable of providing constructive advice to the government, to legislators and to administrators.

Also, Madam Speaker, it was made plain to us that legislatures have a major leadership role to play in ensuring the accountability of the public service to the community. The South Australian experience has ably demonstrated that the legislature's role in oversighting the activities of the administration is valuable and that it should be enhanced in a sophisticated and modern fashion.

Madam Speaker, it is worth noting that officers of the Northern Territory Government made similar observations to those of their South Australian counterparts. They stated that uniform legislation with wide coverage and greater flexibility was a prime consideration when they were formalising their public sector reforms. The recently enacted Public Sector Employment Management Act 1993 covers some 14,000 Northern Territory public servants. The Northern Territory's Act includes teachers, nurses and employees of the Power and Water Authority. Among the few exceptions are police officers and some uniformed staff.

The Northern Territory officials reinforced the need to give chief executive officers greater responsibilities. Flexibility in achieving the aims of the government of the day was a primary consideration in developing greater responsibility. The appointment of staff to the equivalent of the Northern Territory's senior executive levels is by contract, based upon performance. This is in accordance with the notion that with greater responsibilities goes greater accountability.

The Northern Territory Office of the Commissioner of Public Employment was firmly of the opinion that consultation and negotiation with unions were vital to effective public sector reform. Greater flexibility has been achieved with the minimum of industrial unrest and with a good deal of worker satisfaction. The Northern Territory Government was looking to broadbanding odd classifications and appointments to level, rather than position, as the next stages of public sector reform.

Worker awareness and education were another key facet of their successful management of changes to public sector management. The Northern Territory Government had invested a considerable amount of time and effort in training workers and managers in their responsibilities leading up to enactment of legislation. Madam Speaker, we were told that the nine months between the draft legislation being available for consultation and the date of its enactment was invaluable. It allowed employees to examine the consequences of the legislation and to be assured of their new roles and responsibilities.

Madam Speaker, the Northern Territory Government also arranged for the committee to lunch informally with Commonwealth officers affected by their transfer to the Northern Territory Public Service. They made their opinions of the transition period plain and advised us to ensure that transfer occurred so as to provide uniform conditions for all officers. At present transferees are eligible for entitlements which are not available to other Northern Territory public servants. The entitlements are based on the date of transfer and are seen as contentious and divisive.

To summarise briefly, Madam Speaker: Our hosts in South Australia and the Northern Territory advised us that the ACT would be wise to aim for a simple piece of legislation, one offering a statement of principles of public sector employment and management and one which identifies the key roles of a commissioner for public employment. They felt that the majority of the workings of the legislation should be contained either in subordinate regulations or in other instruments which are subject to the oversight of the legislature.

The majority of conditions of employment should be contained in awards, which are subject to scrutiny through the usual industrial mechanisms. They also advised us to look closely at insurance and superannuation matters, preferably sooner during the period of transition to a separate service rather than later.

Madam Speaker, our time with both governments was very valuable. Our hosts saw that the ACT has a unique opportunity to put into place progressive legislation and to move public sector management much further forward than any other Australian jurisdiction. I would like to take this opportunity to put on record our thanks for the high level of the cooperation and courtesy shown to the committee by the governments of South Australia and the Northern Territory.

Madam Speaker, the work of the committee will now focus on two key areas. Firstly, we must reflect on the insights we have gained thus far. It is essential that the committee consolidate its views on the directions we think most advisable for the ACT public service. Secondly, we will return to the community with the benefit of those insights, seeking community opinion on the advances in public sector management which have been made interstate. I have discussed briefly with my fellow committee members the notion of a public forum to be held early in 1994. Such a forum may well utilise the talents of a number of ACT citizens in exploring the issues before moving to a general discussion. I feel that this will be an effective mechanism for addressing the issue, particularly in light of the fact that the Government's draft legislation is likely to be available to assist and inform public discussion.

Madam Speaker, I believe that I have made clear the work undertaken by the committee to date and have made clear our intention to report in a timely fashion. Madam Speaker, I now seek leave to table a brief summary of the visits undertaken by the committee.

Leave granted.

MR LAMONT: I seek leave to comment on the statement of the chair of the Select Committee on the Establishment of an ACT Public Service.

Leave granted.

MR LAMONT: In the few moments available to me, I would like to make some comment on the report tabled today by Mr De Domenico. Madam Speaker, the report which has been given by Mr De Domenico has not been considered by the committee but, in general, reflects a factual account of the comments received by the committee on its recent visit to South Australia and the Northern Territory. I am not sure whether or not I would have expressed one matter as Mr De Domenico did at the end of his address when he said:

> They also advised us to look closely at insurance and superannuation matters, preferably sooner during the period of transition to a separate service rather than later.

That is a matter that the committee will be taking into account as it deliberates on the matters that are brought before us.

Madam Speaker, I would like to concentrate on a number of the philosophical points that were raised, by our hosts in South Australia in particular, about what public sector legislation should entail, and then conclude with some general comments about issues raised in the Northern Territory. It was interesting to note that both public sectors appear to be heading towards a similar outcome, having started at different points. South Australia has a highly centralised public sector with very copious controls exerted both through their equivalent of the general orders and so forth and through their finance and other Treasury directions. The attitude which they adopted in their legislation was sponsored principally by Mr Bruce Guerin, currently the head of the Institute of Public Policy and Management at Flinders University and the former chairman of the review of public service management which resulted in the 1985 Act.

The very clear principle he instilled in the legislation that was accepted by the South Australian Parliament was simplicity. The simple tenet is not to have a public service Act - or an Act of administration, if you like - which becomes burdensome by its prescription. That is an important point for us to remember. We do not want to end up with a public service Act of 300 or 400 pages outlining in a very prescriptive manner every single possibility that may arise in the ACT public service over the next five decades, because invariably under such legislation things become too bureaucratic and it becomes an inhibition on effective and efficient management within the public sector.

Under this new management style prescribed in the Act to be implemented, executives must accept the same responsibility as chief executives in private companies. They will have the flexibility to be able to do things differently if the circumstances warrant, but they have to understand that the buck stops with them. Some uniform conditions will apply across the whole of the service with respect to training and some other qualitative matters, but the Act will not inhibit executives from achieving flexibility in the workplace. But, if they bugger it up - if I may use that expression - then they must understand that they are responsible.

The scrutiny which they are subjected to must also increase. It must increase not just within the executive arm of government but also within the parliamentary arm of the State's administration. The parliament must be able to scrutinise how executives implement the flexibility provided for under the Act. The Act is being made less prescriptive and accountability will rest with executives and with the parliament.

Notwithstanding the upper house in South Australia, there has been a majority government in that State, even though the government has changed a number of times over the last 20 years. That, I think, to some extent has allowed for some of the changes which have occurred. I think that even Ms Szuty would acknowledge that, unfortunately, at times in this bargaining process the public sectors are going through there is a tendency to accept the lowest common denominator and negotiate down to the lowest common denominator that you can get agreement on across the board. That is not good for effective management. It is just simply not good to bargain on that basis for an effective public service Act. I am quite pleased to say that that is not the view that this committee has. We do not believe that that is a process that we should allow ourselves to get involved in, for we all acknowledge what the result would be. That is a very positive thing that has come out of this visit, Madam Speaker.

The Northern Territory has a public service based on the Commonwealth model at its transition in 1978. Some changes, again based on the Commonwealth public sector model, have been made over the first 10 years of its life. But over the last seven or eight years it has developed a very local flavour because of the substantial government majority that exists in the Northern Territory whereby the level of parliamentary scrutiny imposed upon the administration is less than I would suggest we in this chamber, even with a majority government, would find acceptable. All of the administrations that have been in charge of the ACT public sector have believed strongly that public administration in the ACT should be accountable through the Public Accounts Committee and other methods. The way we currently operate in the ACT probably makes us the most open of the three administrations that we have looked at.

In conclusion, notwithstanding those observations, Madam Speaker, it is interesting to note that both South Australia and the Northern Territory - which, quite frankly, are starting from a base further back than we are - are arriving at a similar position. It will be interesting to see that reflected in the ACT's draft legislation to be tabled by the Government, for in the briefing that we have already received from the Government they have quite clearly said that one of the bases of the preparation of their public service Act is indeed the 1985 model and the changes that have been made since. Madam Speaker, it has been interesting to date; but, as the old saying goes, we live in interesting times, and I am confident that this matter will get more interesting over the next two to three months.

MS SZUTY (12.22): Madam Speaker, I seek leave to comment briefly on the statement made by Mr De Domenico regarding an ACT public service.

Leave granted.

MS SZUTY: I note the extensive and eloquent comments made by both Mr De Domenico and Mr Lamont in relation to the establishment of a separate ACT public service. I note, as Mr Lamont noted, that committee members are still formulating their views. At this time I recognise that, with the many issues involved, this committee has a major task to perform early in 1994 to ensure that the Assembly actively contributes to discussion and debate on a separate ACT public service. I supported the establishment of this particular select committee because I believe that the Assembly has a very important role to play in overseeing the whole of the process from the point of view of informing ourselves more than anything else about the new arrangements which will apply, hopefully, from the middle of next year.

I have appreciated very much meeting with those people from both South Australia and the Northern Territory indicated in the tabled paper. I note that South Australia in many respects is considered to be the model of best practice and that the Northern Territory has already established its own public service. It was very interesting for committee members to visit both South Australia and the Northern Territory to gain at first hand experience of what has happened in that State and that Territory. I am sure that committee members look forward to the tabling of the anticipated legislation by the Chief Minister, which will mark, I believe, the beginning of intense activity by committee members in further considering the issues and scrutinising the process.

Sitting suspended from 12.24 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Government Service - Enterprise Bargaining

MRS CARNELL: Madam Speaker, my question without notice is directed to the Chief Minister in her capacity as Treasurer. Is it a fact that negotiations between the ACT Government and the Automotive, Metals and Engineering Union on the question of productivity bargaining have been torpedoed at the last minute by you and your Treasury officials? Are these negotiations in fact dead in the water?

MS FOLLETT: No, it is not a fact that these negotiations are dead in the water. The negotiations are continuing, and they are continuing via the agreed process. The fact is that since August the Government has been negotiating with the union movement on progressing enterprise bargaining within the ACT Government Service. As members know, we take a whole-of-service view. We are seeking to handle both enterprise bargaining and the budget related restructuring in a cohesive way. The central coordinating group and the local bargaining centres have focused on the means to progress the achievement of budget savings concurrently with efficiency and productivity measures which may lead to productivity based pay increases.

No agreement has been reached on what order of pay outcomes might be achieved over the two-year period that is proposed for the agreement, but the unions, as members will know, have made a claim for a 4 per cent wage increase over those two years. It will be important for both management and unions to keep track of the value of the productivity and efficiency measures that are negotiated and implemented over the two years, so that both can be satisfied that the concurrent aims of budget restructuring and self-funding pay increases are being achieved. This is why we have sought to have costings kept of various initiatives, and it is a matter of which Treasury has prime carriage.

That accounting aspect does not mean that the Government is taking a negative or cost-cutting approach, to the exclusion of, say, cultural change in the service. We are as anxious as the union movement to take proper advantage of the emphasis of enterprise bargaining on workplace change. I think all members would agree that workplace change is something we must focus on across the ACT Government Service. We have to foster a cooperative culture, and it is also important to enhance the quality of working life for our ACT Government Service officers. The Minister for Industrial Relations, Mr Berry, will be in touch with the union movement. He will be meeting with them soon to discuss aspects of the agreement. I stress that negotiations have not broken down; they are proceeding, and they are proceeding in an orderly manner.

MRS CARNELL: I ask a supplementary question, Madam Speaker. Chief Minister, do you accept personal responsibility as Treasurer for the incompetence of your office and the department, as outlined in the letter from the AMEU to you on 3 December? That letter states:

> The inability at your office and your department to deal with "productivity bargaining" as opposed to making the trade union movement responsible and accountable for "budget outcomes" displays a degree of incompetence rarely seen in any other area AMEU operates in.

MADAM SPEAKER: I think that is severely testing the limits of what a supplementary question is, Mrs Carnell, but I will permit the Chief Minister to answer it.

MS FOLLETT: Madam Speaker, I do not accept that there has been any incompetence whatsoever. I can assure members opposite that we are capable of reading the *Canberra Times* and, indeed, private correspondence for ourselves.

Visiting Medical Officers Dispute

MR LAMONT: My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Will the Minister inform the Assembly as to progress in negotiations held today with the Australian Medical Association?

Mr Kaine: This will be a fulsome response.

MR BERRY: As always, Mr Kaine, it will be a fulsome response. Today, Madam Speaker, I met with the AMA and discussed the issue of their contracts for the fourth time. We were able to establish those areas of disagreement that developed in the wake of last evening's meeting. I am currently developing a response to the AMA's position and I hope to be able to make an announcement soon.

ACTTAB - Contract with VITAB Ltd

MR DE DOMENICO: Madam Speaker, my question without notice is to the Deputy Chief Minister in his capacity as Minister for Sport. Minister, in responding to a question in the Assembly on Tuesday last, you said:

> It is a public company, and Tony De Domenico can do a search through the ASC company records, if he wants to confirm that.

Is it not true that VITAB is a private company registered in Vanuatu? Is it not also true that Vanuatu is, as the *Bulletin* said this week, a tax haven? Noting that in the Assembly this week you also confirmed that you had sought the advice of Treasury and the Law Office, has either the Treasury or the Law Office advised you of the unintended opportunity VITAB must open up for tax avoidance and money laundering?

MR BERRY: The operation of VITAB in Vanuatu is a matter for the Vanuatu Government, not the ACT Government. There are a few other issues that need to be addressed in relation to the VITAB matter, and they go to the criticisms of the agreement, which have obviously been fostered by members opposite. VITAB has been established to tap the large and underdeveloped Asian gaming market by utilising Australian technical support and betting pools.

Mr De Domenico: Is it a public company or a private company?

MR BERRY: These are factors that are very interesting in the context of this question. VITAB does not seek business from within Australia - - -

Mr Humphries: I rise on a point of order, Madam Speaker. Mr Berry is reading from prepared notes in answer to a question that has not been asked of him. He has been asked a precise question by Mr De Domenico. I ask you to direct him not to stray into irrelevant matter.

MADAM SPEAKER: Mr Berry is answering what he believes to be the question. He will continue to answer.

MR BERRY: I have been asked a very political question, so you will get a very political answer. As I said, VITAB - - -

Mr De Domenico: Is it a private company or a public company? Is it registered in Vanuatu or London Circuit?

MR BERRY: No, VITAB does not seek business from within Australia. As I said to you in my opening remarks in response to your question - - -

Mr De Domenico: But you signed the contract.

MR BERRY: No; I said to you that the chairman of the ACTTAB board signed it, among others.

Mr De Domenico: You also said that you did. I will quote it to you, if you like.

MR BERRY: No. I came back to this chamber and announced who signed it, and you know it.

Mr De Domenico: That was after you got it wrong the first time. You do not know anything about this, do you?

MR BERRY: I am sorry - - -

Mr De Domenico: Nothing - tax laundering, money laundering, the whole lot. You know nothing about it.

MADAM SPEAKER: Order, Mr De Domenico! Mr Berry is attempting to answer your question. If there was a little more order, he may get to the end of that answer.

Mr Kaine: I raise a point of order, Madam Speaker. The point at issue is an answer the Minister gave. Surely he knows whether he signed a contract or not. He has given the house two different answers. At one time he said that he did; the second time he said that he did not. The Minister must know whether he signed such a contract.

MADAM SPEAKER: Mr Kaine, Mr De Domenico is perfectly free to ask that as a supplementary question.

MR BERRY: You can always tell the billygoats by the way they butt in. Good on you, Mr Kaine.

Mr Kaine: Let us see how you butt out, Minister. Did you or did you not sign the contract?

MR BERRY: I announced in this place that it was signed by the chairman of the ACTTAB board, among others.

Mr Kaine: That was after you had second thoughts.

MR BERRY: You asked the question; you got the answer. Madam Speaker, the ACTTAB-VITAB agreement will return profits to the ACT Government. We are quite happy with that, and so ought Mr De Domenico to be.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker, on your invitation. Noting that the Minister also confirmed to the house that the contract with VITAB is "silent on the issue of inducements", will the Minister now renegotiate the contract to include a non-inducement clause? Has he now had time to think about whether he will table the contract, so that we can prove whether he did or did not sign it?

MR BERRY: I have given you the answer on who signed it. In relation to inducements, I also answered that very question.

Mrs Carnell: You read us a fax.

MR BERRY: Just sit quietly, Mrs Carnell, or you can join the other billygoats. I have already announced the position in relation to the contract, that is, that it is silent on the matter. I have also read out in this place a letter which makes it very clear that VITAB has no intention of offering inducements. Mr De Domenico, in his usual style, is trying to beat up a whole heap of dust about nothing. Remember the cracks in the Tuggeranong pool? Shock, horror; the Tuggeranong pool is leaking! A few tiles came off.

Mr De Domenico: Did you or did you not sign the contract? On which day did you sign it? On which day did you not sign it? This contract is so vital that you do not even know whether you signed it.

MR BERRY: I told you. Listen again. It was signed by the chairman of the ACTTAB board, in the company of others.

Mr De Domenico: Is that your final one, because here you say that you signed it?

MR BERRY: That is about the end. I have given it to you several times. Let it soak in. It takes a long time - - -

Mr De Domenico: "On the advice given to me, Wayne Berry, I was prepared to sign it and agree to it."

MR BERRY: Yes, and I came back to this house and explained the situation to you, but you were not listening then.

Mr De Domenico: But you did not sign it?

MR BERRY: It will permeate the skull shortly, if I keep saying it enough. It takes a long time to get through thick bone, I know. Keep asking the question and you will get the same answer.

Church Site Development - Barton

MR MOORE: Madam Speaker, my question is to Mr Wood as Minister for the Environment, Land and Planning. The Minister has had notice of this question. I refer to proposed development on section 6, Barton, that is, the area which includes St Mark's theological college. Are you aware of any application for development, either for office blocks or intense residential, on the site, which has been provided by this community for church use?

MR WOOD: Madam Speaker, to be precise, I am not aware whether there has been an actual application for development. I am aware that consideration is being given to performing some work on that site. I would be delighted if the Anglican Church, which is the lessee, were to proceed, in accordance with the terms of the lease, to provide a major church facility on that site. That is one of a number of leases given to churches in Canberra many years ago for church purposes. The Churches Centre in Civic was one such site; the Catholic Church occupies a site across Parkes Way on Commonwealth Avenue; and the Anglican Church has been given a lease on the other side of Kings Avenue, across the lake. They were given many years ago - I am not sure of the precise date - and it would be good to see something happen.

However, I make one reservation on that. Some time ago it was mooted that, in order to get that site up, there should be some office development on the site. I indicated verbally, not precisely to anybody, that I would not be at all in favour of that. I heard the new Bishop of the Diocese of Canberra and Goulburn express a laudable vision for that site, which was to establish a national religious centre. I also understood that, as part of that vision, there was a proposal for residential development as one means of getting it off the ground. I was concerned about that because I was one of, I think, many Canberrans who disapproved of the way the Churches Centre was developed.

I spoke to the bishop and the registrar of the diocese and indicated that it would be extremely unlikely that approval would be given for a residential component on that site. That is the last I have heard of it. I do not know whether an application in that form will still be forthcoming. I have expressed my view, and I am happy to have the opportunity to express that view within the Assembly. It is probably sensible at this point to make a comment that I made in Cabinet because I wished to draw my colleagues' attention to it.

Mr Kaine: This is not Cabinet-in-confidence, is it, Minister?

MR WOOD: No, I am happy to make it public. That is, as a member of the synod of the Anglican diocese I would, if necessary, step aside from any discussion of that issue, even though I have not indicated a favourable view of that residential development at this stage. Should it emerge, appropriate measures would be taken, and I took the step of informing Cabinet of that.

MR MOORE: I ask a supplementary question, Madam Speaker. Minister, you will recall that, with the Churches Centre, this community, because of the betterment arrangements, was deprived of several million dollars of community money. What betterment arrangements would apply if any development were to go ahead?

MR WOOD: I do not think that will be relevant, Mr Moore. I would think that betterment would apply only if there were commercial or office or residential development. If they go ahead and build a church facility, there would be no betterment. It is my wish that they build a church facility but not use those other means as part of their funding.

Teachers - Separation Packages

MR CORNWELL: My question is to Mr Wood in his capacity as Minister for Education. Mr Wood, I refer to the targeted separation packages the department is putting out, as outlined in the schools bulletin No. 560 of 25 November, which indicates that teachers who accept the package can return to permanent full-time work in the ACT Government Service two years after the date of separation and, in the interim, they may apply for registration for casual relief work. I ask: How does this help either the budget or a better balance between older and younger teachers, which you claimed you were setting out to achieve, in an answer to Mr Stevenson yesterday? Secondly, do you have a promotion policy for the future to prevent a similar imbalance of experienced and younger teachers to the one that currently exists?

MR WOOD: Madam Speaker, I do not think there is a problem of the nature suggested by Mr Cornwell. What he saw in the education bulletin was simply a spelling out of the conditions for the separation packages, and they are fairly standard. From time to time, for example, I am asked - I think Mr Cornwell might have done it once - about the policy for employing retired teachers, not necessarily those who have had a package. I can only point out that Mr Connolly, I think it was, this morning introduced the age discrimination Bill, which would make it illegal for me to discriminate on the grounds of age.

The facts are that the teachers who will be retiring have been, can I say, burnt out. They have put a great effort into teaching and they want to get away from it. It is the fact that teachers sometimes do retire and seek to go back onto the relief staff for a little extra income, perhaps because they still like teaching. My expectation is, on experience, that very few teachers who take a separation package will seek to come back.

Mr Cornwell: On a permanent basis, or on any basis?

MR WOOD: On any basis; and, if they seek to come back on a permanent basis, I think it would be most unlikely that they would want to go through that fairly long process of getting permanency. It is a pretty long and slow task these days, so I do not think there is a problem.

In respect of cost, there is no cost to this. When relief teachers are needed, the phone is picked up and they are sought. Whether they are retired teachers or fresh-faced young teachers from college, the cost is pretty much the same. There is a little variation relating to experience. So I do not think there is a problem there. I do not see any of these teachers coming back onto permanent staff. I agree, if it were suggested, that that is not really desirable, but I think the mechanisms and the teachers' own attitudes would see that that does not happen.

MR CORNWELL: Madam Speaker, this is not really a supplementary question: What about the promotion policy for the future to avoid - - -

Mr Connolly: They always ask two questions. You people do not get a chance because they always ask two.

MR CORNWELL: No, it was part of my original question, Mr Connolly. Mr Wood was listening, even if you were not.

MADAM SPEAKER: I will take it as a point of order.

MR WOOD: The promotions policy is simply that we promote people on merit.

Mr Cornwell: How are you going to avoid this difficulty that we are facing now with young and older teachers?

MR WOOD: The difficulty, in a sense, will always be there so long as our enrolments remain fairly static. There is not much real growth in teacher numbers. Because of the difficulty of getting re-employment as teachers, they do not leave the system and travel or do all sorts of things, as they did many years ago. The attrition rate is pretty low. Those factors will tend to remain constant. I would encourage some reasonable turnover in teaching and in principals, but the policy is for appointment on merit. Obviously, younger teachers will be coming through as a result of the separation packages.

Unemployment Statistics

MS ELLIS: My question is directed to the Chief Minister. I ask: Will the Chief Minister provide the Assembly with an analysis of the unemployment figures announced this morning, particularly as they apply to the ACT?

MS FOLLETT: I am pleased to say that the unemployment figures released today by the Bureau of Statistics show an improvement in the ACT's position. In general unemployment there has been an improvement from 6.8 per cent unemployment in October to 6.4 per cent in November, and in teenage unemployment there has been an improvement from 28.4 per cent in October to 18.3 per cent in November. In regard to the teenage figures, I think it has to be said, as I always say, that these figures are very volatile and the sample size is very small. Nevertheless, that is a marked improvement of some 10 per cent, and I believe that at least some of that improvement must be attributed to our policy as a government of targeting teenagers in our labour market programs such as Joblink.

In general terms, the growth in employment is very welcome. In fact, there has been a growth of some 3,600 jobs over the year to November and a growth of some 300 jobs in the month that has just been measured. I believe that there is room for still cautious optimism, but optimism nevertheless. What we are seeing is slow but sustained growth in employment. I am also very pleased to see that the trend estimates for unemployment have now steadied as well. All in all, Madam Speaker, they are welcome statistics and can give us some cause for optimism on what is and remains the Government's highest priority.

Kangaroo Culling

MR WESTENDE: Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning. I refer the Minister to the successful method used for culling the kangaroo population in the Governor-General's residence enclosure at Yarralumla. What, if any, measures has the Minister undertaken to control or cull the population of kangaroos in areas covered by rural leases in the ACT?

MR WOOD: Madam Speaker, that was, it appears, a successful operation for containing kangaroos when they were already contained in a different way, that is, within fences, whether at Government House or the Botanic Gardens or somewhere else. Last night I was talking to some people who were anxious to see that process written up in a scientific way. There is a deal of information there that vets in the ACT and others would see as being useful, so we hope to see that whole deal written up in a proper journal.

For some time now the department has been discussing the kangaroo "problem", if there is a problem, with rural lessees, with a broad range of people. That discussion is continuing. I cannot indicate at this stage where that may go. Should it emerge in any form, obviously this Assembly would be informed at the appropriate time.

X-Rated Videos

MR STEVENSON: Madam Speaker, my question is to the Chief Minister. In today's *Canberra Times* it is reported that the Federal Opposition Treasury spokesman, Alexander Downer, said that the national capital should fall into line with the States and ban X-rated video tapes. He went on to say that the introduction of the 40 per cent tax on the adult movie industry by the former ACT Alliance Government in 1989 could be regarded as a coward's way out. May I remind members that I voted against first of all the ALP's proposal to introduce a retail tax and later the Alliance's 40 per cent tax, which was introduced. According to the Commissioner for ACT Revenue, Mr Gordon Faichney, in the *Canberra Times* yesterday, a possible new tax to meet the cost of regulating the X-rated video industry is a matter for the Government, which would need to amend the legislation. Is the Chief Minister considering the introduction of such tax, or would it be better to fall into line with the States and prevent our laws being used to subvert theirs?

MS FOLLETT: There was a question in there somewhere, Madam Speaker. First of all, with reference to Mr Downer's comments, I regret to say that I did not actually read them, so I will have to take Mr Stevenson's word for that. It sounds like something he would have said. I do not think it is in any way incumbent upon the Government to either listen to or take heed of anything Mr Downer says. That also probably comes as a relief to the Liberals opposite.

With regard to the comments of Mr Faichney, the Commissioner for Revenue, he is absolutely correct, as always, in saying that it is a matter for the Government to decide whether we will be reviewing the taxing regime for X-rated videos and whether, as a result of that review, we amend the taxing regime in the light of the

High Court's decision. Obviously, we need to examine that decision very closely to see what revision of the tax is possible, and whether there is any revised form of tax that is permissible, given that High Court decision. Mr Faichney will be examining that matter and advising the Government in due course.

I can advise Mr Stevenson that, in the meantime, the Government will not be moving to ban X videos. We have been consistent on this matter, and I see no reason to change our position. I think Mr Stevenson is also wrong in assuming that all States and Territories have banned X videos. The Northern Territory has not. As I am sure Mr Stevenson also knows, the matter of censorship, which is what this amounts to, is a matter for the Federal Government. I note that they have not moved, nor has Mr Downer, to censor these forms of videos in the Federal Parliament.

MR STEVENSON: I ask a supplementary question, Madam Speaker. First of all, let me remind the Chief Minister that I said "all States". I explicitly did not include the Northern Territory. I well understand the regulations in the Northern Territory, which were restricted to prevent, as best they could, X videos being distributed from the Northern Territory. We could do the same. However, as Mr Faichney mentioned regulating the industry, I ask: What practical, realistic regulation of the X-rated video industry could possibly be financed by a new tax?

MS FOLLETT: Madam Speaker, the question is entirely theoretical and hypothetical and I believe that it is out of order. I have already indicated that Mr Faichney will be reviewing that whole matter and advising the Government, and so he will be. I do not think it is in any way incumbent upon me to pre-empt that consideration and that advice. Clearly, if there is a decision to be made, the Assembly will be advised accordingly. I do take Mr Stevenson's point that he referred to the States, and I apologise to him for that.

Visiting Medical Officers Dispute

MR HUMPHRIES: My question is to Mr Berry as Minister for Health. Given that we seem to be in for the long haul on the current doctors dispute, will the Minister consider allowing private hospitals in the ACT at least temporarily to expand their capacity to accommodate those people unable to obtain treatment in the public hospital system? If not, is the Minister not placing some ideological concern about private hospitals ahead of the welfare of sick people in the ACT? I also ask: Is it true that the Minister has directed that private patients are precluded from using Calvary Public's obstetric facilities during this dispute?

MR BERRY: I think Mr Humphries's question is purely hypothetical.

Mr De Domenico: No, it is not.

MR BERRY: Hang on a minute! Settle, settle! If you want an answer, you have to settle. The issue of the length of the dispute is entirely hypothetical. Members will recall that earlier in question time I informed them that I had met today with the AMA, and I hope to give a response to that meeting soon. In that sense, I think Mr Humphries presumes that - - -

Mrs Carnell: But you have already said on radio this morning that you have rejected what they said last night.

MR BERRY: Hang on, hang on! Were you asking the question or was Mr Humphries? Mr Humphries presumes that the dispute is a matter for the long haul. I should say that in the meeting with the AMA today I drew their attention to last week's decision of this Assembly, which called on visiting medical officers to end the strike and go back to work, to go to arbitration to settle this matter. I informed them that I would be bound to take note of the Assembly's decision. I also informed them that it was passed without dissent, and they were most impressed.

The issue is entirely hypothetical. I will say that from the outset I have said to the public hospitals that public patients are not to be used as pawns in this game and that all patients who go into the public hospital system should have entry into the system as public patients, so that we do not have public patients being used as part of this process, as occurred in 1987.

Mrs Carnell: What happens with private patients?

MR BERRY: They can be booked in as public patients and have the service entirely free.

Mr De Domenico: They cannot have it at all. They have to go to Sydney.

MR BERRY: No. If they go in as private patients it will cost them; if they go in as public patients they will get it for nothing, so they are better off.

MR HUMPHRIES: I ask a supplementary question, Madam Speaker. Is it true that the Minister has directed that private patients are precluded from using Calvary Public's obstetric facilities?

MR BERRY: No; I have said that all patients who use the public hospital system will be treated as public patients.

Bus-Stop Locations

MS SZUTY: My question without notice is to the Minister for Urban Services, Mr Connolly. I gave Mr Connolly notice this morning that I would be asking him this question this afternoon. It was reported yesterday in the Tuggeranong *Valley View* newspaper that the bus-stop located in an 80 kilometres per hour zone on the corner of Athllon and Learmonth Drives may be dangerous and may need to be relocated. I also note that the provisions for buses to have right of way when leaving bus-stops to re-enter traffic will become law in the next few days. Can the Minister inform the Assembly as to the reason why this bus-stop "looked better on paper", to quote Mr Tony Gill, roads and traffic supervising engineer, in the *Valley View*, "and may now be unsafe"? Are other bus-stops in 80 kilometres an hour zones being reviewed to ensure that they are safe?

MR CONNOLLY: I thank Ms Szuty for her question. If the Liberals had not all asked two questions we would have got to it earlier. I was made aware of the concerns of the community about this bus-stop some time ago by Ms Ellis, who keeps a close watch on events in Tuggeranong. We were having a look at this when I saw the piece in the - - -

Mr Humphries: She is there for all of them.

MR CONNOLLY: Yes, but Ms Ellis was the one who got onto me about this problem. When I saw this story in the *Valley View* yesterday, I could understand why Ms Szuty would be concerned. On the face of it, we have ACTION doing something and the traffic engineers saying that they should be doing something else. The situation is that, unusually, we are locating bus-stops on an arterial road. Normally we would not, but that is a unique situation there as Athllon Drive crosses the parkway and heads down. That new area of Greenway is a quite small area of suburban development between Athllon Drive and the lake, and the advice from ACTION is that it would be very inefficient to take the buses off and for them to wend through those very short roads. It is more effective to have the people walk a block or a block and a bit to Athllon Drive.

The bus-stops were designed and funded through the 1992-93 capital works program, and the traffic and roads section certainly approved the plans. I think that is the quote from Mr Gill. It was a long conversation and the exciting bit got quoted. When he said that they looked better on paper, what he was really saying was, "When we saw the designs we thought they were sound". As is always the case, we take road safety very seriously in the ACT. The traffic and roads section does not just look at a thing on paper and sign it off and forget it. They, as always, go out and look at the site.

Since works commenced in late November, roads and traffic officers have been out there on a number of occasions and have made requests to capital works to omit a number of the features of the design. There was originally a proposal to build a concrete splitter island in order to deflect traffic away from the path of the bus. This went through all the processes of approval on paper, and they were about to construct it. When the engineers went down there and had a look at the site they took the view that the splitter island might, on balance, be more dangerous because it could have the effect of creating potential for head-on collisions.

There were a number of meetings on site and, as a result, on 8 December, when the traffic and roads officers went down there with the public works engineers, with ACTION management and with some delegates from the Transport Workers Union - one thing that union has always been very strong on is safety issues - it was agreed by all concerned that those modifications should be made. The arrangement that will be in place is regarded by all concerned to be safe. The arrangement, as it was originally planned and approved on the design, was thought to be safe; but, when the engineers had the backup of physically inspecting the site when works were in progress, they realised that they should modify their original design. I do not think that is a criticism of the original approved design as much as a matter of being doubly sure.

MS SZUTY: I ask a supplementary question, Madam Speaker. The Minister mentioned in his answer that bus-stops on arterial roads are rare in the ACT. I am not sure whether he can cite other examples of where they occur, but will he do a review of those situations to make sure that those stops are now safe, given the new arrangements?

MR CONNOLLY: There are some on Drakeford Drive. This was to be a new design, with the splitter island arrangements, and the design on paper has now been abandoned. We certainly keep it under consideration. As a practice, we do not want to put bus-stops on arterial roads, but in circumstances like this it is appropriate.

Hospice

MR KAINE: I put a question to the Minister for Health, Mr Berry. Mr Berry, you have in your hip-pocket a $3m cheque drawn on Consolidated Revenue for the purpose of building a hospice. It is getting pretty well worn now. The site on Acton Peninsula is clearly not available. What other sites are being considered and which is the preferred site at the moment? When do you expect to present that $3m cheque and provide a hospice, for which it was given to you?

MR BERRY: I thank the member for the question. We had a commitment to a hospice on the Acton site, and it was a good site too. Members will recall the mucking around, if I can describe it as that, that we were given by the NCPA on that score. We were perfectly happy with the site. Our judgment to put it away from a hospital was a good one and was widely accepted by people who are interested in providing better hospice facilities and taking a more contemporary approach to the provision of hospice facilities. We were universally upset by that mucking around we got from the NCPA and the undermining of the Government's processes of dealing with these facilities. At this point we are still committed to health facilities on the Acton site and there are still options for us to pursue in that regard. When the Government has anything further to say about it, Mr Kaine will be among the first to know.

MR KAINE: I ask a supplementary question, Madam Speaker. The Minister obviously had a lot of trouble answering that one. I will ask an easier one. Minister, do you expect to spend the money this year or next year or perhaps in 1998, or when?

MR BERRY: You can bet your bottom dollar, Mr Kaine, that we are going to keep our promises.

Mr Kaine: I am not talking about my bottom dollar; I am talking about the $3m you have.

MR BERRY: No, no, no. I am telling you that you can bet your bottom dollar that we are going to keep our promises, and that is all you have to worry about.

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

Hepatitis

MR BERRY: In response to a question from Mr Humphries yesterday, I said that I would have the matter of hepatitis examined. I apologise for the length of this response, but it is necessary to get it on the record. I would like to deal separately with the different types of hepatitis, as the reasons for the increase and the appropriate responses are different in each case. Firstly, hepatitis A: This virus is not transmitted via blood but usually via contamination of food.

Mrs Carnell: That is what I said yesterday.

MR BERRY: No, you did not. Mrs Carnell seems to think she knows everything about this. If she does and if she is such an expert, why does Gary Humphries not ask her for the answer? Because he is not game. He is not sure that he would get the right one. He is not game to ask her the question because he is not sure that he would get the right answer. Mrs Carnell thinks she knows, but Mr Humphries does not think she does.

For A, there were seven cases in the last quarter, the same figure as in the March quarter. There are usually a small number of sporadic cases and the numbers fluctuate from quarter to quarter. All cases reported are followed up by the Public and Environmental Health Service to ensure that further spread is prevented. That is why we need strong food laws, Mr Humphries.

Mr Humphries: Why have they increased?

Ms Follett: They have not; they are the same.

MR BERRY: Have you got that? We are getting to hepatitis B. Listen closely. Hepatitis B can be transmitted both sexually and via the sharing of intravenous needles. Recent increases in reporting of hepatitis B, and to some extent hepatitis C, may be in part explained by recent improvements in the disease reporting systems in the ACT. Improved liaison with private pathology laboratories in recent times has resulted in an increase in direct reporting from laboratories, even where the tests are carried out in Sydney, for example. The trend in reporting of hepatitis B over the next few quarters will be closely monitored to see whether there is an actual increase in new cases or simply improved reporting.

Hepatitis C is transmitted primarily by the sharing of needles.

Mrs Carnell: That is right. That is what I said yesterday.

MR BERRY: I do not know why you do not ask Mrs Carnell these questions.

Mr Humphries: I will in future, if I get these sorts of answers, frankly.

MR BERRY: You get the full answer from me. Why waste the time of this Assembly if you have a chance of such a fulsome response from Mrs Carnell?

Mr Humphries: Will you just answer the question?

MR BERRY: A test for hepatitis C became available only in 1990 and, naturally, over the short period of time since, there has been a progressive increase in the use of the test and in an understanding of the disease, particularly its potential for long-term consequences. The test results reported do not distinguish between

recent new infections and previous infections, so to a large extent the figures reported here do not reflect current transmission patterns but reflect increased testing of those known to be at risk, for example, intravenous drug users, and increased awareness of the possible long-term consequences of chronic infection.

Hepatitis C has recently been investigated by a task force of the National Health and Medical Research Council, at the request of the Australian Health Ministers Advisory Council. AHMAC is currently considering implementation of the recommendations of the task force. Pay attention, Mr Humphries. You asked this important question. You have to listen. Recommendations of the task force relating to control of the disease focus on issues such as education of injecting drug users and health care workers about blood-borne diseases and on programs which are aimed generally at prevention of blood-borne diseases, such as needle exchange programs.

The key role of the needle exchange program in the ACT is to provide information, education and materials to injecting drug users in order to prevent infection with HIV and other blood-borne diseases. The needle exchange program receives substantial support from the AIDS matched funding program and is widely regarded as a very sound and innovative program. Because of the progressive increase in the reporting of hepatitis C and the recent task force report, the issue has been listed as a major agenda item for the next meeting of the ACT Consultative Committee on Communicable Diseases. That committee is scheduled to meet on Friday, 10 December.

I can assure you that appropriate action is being taken to improve understanding of transmission of these conditions in the ACT and to maintain the prevention programs already in place, but it must be recognised that to some extent the increased numbers actually reflect an improvement in disease surveillance and increased testing. This improved surveillance will in turn enhance our capacity to direct prevention programs accurately. Now I can see why you did not ask Mrs Carnell. You got a full answer from me.

SUTTON ROAD DRIVER TRAINING COMPLEX
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received a letter from Mr Stevenson proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The concern at the inappropriate leasing arrangements made in connection with the Sutton Park driving facility and the resulting loss of considerable revenue.

MR STEVENSON (3.18): I wish to bring to the attention of the Assembly actions that have been taken concerning the leasing of Sutton Park that have resulted in the people of Canberra being deprived of a great deal of income. It would appear that the transport industry training committee has gained a major benefit at the expense of the ACT taxpayers. At a time when teacher jobs were threatened and our hospitals were in a state of crisis - a state which has continued since then - a proposal to lease a facility valued at millions of dollars at an appropriate commercial rate was disregarded and it has been leased for the sum of 10c a year. It seems to me that the circumstances which have resulted in this situation are more than coincidental.

The facts as I know them are as follows: In 1989 the then Minister for Sport sought the involvement of the motor sport community in building a motor racing circuit at the then Australian Federal Police driver training circuit at Sutton Park. A proposal to undertake redevelopment of that site was recommended to the Government by the consultant to the project, the engineer from the Adelaide Formula One Grand Prix and the head of the Confederation of Australian Motor Sports. The proposal to convert the virtually unused complex to a community motor sport and driver training complex was enthusiastically supported by the new Alliance Government when it gained power.

On 26 January 1990 - this is a key point - the project received the support of the joint parties. The ACT Motorsport Council was requested to take a leading role in discussions with the various parties on behalf of the Government. The Australian Federal Police, however, with reasonable justification, claimed compensation of $1.6m for Sutton Park. This brought the ACT Government proposal to a stop, at least for the time being. On 14 February 1990, acting expressly on behalf of the ACT Government, Mr Arthur Hoyle of the ACT Motorsport Council reached an agreement with the Australian Federal Police on draft terms for a no cost release of the Sutton Park facility to the ACT community - a remarkable result. In response to a written request from the relevant Minister, the Australian Federal Police advised the Department of Administrative Services of the terms of the draft agreement, pending ACT Government confirmation.

On 1 March 1990 the head of the Housing and Community Services Bureau wrote to the Australian Federal Police seeking its agreement to the terms negotiated on the department's behalf by Mr Hoyle. This letter contained all the essential terms agreed to on 14 February. This was confirmed in writing to the ACT Motorsport Council on 5 March 1990. At this point what still needed to be done was to negotiate away the $1.6m which the Commonwealth Department of Administrative Services required before they would release the site. The ACT Government Law Office, however, had advised the ACT Government on 2 November 1989 that "if the Commonwealth does not relinquish the site, it may be difficult to force them to do so". Bearing in mind the Gowrie Hostel fiasco of a few months later, this was, indeed, sound advice.

This minor miracle was achieved, as had been most of the other hard work in this enterprise, by the Motorsport Council, with Mr Hoyle again acting at the request of the ACT Government. This was done by the simple expedient of direct negotiations with the Administrative Services Minister, Senator Nick Bolkus. The Federal Government certainly deserves commendation for their sensible handling of this matter. The Motorsport Council thus achieved agreement on a no cost transfer of the Sutton Park facility as a community motor sport and driver training facility for the ACT. This meant that, at this stage, the citizens of the ACT had received, free of charge, the use of and income from a multimillion dollar facility with only an obligation to provide occasional access for the Australian Federal Police. All this was achieved through the actions of a few citizens and the cooperation of a few key players. The agreement by which this had been achieved has never been honoured by the ACT Government. However, actions were taken which set in train events which would deprive the community of the considerable income from this valuable facility.

A very important point is that a favourable report on the financial viability of the project was issued by the ACT Treasury. The report, dated 28 February 1990, concluded that over a 10-year period the project would "give an internal rate of return of 22.4 per cent or a positive net present value of $459,000". Contrary to this favourable report, it appears that the Minister was told that Treasury was "adamantly opposed to the proposal". This apparently induced the Minister to hand carriage of the proposal to the now disbanded marketing and major projects branch of the Chief Minister's Department. The major projects branch then induced the body set up at the Minister's behest, Canberra International Raceway Management Incorporated - which comprised members of the motor car racing, motorcycle racing and drag racing community, together with its partner in the project, the Road Safety Council of the ACT Incorporated - to provide detailed and comprehensive submissions on both motor sport and driver training uses of Sutton Park.

After many months of work and expense, a confidential 100-page proposal was prepared, which included detailed financial matters encompassing sound income projections. This proposal was submitted to the major projects branch for ACT Government consideration. The major projects branch then placed control of the Sutton Park complex in the hands of the public service. The major projects branch then found an alternative bidder within its own division, the Vocational Training Authority. There is concern that the research and ideas of the Road Safety Council and the motor sport group were given to the VTA. The VTA then submitted a proposal for the use of Sutton Park which apparently was brief and not well argued. I believe that the major projects branch supported the Transport Industry Training Council proposal, in one instance assisting the TITC in rewriting a media release. This support would seem to demonstrate a biased position, as this was done while the major projects branch were supposedly considering, in what one would expect to be a fair manner, the community use proposal.

A report damning the Motorsport Council and Road Safety Council proposal and praising the Transport Industry Training Committee proposal was then put before the Government. At about this time the ACT Government cancelled all funding for the Road Safety Council and set up another section of the public service to take over its functions. As a direct result of this, the Road Safety Council collapsed and no longer exists. The Labor Government then granted the TITC a 10c a year lease for 10 years under a supervisory board of management.

Mr Deputy Speaker, the ACT community has been deprived of its rights and of the facility from which it had a right to expect to gain considerable financial income. There are major questions raised by this matter. As the Australian Federal Police and the Commonwealth Government agreed with the release, without cost, of the Sutton Park facility for a specific proposal, why was this agreement not honoured? Why was this proposal not honoured? As the Motorsport Council and the Road Safety Council were instrumental, in a major way, in gaining the complex for Canberrans, why were they shut out in the cold after this quite remarkable achievement?

The third question is: Why was their detailed, sound and comprehensive proposal rejected in favour of what appears to be a brief submission which was apparently far less appropriate? The fourth question - some would say that this was the most important of all - is: Why was the Sutton Park complex leased at

10c a year when the evidence supported by Treasury shows a high income potential? How a ministerial proposal, utilising the unselfish input of the citizens of the ACT and set to benefit the whole community, could have been sidetracked needs to be investigated and ultimately set right. I ask that the Labor Government see that this is done. The TITC submission and the suggestion of a peppercorn leasing seem unreasonable in the context of the proposal of the Motorsport Council and the Road Safety Council. I have no objection to their making the submission. Anyone can make a submission, including any details. However, the question remains: Why was it accepted and why is the community in the ACT not gaining considerable financial income from the Sutton Park facility?

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.29): Mr Deputy Speaker, Mr Stevenson has gone through a volume of reports from various places and of variable status. Let me make this clear: The ACT community is fortunate that this facility has been retained and is being effectively used for the same purpose for which it was built - a driver training facility. We should be very pleased about that. The Sutton Park Driver Training Complex was intended for and constructed as a driver training facility for the ACT Federal Police. It was never meant to be used as a motor sport facility. That matter was not mentioned in Mr Stevenson's speech. It was never meant to be used as a motor sport facility and it cannot be used as a racing facility. It has very limited use as a motor sport facility generally.

The site was transferred to the ACT Government from the Commonwealth. That has been said. After consideration of options it was decided to hand over the management of the facility to a transport industry training body. This would enable the industry and the community to access this valuable training facility. This has been done without the Government having to provide the funds for the ongoing maintenance required. Mr Stevenson mentioned that we had lost revenue. I think we have a bonus. We are not having to maintain what is, in fact, a fairly expensive facility to maintain. The signing of the lease to the Transport Training Council confirms that education and training are the primary purpose of that site. It also allows for other uses such as vehicle safety testing, some motor vehicle and motorcycle club events, and limited motor sport events.

Since the lease was signed in 1992 the centre has been very active. It has been fulfilling the purpose for which it was constructed in the first place. Between February and October this year the centre has been used for 182 days of training and on 20 days for other uses. The Training Council has attracted $345,000 in cash from the Commonwealth to build a skills centre which will be valued at over $700,000. The balance of the funds will be provided by local industry. If Mr Stevenson is concerned about losing revenue, we are attracting revenue in the form of capital funds to that site. Indeed, the training that goes on is a positive benefit to the ACT community, both in training terms and in financial terms. The centre I have mentioned will be built by early next year and will include a simulated freight depot for training in furniture removal, dangerous goods handling and truck maintenance. It is clearly working very well.

The driver complex remains a government asset, but it is managed by a management board comprising members from relevant private organisations, the Trades and Labour Council, ACT Government representatives and the ACT Motorsport Council. Community leases such as this one provide valuable facilities for community use at no cost to the Government or the broad community. It could have been a considerable expense for us, but it has not been. The Transport Training Council maintains the Sutton Road complex at its own expense. As a non-profit organisation, the Transport Training Council hires out the facility for as much as possible, to keep costs and hiring fees down for all its uses.

The previous Government did assess the facility for substantial motor sport use. That would have required significant funds. The former Chief Minister, Trevor Kaine, was right when he rejected the motor racing proposal by the Canberra International Raceway management, as it was not economically viable and the Government of the day did not wish to provide the funds required. When Mr Stevenson was speaking a short time ago I checked with Mr Kaine on the issue. Mr Kaine may wish to join the debate; but the words he used to me a moment ago, as I recall, were "not economically viable". There may have been reports that said to spend this amount of money or that amount of money, but the proposition was rejected then as not economically viable.

But the facts go beyond that. Even if it was economically viable, this is not a motor racing facility. It was designed for training. For example, it has a variety of different road surfaces, some cambers that are not too good and funny corners, because it was designed to train police, in the first instance, to handle difficult road conditions. That is what it was designed for. It was never designed as a racing facility. While people may have said that we can redesign it - certainly a sum of money could have been provided to totally redo the thing - you would have found that the high cost made it not economically viable**.** *(Quorum formed)*

There is a further most significant problem attached to this. Even if every condition had been right and we could have converted it to a racing facility by putting in that extra money, and if it had been economically viable, we could not have had a motor sport facility there, and certainly not a racing facility, because of the noise problem. That is a problem that we still face today, even with the very limited sports activity that goes on there. It is inappropriate for use as a motor sport facility as it is in a valley, which exacerbates the noise emanating from the site. I think Ms Szuty asked me a question the other day about monitoring the sound on the Ridgeway in New South Wales. I replied then that we have legislation about noise and I have to observe that legislation. The residents in New South Wales are dissatisfied still. It could never be a motor racing facility. It is simply not possible because of the noise.

So what have we done? We have gone into an extensive search - it is a pretty difficult search, but we are getting there - to find some other area in Canberra that is suitable as a motor racing facility; one that is distant enough from neighbours and one that is appropriate. We will find that site in due course, and that is where the sports racing facility will be. It cannot be at Sutton Road. That is a simple fact of life, and we have to look elsewhere. Therefore, we come back to this purpose. It is the purpose for which that site was built.

Mr Stevenson makes a point that we did not do a good deal. Did we do a good deal by giving them a rent of 10c a year? I think Mr Stevenson said that the rent is 10c when we ask for it. My answer to that is yes, we did do a good deal. It is being effectively and frequently used as a driver training site. It is attracting further development. The $350,000 from the Commonwealth is a good deal and the private sector input is a good deal. It is working well and the ACT Government is not having to fork out very large maintenance money. I think the ACT community has an excellent deal out of this. The site is working brilliantly in the way it was intended. It is cost effective to us and is beneficial to the community broadly. I think that what has happened there is an excellent use of those facilities.

MR CORNWELL (3.40): I listened to the Minister's explanation in response to Mr Stevenson's claims with great interest because I can accept that the people who have this site at the moment have been very fortunate. I am not convinced, however, that the people of the ACT are as fortunate as they could have been. I was interested, particularly - - -

Mr Wood: Do you think it should be a motor sport facility?

MR CORNWELL: I was interested, Mr Wood, in your comments about that: It was never meant to be used as a motor sport facility. In a letter to Mr Peter McAulay, Commissioner of the Australian Federal Police, signed by Mr Bernard Collaery, who was then the Minister, on 1 March 1990, Mr Collaery said:

> As you will be aware, the ACT Government proposes to establish a Management Trust to redevelop the Sutton Road complex into an international standard driver training and motorsport facility.

Mr Wood: Once again, he was wrong.

MR CORNWELL: It is interesting, Mr Wood, that you say that, because you too must have been wrong because, on 13 October 1992, in a media statement about the Sutton Road Driver Training Complex, you said at paragraph 4:

> ... the Sutton Road complex is used for a wide range of activities in addition to driver training. Children's road safety training, tourism-related events, vehicle launches and limited motor sport could be held at the site.

Yet you are now saying that it was never meant to be used as a motor sport facility.

Mr Wood: No, never meant to be used as a racing facility.

MR CORNWELL: I am sorry; I took down your words, sir, and you said "never meant to be used as a motor sport facility". What has gone wrong in the meantime? I suggest that a deal has been done. I suspect that there have been all sorts of deals done. I am appalled that this has been allowed to be handed over to an organisation for 10c. It is no wonder that this Government has so much problem with its budget. It is no wonder that they are talking about tossing out 80 teachers from a system that cannot afford to have 80 teachers taken from it, if this is the way that you do business. Ten cents!

You will recall, Mr Wood, that I have asked questions about this Sutton Road Driver Training Complex. The most recent series of questions were responded to on 30 November 1993. One of the questions I asked was:

> What was the value of the complex at the time of allocation of the lease?

I have to say that there was a certain disingenuousness in the answer, which was:

> At the date of commencement of the lease the site was valued at $135,000.

You still get it for 10c. Goodness gracious, I wish I could get a site valued at $135,000 for 10c, on demand, I think you said, Mr Wood.

Mr Wood: That is dead right.

MR CORNWELL: We understand that the AFP valued the whole complex at $1.6m. I further understand, Madam Speaker, that there was a Valuer-General's estimate, following this, which put it at $2.5m. So this particular group, this ACT Regional Transport and Distribution Industry Training Council Incorporated, have certainly got themselves quite a deal. This organisation has a board of management.

Mr De Domenico: Who is on it?

MR CORNWELL: The chairperson of the ACT Transport Training Council; the general manager, roads and transport, Department of Urban Services; the manager, sport and recreation programs, ACT Office of Sport and Recreation. Let me quote the Minister again - "never meant to be used as a motor sport facility". I wonder why, therefore, the manager of sport and recreation programs, ACT Office of Sport and Recreation, should be on the board of this training complex. Does that person not have enough to do with their time that they have to go on other boards and authorities where they have no purpose or point? The road race secretary of the Canberra Road Racing Club is a member. Again, it was "never meant to be used as a motor sport facility". Mr John Hebron, of Hebron and Partners, is a member. I understand that he is a driving instructor and has every right to be there because that is part of the facility. There is also a gentleman by the name of Mr Peter Schulz of the ACT Trades and Labour Council.

Mr Wood: TWU.

MR CORNWELL: Thank you. He is from the Transport Workers Union. Mr Wood corrects me, and I am happy to stand corrected on the public record. I understand that the board is required to meet - this again is part of the terms - no less than once every three months. I further understand that it met once in the first six months of its operations. I wonder, therefore, just how much control is really being exercised over this very valuable facility, which is not to be used as a sporting facility, except that it has numbers of people from the sporting area on the board.

Let me go on to note a few more of my questions. Part 11 of the question was:

> At the time of leasing, what groups of people were targeted to benefit from use of the facility and how has this been achieved in respect of each group?

I will not go into the full information given in the answer, but - - -

Mr Lamont: No, because it will not give you the answer you want.

MR CORNWELL: It is quite all right. I am not going to try to mislead you. I will read it in full. It says:

> The announcement on the lease of the complex to the ACT Transport and Distribution Industry Training Council said that it was to be used for a wide range of activities in addition to driver training. Children's road safety training, tourism-related events, vehicle launches and limited motorsport could be held at the site. Uses were to include transport driver, forklift and warehouse training.
>
> ... ...
>
> Non-training use has included groups such as car clubs, motorsport (Repco Rally) and motorcycle promotions.

That was in answer to question No. 1032. Yet in answer to question No. 1034 Mr Wood said:

> ... no motorbike races have been held at the complex under the current lease.

I am confused as to just what it is being used for. The simple fact is that none of the motor sports have been allowed near it. That is the real issue. This is being kept as an exclusive little activity.

You say that you are concerned about the noise in the valley. What it has to do with people in the Ridgeway is, as far as I am concerned, of no great importance to the people of the ACT because that is where it is located.

Mr Wood: Oh, come on!

MR CORNWELL: I am sorry; if you are going to do that, what are you prepared to do about the adjacent Fairbairn Park, Mr Wood? It appears to me that we have a quite deliberate attempt to drive motor sport out of this Territory, because you have done nothing towards allocating alternative accommodation for the Fairbairn Park Control Council sitings. Now, come on; that is next-door. If the noise is all that bad I would have imagined that you people would have been breaking your necks to get Fairbairn Park off that site adjacent to the Sutton Road.

Mr Wood: We are.

MR CORNWELL: Why have you not done so?

Mr Wood: We are searching for a site. The site we are searching for is for motor - - -

MR CORNWELL: Oh, come on! We know of at least three. We know of one down at Williamsdale which has been knocked back by the groups, and properly so, and there are two, as you would be aware, near the airport. When are we going to get an answer on these things? When are they going to get an answer, or would you rather just starve them out of existence by denying them the opportunity to use the existing facilities that they have at Fairbairn Park? They cannot use Sutton Road because they are prevented from doing so. You have limited them to a very narrow range of options in the use of Fairbairn Park. What are you trying to do? Starve them out? There is a very unpleasant inference in what is going on in relation to Fairbairn Park and the Sutton Road Driver Training Complex, and I believe that there are numbers of people who could find themselves in a very difficult position if the truth ever comes out.

MR LAMONT (3.50): I get much enjoyment from being able to get to my feet to respond to this MPI following Mr Cornwell. Normally some fact and reality is engendered in debate in this house. Unfortunately, we have not heard much from Mr Cornwell, so that makes my job a lot easier. In relation to the premise that Mr Stevenson's MPI this day relies upon, I am afraid - - -

Mr Cornwell: Here is the apologist for the TWU.

MR LAMONT: No, I am no apologist for the Transport Workers Union, Mr Cornwell. I indicate here for the public record that I have much pleasure in being able to put up my hand and say in relation to the police driver training complex at Sutton Road that I, along with other responsible members of the transport industry, approached the Transport and Distribution Industry Training Council, became involved, and sought to have this type of facility created in the ACT. It behoves me to condemn you, Mr Cornwell, for your short-sightedness, your pig-headedness, and, quite frankly, your ignorance on this matter.

In addressing the questions raised by Mr Stevenson, I think I need to provide this Assembly with some history as to road accident trauma and road safety in the ACT, Madam Speaker. Over the last 20 years ACT fatality rates measured per 100,000 population have been on the decline. This is attributable mainly to the high standard of ACT roads and the high proportion of urban roads as opposed to rural roads. For fatalities measured per 10,000 vehicles, the figures show the ACT to be consistently lower than elsewhere in Australia for the 30 years from 1960 to 1990. Thus we have a low level by national standards and one which is, as a statistical proportion, continuing on a downward path. Between 1987 and 1992 there were 154 fatal accidents on ACT roads, resulting in 170 deaths. This represents an average of 28 fatalities per year, or one road death every 12 days. Over the same period, 1987 to 1992, each week an average of four people sustained injuries requiring hospitalisation. In addition, some 200 property damage accidents were reported.

In all these accidents young people in the ACT are statistically overrepresented. The 15- to 20-year age group represents approximately 9 per cent of the ACT population, but accounts for 23 per cent of fatalities. Older people in the 60-year-plus bracket, who are also 9 per cent of the ACT population, represent 20 per cent of fatalities. Another group needing special focus in road safety

measures are motorcyclists. They represent 3 per cent of registered vehicles in the ACT, but account for 20 per cent of fatalities compared with only 9 per cent Australia-wide. I should add another fact, and that is that pedestrians represent 15 per cent of road fatalities since 1989.

The cost of all this, Madam Speaker, is the reason why I have put those statistics on the record. A recent NRMA and ACT Road Safety Trust study estimated that road accidents are costing the ACT $150m a year, and, of course, there are inestimable, non-quantifiable costs which come with road tragedy. Other projected factors to note in relation to the costs of road trauma and road accidents are as follows: Our population is increasing and is ageing. This will lead to more drivers on the road. Moreover, there will be a higher number of aged drivers and pedestrians. Australians spend more time engaged in leisure and recreational activities than the people of any other nation. The ACT's geographical position means that there are significant volumes of traffic flowing into neighbouring New South Wales, especially to the coast, the snowfields and Sydney. Moreover, these volumes are often concentrated into dangerous peak flow periods, usually associated with holidays.

Madam Speaker, the level of car ownership in the ACT is the highest in the country. Perhaps surprisingly, ACT cars do more kilometres per year than vehicles elsewhere in Australia. Road transport in the ACT is set to grow by something like 25 per cent by the year 2001. This is simply the projected national average and thus is probably a conservative estimate, Madam Speaker. While more people will shift to public transport, and there will be a higher proportion of people shifting to bicycles, this latter fact will create its own safety hazards to be factored into safety programs and strategy.

I have tried to place on the public record some of the costs that this community is expected to deal with. I have used, in the first instance, the economic cost that this community in the ACT is expected to deal with in relation to road trauma, road accidents and road safety. I reckon that I have addressed the initial premise of Mr Stevenson's MPI. We are providing a facility which is now being used seven days a week, 52 weeks a year, concentrating on road safety for professional drivers, for motorcycle riders, and for young drivers, as well as the reskilling of an existing driving population who may not have had other forms of retraining and driver tuition since they originally gained their licences many years ago. This facility is specifically for the purpose of reducing road trauma, reducing road deaths, and increasing the professionalism not only of the professional drivers around the ACT and the region but also of our general driving population. This arrangement facilitates driver safety, driver education and the reduction of road accident trauma.

For Mr Stevenson to suggest that there is an economic cost because there is a peppercorn rent arrangement or some other arrangement is absolute hypocrisy. He does not take into account the benefits derived from making this facility available. Indeed, were this facility not able to be provided in the form and format that the Government has accepted, I would suggest to you that the statistics that I have been able to give this afternoon, indicating that in the ACT we have an increasingly enviable record compared to the national statistics, would go the other way. What we have here is a government decision which says, "On the one hand here in economic terms is the real cost of inattention, inappropriate training and so forth, and on the other hand here is a cost which

reasonably, as a community, we should be expected to bear to improve that situation". I believe that the balance comes down quite clearly in favour of the arrangement that the Government has put in place with the Transport Industry Training Council.

Let us look at who makes up the Transport Industry Training Council. This is not some group of raving Bolsheviks that we are talking about here, Mr Stevenson; we are talking about people involved in the Transport Industry Training Council who have been in the road transport industry and the transport industry in general for a considerable period. The first chair of the Transport Industry Training Council was Mr Barrie Cole. Barrie Cole's Removalists is a well-known local firm that employs a substantial number of Canberra, Queanbeyan and regional residents. Indeed, Mr Cole has made an outstanding contribution to road safety not only here in the ACT but in Australia. He has a commitment. He believes that his drivers, that his workers at all levels, should have appropriate training and retraining. He has contributed not only in dollar terms and time. He has said that he is committed to this program of reducing road accident trauma in Australia and increasing the professionalism of the transport industry. That is looking at it in pure economic terms.

What happens in our community when you are able to reduce road deaths and road trauma? On the statistics that I have read out, if we are able to continue the decline in road deaths in the ACT the social benefit is immeasurable. You cannot stand up here and suggest that a peppercorn rent is too much or too little to pay when compared to the preservation of life. That is something that nobody speaking in this debate this afternoon has been able to challenge.

There is one final matter. The Minister said in his address, and I will quote it again, that this was not built as a motor sport facility. Mr Cornwell, taking a debating point, tried to obscure that fact. He failed again. Just for his edification, that is in fact what was said. I also indicate that the group that is involved, the Transport Industry Training Council, is a federally and ACT Government and private sector funded organisation. You have private sector companies in the road transport and distribution industry putting up hundreds of thousands of dollars to provide for this facility to be created in our region. This is something for which they should be congratulated, not vilified as proposed by this matter of public importance or as enunciated by Mr Cornwell.

MR DE DOMENICO (4.00): Madam Speaker, I will attempt to speak at a level a couple of decibels lower than previously.

Mr Lamont: I have to, to get over the interjections.

MR DE DOMENICO: Not one person, as I recall, Madam Speaker, interjected on Mr Lamont.

Mr Lamont: You are also deaf because you cannot hear Mr Cornwell.

Mr Moore: Just ignore his interjections.

MR DE DOMENICO: I will, Mr Moore. Thank you. Mr Lamont's interesting homework and his telling us all about the road safety statistics was very interesting. It was very edifying; but what it has to do with the matter at hand I am blowed if I know. Despite the sighs that I hear opposite, they still will not convince me that what Mr Lamont said had anything to do with the matter at hand. We know that the Transport Industry Training Commission has been given this - - -

Mr Lamont: Committee.

MR DE DOMENICO: We know that the committee has been given this plot of land for a peppercorn rent of 10c a year. Mr Stevenson and Mr Cornwell said quite adequately, "Listen, if there was a potential to get more money out of this site, even by using it for the same things as it is being used for today, why has it gone to the Transport Industry Training Council?". Whilst Mr Lamont might think that it is an appropriate body, there may be other people in the community who disagree with him. That is not unusual, let me say. The Road Safety Council, Madam Speaker, is one body that might disagree with Mr Lamont's comments. They have done a wonderful job for many years in the ACT and elsewhere in this country. For Mr Lamont to suggest that the only people who can prevent road trauma and road accidents is this particular body is bunkum. For example, consider what happens when one learns to drive a racing car and the wonderful work done by people like Renault and other racing car organisations. It is in fact linked to road safety as well.

Mr Stevenson: To a great degree.

MR DE DOMENICO: Thank you, Mr Stevenson. It is linked to a great degree. One imagines that if you learnt to drive a racing car well you would be able to handle the local Mini Minor. Mr Lamont, we know, is an expert on health and everything else that seems to come up in the Assembly. Now, all of a sudden, he is an expert on road safety as well. I note that it was an excellent speech that he delivered and, quite obviously, it was researched for him by somebody else. Well, he is not an expert. What Mr Lamont failed to talk about was the matter at hand, and he does that a lot. What we are talking about is whether this organisation should have virtually carte blanche use of this complex.

Mr Wood: There is a board.

MR DE DOMENICO: Thank you, Mr Wood. Mr Wood tells me that there is a board. We know that the management board is due to meet once every three months, but in fact we know that sometimes it does not meet for six months.

Mr Wood: It met on 17 November or something recently.

MR DE DOMENICO: Good on it.

Mr Wood: Are you like Mr Cornwell? Do not worry about the New South Wales residents. Is that your view too?

MR DE DOMENICO: I have to tell you, Mr Wood, that, when it comes to whether I would satisfy ACT residents or New South Wales residents, ACT residents would win hands down every time.

Mr Wood: So, bump out the sound. What about the law that puts requirements on sound?

MR DE DOMENICO: Mr Wood, what I would like to ask you, for example, is: How many times have we had noise inspectors out there on this complex measuring the noise level?

Mr Wood: Quite often.

MR DE DOMENICO: How often?

Mr Wood: Quite often.

MR DE DOMENICO: I would also like you to tell me, one day, the result of their measurements. On the one hand, Mr Wood, you are trying to tell me that trucks being driven around this complex may or may not be noisier than a truck normally being driven down Sutton Road. That is what it comes down to.

Mr Wood: They happen to have mufflers on them. That makes a big difference.

MR DE DOMENICO: I do not care what they have on them. What you have to prove to this house is that there is no - - -

Mr Lamont: Come on, Tony. You have to be the second speaker on your side, but can't you get a real argument going; something with substance?

Mr Cornwell: He is on the defensive, Tony. Keep going.

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

MR DE DOMENICO: Mr Wood might think, "Okay; we have given this organisation a 10c peppercorn rent because it is a non-profit organisation". That has nothing to do with the issue at hand either. Never let it be known that I would suggest this, but perhaps it may be a way of the Transport Workers Union knowing who is getting a licence to drive trucks, so that they can follow up in the future and try to get them to join the union. I should never suggest that, because, of course, the Transport Workers Union would never dream of doing things like that. They would never dream of doing things like that because it might affect the numbers that they may have on ACT ALP preselection panels.

Mr Cornwell: No, that would be jumping to conclusions, too. ALP preselections, yes, goodness me!

MR DE DOMENICO: That would be jumping to conclusions. Thank you, Mr Cornwell. The other point I would like to make is - - -

Mr Wood: What would you want to see the site used for? How would you like to see the site used? Do you have a view about that? How would you like to see it used?

MADAM SPEAKER: Order!

MR DE DOMENICO: There is a record going around and around. You had the privilege of being heard without interjection.

Mr Wood: You have been asking dozens of questions. I thought I would ask one back.

Mr Cornwell: I take a point of order, Madam Speaker. Could we bring the noise pollution level people into this place and have them test it? I am trying to listen to Mr De Domenico.

MADAM SPEAKER: I am working on it, Mr Cornwell. Order! Mr De Domenico has the floor.

MR DE DOMENICO: Mr Wood has the opportunity next week perhaps, or now, if he seeks leave of the house, to make another contribution. That is your prerogative, Mr Wood. We might even allow you to do that. Mr Wood's comments were quite interesting. Like Mr Cornwell, I wrote down what Mr Wood said as well. Mr Wood said that it was initially used for the AFP and it was never meant to be used as a motor sport facility. He used the words "motor sport facility".

Mr Wood: That is right, and we have extended the ban. We have said, "Okay, we can". I have said that we can do that.

MADAM SPEAKER: Order!

MR DE DOMENICO: Now Mr Wood is saying, "No, we can do it". Thank you. First of all, he said that it was never meant to be used as a motor sport facility, and should not be used as a motor sport facility; but now - - -

Mr Lamont: No, you are putting words in his mouth.

Mr Wood: We have extended the tolerance a little.

Mr Lamont: You are misleading the house.

MADAM SPEAKER: Order!

Mr Wood: Madam Speaker, I will take over if it is possible. Mr De Domenico has sat down. I am quite happy to take the floor now.

MADAM SPEAKER: I believe that Mr De Domenico was taking a point of order. Have you finished?

MR DE DOMENICO: No; I was speaking, Madam Speaker. I could not hear myself. No, I have not finished. I was going to say, Madam Speaker: Could you please afford me some sort of protection? Perhaps I might have the same privilege as was afforded to Mr Lamont. I do not worry about the parrots in the background either.

MADAM SPEAKER: Order! Mr Wood, it is Mr De Domenico's turn. Please continue, Mr De Domenico.

MR DE DOMENICO: Thank you, Madam Speaker. I thank you for your protection, as always. The point at hand is whether this Government could have used this facility in a better way in terms of the return for the ACT ratepayer.

That is the issue at hand, notwithstanding what Mr Lamont or Mr Wood might say. Until Mr Wood or somebody else can convince us otherwise, we cannot believe that this facility is being utilised to the maximum of its ability. Madam Speaker, that is all I need to say.

Mr Lamont: It is used now seven days a week.

MR DE DOMENICO: Mr Lamont, that is where you are wrong. If you would like to do some more homework you will find out that it is not, in fact, used seven days a week.

MADAM SPEAKER: The discussion has concluded.

CANBERRA IN THE YEAR 2020 STUDY
Final Report and Paper

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

That the Assembly takes note of the papers.

MS SZUTY (4.09): Madam Speaker, I would like to begin my comments on the final report of the Canberra in the Year 2020 study by thanking the Government for enabling me to take the time to thoroughly read the tabled reports *Canberra 2020 : Vision for Prosperity* and *Choosing our Future : Canberra in the Year 2020* prior to my responding to the study, which I am in the process of doing today. Having read both reports, I consider them to be truly stunning achievements by the Canberra in the Year 2020 Reference Group and the ACT Government in responding to the motion and terms of reference passed in this Assembly in 1992.

I would like to remind members of the process that we have been through with the Canberra in the Year 2020 study. Stage 1, from August to November 1992, focused on developing an approach to the study, defining the role of the ACT Government and the community in the process, and a preliminary analysis of trends, issues and fundamental goals for Canberra over the coming decades. Stage 2, from December 1992 to February 1993, built on the preliminary discussion of trends and issues set out in the first quarterly report. During this stage 11 issues papers were prepared by the ACT Government covering key areas. Stage 3, from March to May 1993, focused on community consultation through the distribution of the issues papers and the consultation program of the Canberra in the Year 2020 Reference Group. That brings us to the final stage of the study, from June 1993, which has consisted of the completion of the community consultation process by the reference group and the preparation of this report.

Madam Speaker, a considerable number of people have contributed very greatly to the work that has been done in preparing this final report. The reference group members and their chair, Peter Ellyard, deserve most congratulations for the efforts that they put into the 2020 study over a 12-month period. There has been a considerable contribution by departmental officers over the time as well, by

a very large number of organisations and community groups, by individuals, by embassies and high commissions, by the University of Canberra, by the media - through radio station 2CN and the *Canberra Times* in particular - and by several of our primary schools in Canberra, including primary school students and their teachers.

Madam Speaker, a number of other groups have also participated in the project. People have been involved in the preparation of a short video outlining visions for 2020. People have participated in talkback radio, attended a public meeting at the University of Canberra and made contributions to a feature article for the *Canberra Times*. Several primary schools have been involved. Children from five Belconnen schools prepared and presented their ideas of Canberra in the year 2020.

I would now like to discuss the significance of Canberra in the year 2003, which was part of one of the reports which were tabled. I think the important thing to note about the probable future of Canberra in the year 2003 is that we really need to be mindful of the city we do not want to see in 10 years' time. As the report outlines, looking ahead 10 years is not a terribly difficult process for us. It is much harder, of course, to look at the longer term, at about 30 years hence.

I would now like to talk to our preferred future for Canberra in the year 2020. What is important in coming to terms with what is included in this report is not necessarily the content. It will be appropriate or not appropriate as the future evolves. What is important is the search for ideas, the vision for what we want. I think it is a credit to the reference group that this particular project was undertaken in the way that it was, with the vision for 2020 being articulated so well.

Important themes which come through this vision are many: Maximising whole of life education; the recognition of our Aboriginal heritage; the emphasis on regional government as opposed to State and local governments; the recognition of older people as keepers of wisdom; access for people with disabilities to all places that they would wish to access; the resolution of conflict; concepts of restoration and integration as the focus of the criminal justice system; a focus on preventive health care; illegal drugs available to people on prescription; major stages of life; abolition of the cultures of welfare and violence; women enjoying equal status with men; art and culture being activities that form parts of individuals' everyday lives; higher standards of health and fitness and more community involvement in sport and recreation.

A number of other themes are taken up in this particular document. One is Canberra as a city in a global society. There is much discussion of the aim towards an economically and ecologically sustainable Canberra. There are very important issues which are enunciated very clearly in this report. Life in Canberra in 2020 is discussed. Our housing and communities are also discussed. I appreciate the work that has gone into this particular document because, first, the vision is articulated and, secondly, the action plan proceeds on the basis of that initial vision.

I would now like to talk briefly about *Choosing our Future : Canberra in the Year 2020*, which is the report which has been prepared by the Economic Development Division of the Chief Minister's Department.

This particular report appropriately talks about the context in which Canberra, as we knew it, developed over time. It is a very important context to outline to people who may be unfamiliar with Canberra's planning processes over some years. It then moves on to talk about principles of life in 2020. It says:

> The fundamental guiding principle that underlies the development of the preferred future is that Canberra can maintain and enhance the already high quality of life enjoyed by its residents.

It also outlines the fundamental elements of our society in 2020 - access and equity, rights and responsibilities of individuals, sustainability of life, and excellence in all that occurs. It moves on to talk about Canberra in the year 2020 being a prosperous, attractive, culturally vibrant, healthy and safe city; being a major regional centre as well as the national capital; a leader in terms of social justice, equity, and community participation and responsibility; and pursuing policies of minimal impact on the environment. It outlines very succinctly goals and targets for social development in terms of social assistance, education, housing, arts and culture, Aboriginal and Torres Strait Islander people, sport and recreation, health, law and justice; economic development in terms of industries and enterprises as well as employment; environment; physical infrastructure; urban and regional development.

It further talks about our goals for the future, both in terms of mission directed targets involving the creation of attributes which do not exist currently in 1993 or which are significant changes in existing ones and in terms of heritage targets involving the maintenance and preservation of cherished existing attributes. These are followed by specific examples of implementation principles, which - as the report states - will be the important indicators towards achieving the preferred future.

I also note the use of such terms as "communitarian values" as highlighted in the description of a goal with respect to social development, the goal being:

> To create a society where communitarian values are at least as important as individual concerns.

I also enjoyed reading many of the quotes which have been contributed to this particular report by individuals and organisations which have been involved in the process. For example, a submission by David Syme from the Conflict Resolution Service, in talking about law and justice, says of 2020:

> ... there (is a) significant shift in how the community views conflict. Instead of conflicts being decided "according to law", the search for mutually satisfactory resolution (is) paramount. Consensual rather than adversary dispute settlement predominates.

(Extension of time granted) I thank members. Dr Alice Day from Successful Ageing, ACT, says of social development:

> ... structures have been put in place designed to facilitate people's caring for each other and to support individuals in all age groups who are facing disappointment or difficult transitions ... Responsibility for providing care, once primarily the domain of women, is now shared by men and the wider community.

Mrs Sue Doobov of the Council on the Ageing (ACT) said in relation to education:

> Education (is) considered lifelong with retired people being more involved in tertiary education and facilities such as the University of the Third Age.

The report from the Economic Development Division of the Chief Minister's Department is liberally sprinkled with quotes from the various individuals and organisations who have been part of the process.

Madam Speaker, I would like to turn briefly to the recommendations that the Canberra in the Year 2020 Reference Group have made and to discuss each of them. The first recommendation is:

> Release the *Vision for Prosperity* for community discussion and comment.

I think it is really important, following a very lengthy exercise of this kind, to involve the community further in discussing the report now that it has been tabled. I understand that the Government intends to formulate a fairly comprehensive community consultation process on the *Vision for Prosperity* document. Perhaps early 1994 would be a good time for it to be distributed widely, with perhaps the Government to report on the community consultation process to the Assembly in 1994. The second recommendation is:

> Direct ACT Government Agencies to incorporate the strategic directions of *Vision for Prosperity* into their forward planning processes.

I think this is a very important objective indeed and links the work that the community has done and the reference group has done in putting this particular project together with the work that departments and agencies themselves do on a regular basis. The third recommendation is:

> Implement a continuing strategic planning process, including the development of Visions and related Action Plans. Visions look forward 25 years. Action Plans outline implementation steps over the next 5 years directed at realising the Vision. This process should include the appointment of a new Reference Group to review the Strategic Vision every 5 years.

Again, I think this is a very important objective. I do not know that any of the members of the recently dissolved reference group will be interested in five years' time, but it would be a very interesting exercise from their point of view to oversee the work of perhaps future reference groups. The fourth recommendation is:

> Direct each Government Agency to designate separate officers to be responsible for the development and implementation of long term ... and short term .... strategies.

Again, this is a very important recommendation. The fifth recommendation is:

> Require that each Government Agency include a long term strategic component in its Annual Report, which outlines the Agency's actions which are designed to realise elements of *Vision for Prosperity* and subsequent strategic Visions.

Recommendation 6 is:

> Request other relevant organisations, including businesses, to also comment in their Annual Reports on their contribution to the realisation of the strategic Vision.

Again, it is very important for government agencies to pick up the work which has been done initially in this report and to build on it for the future. The final recommendation is:

> Designate a Minister to be responsible for Long Term Strategies.

I would dearly love to see this recommendation adopted. I sincerely hope that the Chief Minister herself would become the Territory's Minister for long-term strategies for the future.

In conclusion, Madam Speaker, I feel that the Canberra in the Year 2020 study has been a very worthwhile exercise. It was a good idea of mine, and I am very proud and pleased that I recommended it to the Assembly for adoption. I think it has been magnificently achieved by the reference group, the ACT Government and all those who have contributed to the process. I believe that it is only the beginning of the process. The work needs to go on to enable us to attain the vision of prosperity envisaged for all of us in the year 2020.

MS FOLLETT (Chief Minister and Treasurer) (4.24), in reply: Madam Speaker, I would like to thank members for their contributions to this debate. I join with Ms Szuty in her general remark that this has been a very worthwhile exercise. I do not believe that at the time Ms Szuty introduced the motion for the 2020 study in the Assembly any of us could have realised what a far-reaching and important study it could end up being. I consider that the reference group chaired by Dr Peter Ellyard has done a superb job, and I know that all of the members of that reference group worked extraordinarily hard in putting together their views and in consulting widely with the community in the course of preparing the report on Canberra in the year 2020.

Madam Speaker, what the reference group has come up with is, as we know, a preferred future for Canberra. That means, by definition, that the challenge now is to achieve that preferred future. In achieving that preferred future we must, of course, put in place the kinds of strategies and implementation plans that will ensure that we actually achieve the kinds of outcomes that are encompassed in the report.

Madam Speaker, one of the things that I like best about the *Choosing our Future* report is the fact that it is so goal oriented. I believe that setting specific goals in each of the areas under review is an enormous help in developing the correct policies, the correct strategies, for achieving those goals. The goals themselves

are quite succinct. I consider that they are, for the most part, goals against which progress can be measured. It is very important that they be used in that way. I find many of the goals quite inspiring, and I believe that many people in the community will find them equally inspiring.

Madam Speaker, if you look at some of those goals - for instance, the goals for employment - I believe that they set a basis for the kind of community that we want to see in Canberra. In employment, for instance, one goal is:

> To develop workplaces characterised by a spirit of cooperation and to expand the diversity of employment opportunities to ensure all members of the community have productive employment if they wish.

That goal, I think, encompasses a great deal. It encompasses the fact that employment must be the highest priority for government and must remain that way, because in my view it is a basic social justice objective that people be able to have fulfilling work if that is their wish. It seems to me that the best thing you can do for people, if you have a social justice agenda, is to ensure that they have that choice of fulfilling work.

Madam Speaker, the goal also says a great deal about what workplaces will be like. No longer will they be places of exploitation or of warfare between bosses and workers; rather, as the report says, they will be characterised by a spirit of cooperation. I think that is an objective that is shared not only within the public sector but also by many private sector operators. I believe that it is an objective that ought to be widespread throughout our community because it recognises the full dignity of people at work, their rights to have a say in the way that they do their work and their rights to have a share in the achievements of the body for which they work.

Madam Speaker, there are other goals throughout the report, but the ones that appeal to me the most are those that relate to Canberra's environment. There is a goal to preserve Canberra's close association with its landscape. That is a goal which I do not believe anybody could take exception to; but, of course, in the light of our rapidly increasing population, we know that there is great stress on the bush capital characteristics of Canberra, so it is very important that we establish as a goal the protection of that bush capital status and that we also ensure that people living in Canberra do not become isolated in concrete jungles but that, as residents of this community, they still have a close relationship with the natural environment.

A further goal is to pass on to future residents of Canberra significant areas of viable natural ecosystems. What that means to me is that we must not just protect those natural ecosystems from being developed all over but protect their integrity as well - a very difficult task in view of our rapid expansion.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

CANBERRA IN THE YEAR 2020 STUDY
Final Report and Paper

Debate resumed.

MS FOLLETT: Madam Speaker, I will not speak at length because I did speak at considerable length when I introduced the report. I would like to conclude my remarks by saying that it is my intention that the 2020 report be widely available. I consider that it will inspire many in Canberra to focus on what it is about Canberra that we cherish. It sets the goals and sets out some of the policies that might achieve those goals, so it is a very valuable document indeed. I also said in my tabling statement that the Government has put in place a process to ensure that the directions that are set in the report are actually incorporated into the mainstream planning processes and that consultations are undertaken by each of the Government's agencies. I believe that we will start to see the results of this kind of work soon.

I would like to again thank the reference group, and in particular Dr Peter Ellyard, for what I consider to be a very significant contribution to the well-being of the ACT. I am confident that the report *Canberra in the Year 2020* will indeed inspire people and motivate them to think about the future of Canberra and to think about how they are going to achieve the preferred future that is set out in the report. With the opportunity that has been given to us by self-government to shape our own destiny in the Territory, I believe that this report sets out, not just for government, not just for the Assembly, but for the whole community, the way that we can work together to achieve very desirable goals. Madam Speaker, I believe that this report encourages that cooperative effort and, as I said, I consider that it inspires and motivates people to consciously plan for and ensure that we achieve the preferred future that the report encompasses. My thanks to everybody who worked so hard on it.

I would also like quickly to thank all of the government agencies, and the staff of my own department in particular, who provided secretariat and research services to the reference group. I think they did a fantastic job. I know that it was a huge workload for them. It was a workload that we had not expected to have to cope with, and in all those circumstances I believe that they have done a magnificent job.

Question resolved in the affirmative.

VIOLENCE - NATIONAL COMMITTEE
Progress Report

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

That the Assembly takes note of the paper.

MS ELLIS (4.33): Madam Speaker, I wish to speak generally about the considerable steps this Government has taken towards addressing the problem of violence in our community. This fact is evident in a number of our recent initiatives. Educational programs such as the adolescent development program in the ACT Department of Education and Training also provide education for life skills and outdoor living designed to raise self-esteem and to assist young people to address the issue of their own violent behaviour. This developmental program is run from the Dairy Flat farm site, in close consultation with ACT high schools, and assists students who may be experiencing behavioural, emotional, educational or social problems, including violent tendencies. I believe that programs such as this are vital in addressing the issue of violent behaviour before it impacts on the wider community.

The ACT Government is committed to addressing the issues which influence the incidence of violence in certain communities. Through funding provided under the national Aboriginal health strategy, the ACT Government has initiated a new position for an Aboriginal drug, alcohol and HIV/AIDS worker based at the Aboriginal Health Service to provide drug, alcohol and HIV/AIDS education, rehabilitation and support services to the local Aboriginal and Torres Strait Islander community. Under this program, the Government is also committed to funding jointly an Aboriginal emergency accommodation project to ensure the adequate provision of housing to Aboriginal people.

It is important to note that a number of mechanisms exist across the ACT Government Service to facilitate the coordination of programs and services dealing with violence in the ACT. Such mechanisms as the child abuse and domestic violence committee in the family services branch and the child abuse coordinating committee in ACT Health seek to ensure that programs and services are being provided which adequately identify and treat victims of violence, especially victims of domestic violence, sexual assault and child abuse.

In addressing the issue of violence in the ACT, the Government continues to implement initiatives which seek to identify, understand and control violent behaviour in our community. The reference directed to the ACT Community Law Reform Committee to investigate and review the ACT's laws on sexual assault is but one example of the Government's commitment in this regard. As announced in the 1993-94 budget, this Government has approved the establishment of an acute behaviour management unit to support people who cannot be managed in existing mental health services. Further, the establishment of a generic after-hours crisis service will provide a response to instances of violent behaviour by people with an intellectual disability, personality disorder or psychiatric illness. Finally, the establishment of a halfway house for women seeking treatment for a drug use problem will provide an opportunity for some women who may also be escaping violence to undertake treatment.

The Government has announced funding of $150,000 this financial year for the community safety strategy, of which approximately $100,000 will be available for community based initiatives. In November 1993, when the membership of the community safety committee was announced, the community safety strategy for the ACT was released. The committee, chaired by Mr Ken Begg, comprises a broad cross-section of the community and has been charged with implementing the community's safety strategy.

Like all other governments, the ACT Government has reviewed its current activities in line with the objectives of the national strategy on violence against women. I am pleased that our Government once again proved to be ahead in this vital area. Our activities and policies are consistent with the directions outlined in the strategy. Following consultations on the national strategy on violence against women, the budget provided funding for a major community awareness campaign arising directly from the national strategy on violence against women. The community awareness campaign will include training for front-line ACT Government staff, the provision of information on rights and responsibilities under ACT legislation, and the production of a manual for Community Services, which may need to identify and work sensitively with women escaping violence. The campaign will be designed to complement a media campaign recently launched by the Commonwealth Government to stop violence against women which focuses on men's responsibility for their own violent behaviour.

Further, additional funding was allocated to extend the services of the child at risk unit and to employ additional child protection workers to ensure that children in violent situations are protected and supported. These initiatives give a clear indication of the Government's commitment and continuing initiatives towards the elimination of violence in our society.

Question resolved in the affirmative.

LABOUR MINISTERS CONFERENCE
Ministerial Statement

Debate resumed from 24 November 1993, on motion by **Mr Berry**:

That the Assembly takes note of the paper.

MR DE DOMENICO (4.38): This conference was held in Canberra, I think in October, and it is interesting to see what is happening now in the ACT. We are all aware of the VMO situation, and perhaps the Minister might shortly update us on what is happening there. We know that the nurses are going before the Industrial Relations Commission; we are aware that the Transport Workers Union has joined a host of other unions which have left the Chief Minister's central coordinating group; and now even the support of the Automotive, Metals and Engineering Union has dried up. To all intents and purposes, the scenario is not good. The Minister apparently does not have the respect of the players, and perhaps the players are saying to the Minister that he needs to get his act together.

The Chief Minister's central coordinating group is an important plank in the first stage of separating the ACT public service by establishing enterprise bargaining. The Government has insisted that this process be governed by a centralised group and, to that end, the whole process seems to be slowly disintegrating. The list of dissatisfied customers grows by the day, and includes the Transport Workers Union, the AEU, the EPUE, the UFU and the ANF, as well as the AMEU. The CCG does not offer choice, freedom and flexibility - the key parameters for successful enterprise bargaining. It is interesting to note some of the words used by the Transport Workers Union especially to describe the central coordinating group: "Bureaucratic", "cumbersome", "time consuming", "frustrating", and "regulating the pace of reform to the slowest participant".

Mr Kaine: What about "incompetence"?

MR DE DOMENICO: Today, the AMEU said that the Treasury officials in the CCG were not even aware of the conditions agreed with the unions prior to the negotiations. The AMEU said:

> your office ... displays a degree of incompetence rarely seen in any other area AMEU operates in.

So Mr Kaine was right; the word "incompetence" was used.

Mr Kaine: Did it say that the Chief Minister was recalcitrant?

MR DE DOMENICO: No, "incompetence" was the word used. The Treasury was unaware that a 4 per cent wage rise over two years had been negotiated to substantiate the Government's commitment to enterprise bargaining negotiations. "How can this be?", one needs to ask. Both unions are dismayed to find their offers of cooperation, their commitment to reform, stymied by centralistic, bureaucratic and rigid application of the Government's policy regarding industrial relations. Just like ACTEW workers, who offered considerable savings last year, ACTION bus drivers now find their proposal to save some millions of dollars once again stymied by the Government's overriding concentration on getting a single agreement in place.

We have a Minister giving broad support to the Federal Labor Government's Industrial Relations Reform Bill, introduced into Federal Parliament last month. That was the basis of Mr Berry's report to this Assembly. In this forum Mr Berry agreed with the promotion of a more decentralised bargaining process. What a hypocritical statement to make! That is what he is resisting in this Territory right now. The Prime Minister, just after the election, said that this reform Bill was meant to "trail blaze deregulation of the labour market and to open genuine workplace bargaining to the non-union sector".

Speaking on this proposed Federal legislation, the ACT Minister, Mr Berry, said:

> In the interest of fairness and equity it has properly resisted the arguments of those urging total deregulation of the labour market.

It seems that there is a bit of confusion over the direction and aims of this reform Bill. On the point of open, genuine workplace bargaining in the non-union sector, the Minister is completely ignorant. His response is that, if workers are to have confidence in enterprise bargaining, they need to have the continued support of modern and relevant award structures and be able to involve the relevant trade

union in the bargaining process. But are we not talking about the non-union sector, about over 50 per cent and rising of the Australian work force? Some 71 per cent of employees in the private sector are not union members. The Minister's obsession with unions ignores about 50 per cent or more of the work force who are not involved in unions. The Federal reform Bill tries to set the scene so that the unions, with ever decreasing membership, can recruit members through enterprise bargaining. This is not the aim of enterprise bargaining. It is being perverted by desperate unionists concerned with their failing support base. There is nothing in the reform Bill which alters the monopoly the union has over the enterprise bargaining process.

Mr Berry went on to say that the deregulation of the labour market, as recommended by the Australian Prime Minister, is motivated by a desire to reduce the wages and conditions and the living standards of Australians. That is utter nonsense. Mr Berry accuses proponents of deregulation of being extreme and immoral. Deregulation is not some right-wing extremist ideology of economic rationalists in bunkers. It is called such only by people frightened of the challenge of making real and meaningful changes to the industrial relations system.

For example, the Minister has supported the Federal initiative of discounted wage rates for people with disabilities which may prevent them from working at full wage rates. Why cannot the Government also accept a similar principle and apply this to young people who, because of their youth and inexperience, may often not be fully productive at work and therefore are perhaps not worth full wage rates? A limited youth wage rate would immediately cut youth unemployment. That has been said not only by members on this side of the house or of this political persuasion but also by many other people, even members of the Labor Party from time to time. Sensibly limiting the youth wage to cover only a short period of inexperience would give incentive to employers to hire young people and experience to young people seeking work - a win-win situation all the time.

However, of more concern is the accuracy of the title "reform Bill". The Bill, which the Minister has supported, is perhaps more accurately called the pay-back Bill. The vice-president of the ACTU, Ms Jennie George, said:

> What the employers have got to understand is that we won the election in March and this Bill is a pay back for the commitments that were made by the Government in the course of that election campaign.

It is pay-back time for political dues, quite obviously. Political dues have nothing to do with increasing employment opportunities. The pay-back Bill will increase the rigidity of the industrial relations system across Australia, in much the same fashion as Mr Berry is trying to do in the ACT. Rigidity in the labour force is a disincentive to employment. Today, the unemployment statistics again saw national unemployment above 11 per cent. In the ACT, the unemployment statistics remain on a governmentally approved 6.4 per cent. Let us not talk about 6.4 per cent; let us talk about 11,000 people out of work.

Industrial relations, commanding the business of employment, also commands the tragedy of unemployment. The nexus is direct and vital. You cannot govern industrial relations policy without affecting the employment/unemployment situation. The decisions made by this Government, and the Federal Government,

very clearly express their priority. Employed people are more important than unemployed people. The Liberal Party does not hold the same view. In the United States, for example, where the recession has been harsh and damaging, the unemployment rate is 6 per cent. The difference is their industrial relations system, which is flexible.

In trying to introduce flexibility, the Federal Government has introduced hoops for Australian employers and employees to jump through. First, you have to start above the minimum award. This limits the flexibility of negotiating less than minimum pay for other benefits, which may actually be worth more to the individual employee than the monetary consideration. Secondly, you have to notify the union, even if there is not a union member in sight, even if nobody wants the union involved. Then you have to go to the Industrial Relations Commission and argue the case, even if everybody has already agreed. Then the union representative, who may have nothing to do with your business or your employees, can come along and object to the deal. It is loaded in favour of the union movement.

The Ministers conference discussed approving strike action as part of enterprise bargaining - ridiculous! - but in the same breath said that the Industrial Relations Commission will have the power to make orders that a party bargain in good faith. That is impossible. Perhaps the Minister would like to tell us how he has applied good faith to the industrial relations negotiation with the VMOs.

Mr Berry: Mr Kaine, did you write this?

Mr Kaine: No, I do not know anything about industrial relations!

MR DE DOMENICO: I did. How can an order like this be imposed when the Minister himself refuses to act in good faith? Perhaps he will tell the house very shortly what he has done recently with the VMOs. The removal of laws which stop secondary boycotts is an unfair, unAustralian and dangerous move. It removes protection for business from the thuggery of the unions. The establishment of another court - a labour court - just imposes another bureaucratic structure on the whole process. The pay-back Bill, as it has been called, is full of holes. It fails its industrial relations obligations.

The argument that all we are interested in is reducing conditions is not true. Minimum award wages are supported by the Liberals. What we do not support is an industrial relations system which makes it harder or more difficult to employ people. In the ACT Government Service we want a system which allows departments flexibility and room to make the arrangements most suitable to their service delivery functions. In making enterprise agreements with administration officers in the Attorney-General's Department, the productivity trade-offs are going to be vastly different from those exchanged between management and staff of ACTION buses. Why should both be governed by the same rules?

We have a copy of the draft enterprise bargaining arrangements for ACT public sector employment - here they are, November 1993 - but where are the participants? Without this agreement, the Government cannot proceed with the separation of the ACT Government Service. We know where the participants are, because by letters that come into the Liberal Party on fax machines we have day

after day one union or another saying, "We no longer want to belong to the central coordinating group because we find the whole process cumbersome, time consuming and perhaps irrelevant". In other words, these negotiations are going nowhere fast.

Industrial relations in the ACT is a mess - there is no doubt about that - and it is time the Industrial Relations Minister sorted things out. It is all well and good for Mr Berry to have gone to this conference of Ministers and applauded what the Federal Government did, but I think Mr Berry may have been the only one who did stand up and applaud. Even his colleagues from Queensland and South Australia, from my recollection, are not too happy. Mr Berry said that he was very proud to be in there batting for what Mr Keating and Mr Brereton had to say. Perhaps he was alone in a phone box; nobody was with him.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.50), in reply: I thank the member for his support for the motion before the chamber, but I have to say that I am not going to put any effort into responding to that broad sachet of spite and vitriol that came from Mr De Domenico. It is just not worth it. It meant nothing. People in this country know and understand that the Federal Labor Government's switched-on policies in industrial relations are causing a great deal of disquiet amongst the right-wingers of the world, Mr De Domenico being one of them. Let us not quarrel for too long. It was a good conference. It was one that will bring worthwhile changes to Australia, and Mr De Domenico, whether he likes it or not, will receive some of the benefits.

Question resolved in the affirmative.

LAW REVIEW PROGRAM
Paper

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

That the Assembly takes note of the paper.

MR HUMPHRIES (4.51): The document tabled by the Minister in March of this year is effectively a compilation of outstanding Law Reform Commission or commission-type recommendations for the ACT or which might be relevant to the ACT. The issues touched on in this paper are issues which, to some degree, are of vital concern to us all in this chamber. Some of the issues have been dealt with recently and some are to be dealt with in the near future by the Assembly. Issues such as the property and affairs of mentally infirm persons and conveyancing law have been under some discussion. Indeed, only today the Assembly received a Bill concerning the unsworn statements of defendants in criminal proceedings. So the issues enumerated in this report remain of some vital concern to the Assembly.

Mr Connolly, in tabling the report, made reference to some of the quainter laws that continue to be on our statute books. I am sure that we are all very gratified to know that it is against the laws of the ACT that chickens and horses should enter bakeries, but perhaps we are not so pleased to know that cats, cattle and geese may still enter those premises with impunity. There are other laws which,

though quaint, perhaps have a very good basis. Canberrans, under the state of the law at the present time, are prohibited from chiselling more than 91 characters onto their gravestones. To prevent excessive loquaciousness, as you might find on Mr Connolly's gravestone, for example, that kind of prohibition is probably very appropriate.

The backlog of reform that the ACT has encountered with the coming of self-government is a reflection of something I do not think people understand but in fact is the case. There has been a very considerable neglect of the ACT over the last few decades when it comes to the question of updating and reviewing our laws. We had the reputation in other places in Australia of being a lavishly endowed community in terms of infrastructure, but in terms of seeing to the basic rights of Canberrans, the basic capacity of Canberrans to deal with a modern set of laws, regrettably we have not been lavishly dealt with. In fact, we have been neglected.

It was not until 1979 or thereabouts that the Commonwealth Government agreed to appoint a Law Reform Commission for the ACT, chaired by the late Sir Richard Blackburn, who was then Chief Justice of the ACT Supreme Court. That was the first attempt to deal with the fact that the ACT had received several layers of laws in its development, some of which were quite irrelevant - some imperial laws, some New South Wales laws dating from the time when we were part of New South Wales, some Commonwealth laws, some Commonwealth ordinances in respect of the ACT, and now some ACT Assembly laws. Those five layers of law have necessarily meant that the ACT legislation situation is at best confused. There is great potential for us to rationalise the position, as outlined in the program that has been put forward by the Government.

There are also in this report some references to New South Wales Law Reform Commission initiatives over the last few years which may be of relevance for the ACT. I believe that, as much as possible, we should be examining the implications of those Law Reform Commission recommendations because, quite frankly, the New South Wales Law Reform Commission has been a much more active and a rather more effective body than any that has had the benefit of affecting ACT law.

I am not entirely clear what status the recommendations in this report will have on the consideration of this issue in the Assembly today. Mr Connolly, when presenting the report, said that he wanted to leave this paper on the table for some two months to allow members to study it in detail, and I thank him for that opportunity. He announced:

> ... I have asked the Law Reform Unit of my department to call for community comments on the proposals set out in the report. Legislative action to implement the report's recommendations will not proceed until after careful consideration of all comments received.

On that basis, I have not addressed individually the recommendations made in this report, although, where the report recommends that certain law reform process outcomes be referred to our present Community Law Reform Committee, I would not disagree with any of those recommendations. There are others that recommend some other form of action, and I am not sure whether the Assembly

would be seen to be endorsing those recommendations by noting this report tonight. I expect that, for example, things such as artificial conception, surrogacy, dividing fences, disposal of uncollected goods, and things of that kind would come back to this Assembly for us to consider the appropriate course of action.

There is a significant issue of the application of imperial laws in the ACT. An earlier report of the ACT Law Reform Committee did refer to and tabulate the imperial laws still in force in the ACT, going back to 1267. There are quite a few of them - about 50 or so - and it is worth looking at page 76 of the report to see what they are. Some of them are quite well known. There is the law of 1297 entitled the Great Charter of the Liberties of England and the Liberties of the Forest confirmed by King Edward, the Great Charter, of course, being a reference to Magna Carta. The Bill of Rights of 1688 is also referred to. The mere fact that these laws are old does not of itself indicate that they are obsolete. For example, I am sure that members in this place would be very happy to know that the Slavery Abolition Act of 1833 remains on the statute books and still has force in the ACT. A person who was captured and sold into slavery in the ACT could, hopefully, rely on this law to protect them. Many of these other laws similarly have continuing relevance in the ACT.

I note that in the rest of the report it is made clear that there are very few of these imperial laws that are considered to be irrelevant to the ACT. In many cases it is suggested that the language of the laws should be updated, but not that the laws themselves are irrelevant or of no continuing relevance to the operation of the ACT. Possibly the statute of 1536 dealing with offences at sea might be of some marginal relevance to the ACT, but otherwise they are of some significance. Magna Carta, for example, continues to prevent imprisonment contrary to law, to require jury trials and to require that justice be given to all freemen, which I assume would now be interpreted to mean all free people. That is an important and significant piece of our legal history. The present Chief Justice, Mr Justice Miles, noted in 1987, in the case of the Queen v. Clarence Lindsay Hermes, Pinkerton, Borg and Dobson:

> The so-called right to a speedy trial (which may be no more than one aspect of the right to a fair trial) may stem from Magna Carta (which survives in the Australian Capital Territory by virtue of S.6(1) of the Imperial Acts Application Ordinance 1986) ... Some of the criteria, possibly the only criteria, of a breach of the right to speedy trial are: the length of the delay, the reasons for it, the contribution to the delay occasioned by the defendant, and the prejudice suffered by the defendant by reason of such delay.

I, for one, am pleased to know that those sorts of principles are still alive and well in the ACT by virtue of those things.

I am being hurried up by the Minister for Health, who obviously has to go and resolve his health dispute. I think this initiative is a good one to examine where we are as far as law reform is concerned, and I look forward to the gradual bringing on for debate in this Assembly at an appropriate time of particular issues raised within this document.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

ACTEW - Customer Summary

MR DE DOMENICO (5.01): Yesterday we all received a copy of ACT Electricity and Water's latest customer summary, which I understand is being mailed out with all accounts. After studying this pamphlet, I would like to take this opportunity to congratulate ACTEW. ACTEW has produced what I believe to be a concise, relevant summary which shows its customers that it is meeting most of the targets it has set. Unlike some corporate plans produced by other departments within all sorts of areas, ACTEW has gone about compiling its corporate plan in a professional and relevant manner. My congratulations to Mike Sargent and all the ACTEW employees. The pamphlet is yet another good example of why ACTEW should remain a statutory authority.

Question resolved in the affirmative.

Assembly adjourned at 5.03 pm until Tuesday, 14 December 1993, at 2.30 pm

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ANSWERS TO QUESTIONS

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1002

Secondary Colleges - Dropout Statistics

MS SZUTY - asked the Minister for Education and Training on notice on 12 October 1993:

(1) How many students dropped out of secondary colleges during the calendar year 1992.

(2) How many of these students who dropped out transferred to other secondary colleges.

(3) How many of these students transferred to-non-government schools.

(4) In relation to (1) - (3), what were the relevant figures for year 11 students and year 12 students.

(5) In relation to (1) - (3), what were the relevant figures for each secondary college in the ACT.

(6) How many students have dropped out of secondary colleges in the first three terms of 1993.

(?) How many of these students who dropped out transferred to other secondary colleges.

(8) How many of these students transferred to non-government schools.

(9) In relation to (6) - (8), what were the relevant figures. for year 11 students and year 12 students.

(10) In relation to (6) - (8), what were the relevant figures for each secondary college in the ACT.

MR WOOD - the answer to Ms Szutys question is:

(1) 532 students left Years 11 and 12 in 1992.

(2) 157 students transferred to other schools and colleges.

(3) 8 students transferred to non-government schools.

(4) 208 year 11 students left school/college.
324 year 11 students left school/college.
48 year 11 students transferred to another school/college.
48 year 12 students transferred to another school/college.

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(5) 436 students left government colleges.
96 students left non-government schools/colleges.

91 students transferred from government college to government college and 5 to non-government.

58 -transferred from non-government schools to government college and 3 to other non-government.

Accurate figures are not available from each college.

(6) 677 students left secondary colleges to July 1993.

(7) 189 students transferred to government colleges.

(8) 18 transferred to non-government colleges.

(9) To July 1993:
305 year 11 students left school/college.
372 year 12 students left school/college.
90 year 11 students transferred to another school/college.
117 year 12 students transferred to another college.

(10) To July 1993:
585 students left government colleges.
92 students left non-government schools/colleges.

43 year 11 students transferred from government colleges to other government colleges and 11 to non-government schools/colleges.

71 year 12 students transferred from government colleges, to other government colleges and 3 to non-government schools/colleges.

34 year 11 students transferred from non-government schools/colleges to government schools/colleges and 2 to other non-government colleges.

41 year 12 students transferred from non-government schools/colleges to government colleges and 2 to other non--government schools/colleges.

Accurate figures are not available from each college.

MINISTER FOR EDUCATION AND TRAINING
ACT LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1048

Education and Training Portfolio - Compare Premiums and Claims

MR CORNWELL - asked the Minister for Education and Training on notice on 19 October 1993:

In relation to Comcare Premiums

(1) Why has the premium for the Canberra Institute of Technology (CIT) increased by 115% for this financial year but the corresponding increase for your Department is only 10%.

(2) In (a) 1991-92 and (b) 1992-93 what were the numbers of

claims made and the average payout per claim for the CIT
and for your Department.

(3) Does the number of claims or the amount of payouts affect the premium charged; if so, how does this equate to the case of the CIT.

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

(1) The total Comcare Premium expenditure is related to the client institutions cost of claims, the client institutions total salaries expenditure and the claims history of the client group of which the institution is a member.

For the year 1992-93 all three factors were influential in increasing premium expenditure for CIT. The average cost of claims increased by 15.90 (6920 to 8022) and total salaries expenditure increased by 13.6% ($34.7m to $39.4m)

(2)

	1991-92		1992-93	
	Number of Claims	Average Payment per Claim	Number of Claims	Average Payment per Claim
CIT	53	$6,920	49	$8,022
Department of Education & Training	23	$5,490	237	$8,256

(3) The number of claims and their cost has a substantial impact on the premium rate. For CIT the number of claims was approximately the same. However, the average payout per claim increased by approximately 16%.

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 1056 .

"Housing Study of New Residential Areas"

MR WESTENDE - Asked the Chief Minister upon notice on the 23 November 1993

(1) What was the total cost of the report carried out by the Strategic Research Section, Policy and Research Branch, Chief Ministers Department, entitled Housing Study of New Residential Areas in the ACT, dated March 1993.

(2) How many Departmental staff were involved in the compilation of the report.

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

(1) The study of new residential areas in the ACT was undertaken in consultation with other government agencies the planning of which was carried out over the period May to August with the survey being conducted during November 1992. My Department had primary carriage of the project and this involved two officers on a part-time basis for a period of 10 weeks. Direct costs of $9070 were incurred for a consultant and printing the report.

(2) Two staff were involved in the compilation of the report.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 1057

Residential Properties - Front Fences and Hedges

Mr Westende - asked the Minister for the Environment, Land and Planning -

(1) Is there a policy in place dealing with front fences and/or hedges on residential blocks.

(2) Are there any special conditions for residents of corner blocks; if so, (a) what are they; and (b) if not, will the Minister be prepared to provide special conditions in regard to front fences and/or hedges for corner blocks.

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

(1) The prohibition of front fences in Canberra is a long standing policy having its origins in the early development of the city based on the 1918 Walter Burley Griffin Plan. Griffin envisaged a garden city which would be unique in design to be enjoyed by all Australians. The policy has been reviewed by and reaffirmed by the Federal Capital Advisory Committee in 1926 and the National Capital Development Commission (NCDC) in 1958. This Committee, did, however, permit and promote the planting of perimeter hedges that can provide the protection and privacy sought by some lessees.

In 1983 the NCDC, at the request of the then Minister, again reviewed the front fence policy and decided on a change which permitted the creation of front courtyards. This policy allows a lessee to enclose up to half the width of his or her frontage up to three metres from the. property line. Since the introduction of this policy a comparatively small number of lessees have sought approval to construct courtyards.

The policy has been carried over into the new Territory Plan. Fencing otherwise shall not be erected in front of residential building lines except where provided for in planning guidelines or development conditions. These development conditions provide that the materials used for the construction of front fences should be consistent with the existing streetscape

(2) The Territory Plan allows for the creation of front courtyards, permitting a lessee to enclose up to half the width of his or her frontage with a wall no closer to the front boundary than half of - the normal building setback. On a corner block, this requirement applies to both street frontages but there are reduced setback dimensions in respect of street f-rontage. On a corner block up to 650 square metres in area, a courtyard wall may be as close as 1.5 metres to the longer street frontage. In addition, the existing policy allows for the planting of perimeter hedges, with a gate, that can provide the protection and privacy sought by some lessees

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1061

Primary Schools - Male Teachers

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

(1) How many Government primary schools, by name, did not have a full time male teacher on staff in the 1993 school year.

(2) What steps are being taken to ensure gender balance at all ACT primary schools in the 1994 school year.

MR WOOD - the answer to Mr Cornwells question is:

(1) The following Government primary schools did not have a fuii time male teacher on staff in the 1993 school year:

- Cook
- Gordon
- Melrose
- Cooperative School
- Mt Rogers - Spence Campus

(2) New teachers are employed on a merit basis. Currently applicants for the merit round where new teachers apply to join the ACT education system are in the ratio: 67% female to 33% male. This, in fact, reflects the female/male application rates.

The Level 1 teacher placement rounds panels do take account of the gender balance in schools when placing staff. However teachers are placed on the basis of the best fit of their skills and the needs of the school.

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1065

Housing Trust Complexes - External Lighting

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to lighting around ACT Housing Trust complexes

(1) What guidelines exist for provision of external lighting of Trust complexes in order to maintain safety.

(2) What are the recommended levels of external lighting, eg how many lights of what wattage mounted on the walls and freestanding along pathways and at what intervals etc.

(3) During what hours do these external lights operate.

(4) Who pays for the electricity consumed by operation of these lights.

(5) What was the cost in (a)1991-92 and (b)1992-93 for the operation of these lights.

(6) Has low voltage "garden lighting", as it is used by many private homeowners who wish to provide economical security lighting around their homes, been considered for Trust complexes instead of the high powered and environmentally unfriendly lighting currently being used; if so, what were the results of the considerations and, if not, why not.

MR CONNOLLY: The answer to the Members question is as follows
(1) External lighting design-is undertaken as part of the construction design for each complex in the Housing Trusts capital works program. Designs are required to comply with relevant codes and standards.

(2) Public Lighting Code AS1158.1 1986 is the current reference standard for external lighting. Area lighting values (expressed in Lux) are:,
. Car Park - high activity 2 Flux
. Car Park - low activity 1 Flux
. Footpaths, walkways, arcades 2 Flux .
(In comparison, the standard for a major road intersection would be 10 lux.)
Lighting design is site specific and will vary according to the design and architecture of the building, the layout and configuration of common areas, walkways and carparks, the landscape architecture and the available mounting locations of lighting fixtures and their specific illumination patterns.

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(3) Three systems of timing control are in use depending on the age and type of building
(a) .sunlight activated photocell switches - ie. automatically switches off sunset and on at dawn;
(b) timeclocks - usually set for dusk to dawn operation;
(c) stairwells - manual short delay pushbutton switches.
System (c) was the standard fitting in a number of the Trusts older flat complexes. This has been progressively replaced, as funds permit, with System (a) using fluorescent lighting enclosed in vandal resistant light covers.
(4) ACT Housing Trust.
(5) The external lighting cost is not available. The total cost of public light and power, including the electricity cost for operation of common area facilities (eg laundries, lifts, central heating pumps etc), is as follows
(a) 1991-92: $160,379;
(b) 1992-93: $185,247.
(6) ACT Electricity and Water advise that low voltage garden lighting is not classified as security lighting and is not recommended for use in the lighting of common areas. This type of lighting is also more susceptible to vandalism.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1070

Abattoir Holding Paddocks

Mr Cornwell - asked the Minister for the Environment, Land and Planning

In relation to "Abattoir Paddocks" near Oaks Estate, which is to be sold as a rural lease in 1994 -
(1) Will the lease be publicly advertised; if so (a) when and (b) where.
(2) Has a monetary value been set for purchase of the lease; if so, what is it; if not, when will it be set.

(3) What is the Unimproved Capital Value of the block and what rates/land tax will apply.

(4) Will the lease remain unstocked until its sale in 1994; if not (a) how will it be used and (b) by whom.

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

(1) The lease will be publicly advertised for auction in the Canberra Times and the regional edition of The Land newspapers. Planning for the auction is not complete but it is expected to be held in the second quarter of 1994.

(2) Until a comprehensive survey has been undertaken and draft lease conditions prepared, the Australian Valuation Office is unable to determine a monetary value. As prime rural land so close to the City, a significant lease premium is anticipated.

(3) It is not possible to provide an unimproved value for the land until a comprehensive survey has been undertaken and draft lease conditions prepared. Rates and land tax charges will be levied on the basis of that valuation.

(4) There are arrangements in place from now until 31 March 1994 for two rural lessees to agist the land and ameliorate the fire hazard created by favourable growing conditions. If it is necessary to extend the agistment arrangements prior to leasing, there will be a further selection process for all interested rural lessees.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1075

Ministerial Consultative Committee on Non-Government Schools

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

In relation to your reply of 23 June 1993 to question on notice No. 702 -

(1) Has the Ministerial Consultative Committee on NonGovernment Schools now been established.

(2) If so, (a) who are its members by name; (b-) how often has it met to date and (c) what are its terms of reference.

(3) If it has not been established or has not met, why not.

(4) When was the proposal to set up such a committee originally agreed.

MR WOOD - the answer to Mr Cornwells question is:

(1) Yes

(2) (a) See attached list of members.

(b) First meeting was held on 7 December 1993.

(c) See attached terms of reference.

(3) Not applicable.

(4) 15 September 1993.

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MINISTERIAL CONSULTATIVE COMMITTEE ON NON-GOVERNMENT SCHOOLING

Chair Professor James Walker
Dean Faculty of Education
University of Canberra
PO Box 1 BELCONNEN ACT 2617

Members

Mr Geoff Joy Director
Catholic Education Office
PO Box 3317 MANUKA ACT 2603

Ms Anne Cummins Principal.
Merici College
GPO Box 154 CANBERRA ACT 2601

Dr Vimala Sarma President
Association of Parents and Friends of ACT Schools Inc
PO Box 742 CANBERRA ACT 2601

Ms Joyce Hill Executive Officer
Association of Independent Schools of the ACT Incorporated
42 Tyrell Circuit KALEEN ACT 2617

Ms Helen All-out Assistant Secretary
Commonwealth. Department of Employment, Education and Training
PO Box 9880 CANBERRA ACT 2601

Rev David Elephant Rector
St Johns Anglican Church
Constitution Avenue REID ACT 2601

Ms Dianne Kerr A/g Executive Director, School Programs
Department of Education and Training
Manning Clark Rouse
186 Reed Street TUGGERANONG ACT 2901

Ms Colleen Hinder
Executive Officer/Acting Industrial- Organiser
Independent Schools Staff Association ACT
PO Box 916 FYSHWICK ACT 2609

MINISTERIAL CONSULTATIVE COMMITTEE ON NON-GOVERNMENT SCHOOLING

Terms Of Reference

1. The Council will be known as the Ministerial Consultative Committee on Non Government Schooling.

2. The Committee will report to the Minister for Education.and Training both broad and specific policy advice on longer, term priorities in ACT Non-Government Schools.

3. The Committee will advise the Minister for Education and Training on matters affecting non-government schools as referred to it by the Minister from time to time. The committee will not comment on matters already addressed In Ministerial decisions

4 . The committee will be sensitive. to both the educational and financial needs of ACT Non-Government Schools, within the context of the total education (non-government and public schooling) budget in the ACT.

5. The committee will provide advice to the Minister for Education and Training on broad long term funding issues.

6.The committee may present to the Minister.for Education and Training submissions on.subjects which from time to time may . affect the non-government school sector as a whole.

7. The committee will liaise with the ACT Department of Education and Training through the Non-Government Schools Office, which will also be the Committees secretariat.

Membership

Independent Chair Nominated by mini*ster
Chief Executive of Educacion
or-delegate- (ex-officio)
Catholic-Education Commission Two nominees
Association of Independent Schools One nominee
Association of Parents and Friends
of ACT Schools One nominee

Independent.School Staff Association One nominee
-Independent Members Two persons (nominated
by the Minister)

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1081

Government Schools - Voluntary Financial Contributions

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

In relation to contributions made by parents toward the cost of education in Government schools

(1) What voluntary financial contributions are parents/guardians of children requested to make to each Government school.

(2) In addition to general contributions, are parents requested to make payments for subject levies, text book levies and contributions toward the cost of excursions and, if so, what.are the respective amounts for.each school. -

(3) Is the level of contributions, either of a general or a subject, text book etc. nature set by the Department of Education or by the individual school.

(4) What is the overall financial contribution at (a) primary; (b)-high school and (c) college, to the costs of ACT Government education in (i) 1990-1991; (ii) 1991-1992 and (iii) 1992-1993.

(5) Does the Government include these contributions in the revenue sections of the Budget Papers and if so, where are highs, and if not, why not.

MR WOOD - the answer to Mr Cornwells question is:

(high Voluntary financial contributions may be for general purpose or for specific programs eg, contributions towards materials, books and the cost of excursions.

Each school sets its own level of voluntary financial contribution sought from parents/guardians.

The general purpose voluntary contribution sought is
usually within the range: -

Primary .$40 to $60
High School $70 to $100

College $130 to $15

(2) Yes.

The Department does not keep records of voluntary contributions for subjects, text books or excursions.

(3) All contributions are set at school level.

(4) The major sources of income are fund raising, parental voluntary contributions/donations and interest. Figures isolating parental voluntary, contributions by sector are not available.

Aggregate Fundraising and Parental Voluntary Contributions ($)

(i) 1990-1991

PRIMARY HIGH SCHOOL COLLEGE
2,552,141 2,904,306 2,076,126

(ii) 1991-1992

PRIMARY HIGH SCHOOL COLLEGE
2,951,807 3,067,648 2,319,312

(iii) 1992-1993

PRIMARY HIGH SCHOOL COLLEGE
3,227,745 3,227,986 2,167,256

In 1992-1993; school income from parent

contributions/donations totalled $2,863,434 (1992 -

1993 Annual Management Report). Income per sector
is not available.

(5) No. Only aggregate figures are given in the Budget Papers.

Income as outlined in answer to Question (4) is . available in the Annual Management Report.

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1082

Government Schools - Voluntary
Financial Contributions

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

In relation to contributions made by parents toward the cost of education in Government schools
(1) If a parent/guardian wont or cant pay the general levy in respect to a student, is that students education affected in any way, for example by exclusion from activities.

(2) If a parent/guardian wont or cant pay the specific levies (eg text book, subject, excursion) in respect of a student, is that students education affected in any way, for example by exclusion from activities.

MR WOOD - the answer to Mr Cornwells question is:

(1) No.

Schools must provide each student with the basic consumable materials to satisfy the development of knowledge and skills for each approved basic education program.

Schools may not:

• decline to issue a reference, report or ID card;

• deprive the student of any school board approved educational program or activity unless an alternative program is available.

(2) No.

Coercion in any form whether verbal, written or by withdrawal of access to an educational program or any material or process attendant on.that program is not acceptable.

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